



**CITY OF PONDERAY PLANNING & ZONING
PONDERAY CITY COUNCIL CHAMBERS
288 4TH STREET
SEPT 12TH, 2018**

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

Commission Member Tate called the meeting to order at 6:36 p.m.

Planner Brubaker called the roll: Commission Members Present: Steve Fox, Marc Woller, Lawson Tate, Josh Devita

Staff: Planner Erik Brubaker, Planner Kayleigh Miller

ABSENT: Chairman Merrill

PLANNING UPDATES:

Gateway Sign Improvement Update: We have received approval from Idaho Transportation Department to tap into the power located at the stop light near the Gateway sign. The City Council has authorized us to go ahead with construction to bring that power source up to the sign. The contract will be installing both lights and outlets for Christmas lights. There will be five LED flood lights that will project down on the face of the sign at night. Those will all be controlled by photo cell sensors and will automatically come on at dusk and go off at daylight.

Compliance updates: We have a weeds complaint around the S&W. We have a potential junk yard at Hwy 200 and Dalby Drive across from the Elks Golf Course. It is a service business, but it appears to now be converting or escalating into a junk yard. Council gave us the approval to go ahead and move forward in preparing an event permit for one-time special events similar to our Neighbor Day or a parade. We really need to have some protections in place to make sure they have liability insurance or if we had to bring our police in, then we would have a provision for that.

Commissioner Tate said that he had a citizen come to him about the recent special use permit that we issued for Mountain Metal. The proximity of the residence is that there is some concern with run off from the chemicals that are on the steel when it is delivered and the amount of noise and outdoor work that they are conducting. I said that I would relay the message. The complaint came from Larkspur. If it is operational and has come up since they have started working, in terms of them working outside and creating excessive noise we have addressed some of that in the special use permit.

ACTION ITEMS:

File AM18-016 – Wilson Trust has initiated an amendment to the land use regulations of Ponderay City Code (PCC). The proposed amendment would modify the text of Title 9, Chapter 4, Article A, Subchapter 4, Special Uses (PCC 9-4A-4), to allow for the construction of rental warehouses, boat and/or recreational vehicle storage or ministorage, in the Rural zoning district, by special use permit approval, provided that specific site and design criteria are met.

Rules were read. No conflict of interest or disclosure. Public Hearing opened at 6:37

Presentation by Planner: PCC 9-6-1(A) allows for amendment to the text of Ponderay City Code through a specified process, which requires that the request be submitted in writing. It further states that “Such a request may be initiated by the planning and zoning commission or the city council, or by any citizen of the city.” While an amendment may be initiated by a citizen, they are not property specific requests. Idaho Code § 67-6509 Recommendation and Adoption, Amendment and Repeal of the plan and Idaho Code § 67-6511 Zoning Ordinance.

- ▶ The proposed amendment would allow commercial storage in the Rural zoning district by special use permit, when specified criteria can be met.
- ▶ PCC 9-4-2 states “The rural zone is established to allow low density residential uses that are compatible with rural pursuits. The purpose of the rural zone is to allow a mixture of uses that can be compatible.”
 - ▶ Rural is generally a designation reserved for areas on the out skirts of the commercial and industrial corridor and is typically assigned to parcels that are not currently receiving public services such as sewer and water.
- ▶ Rural currently allows for a 3-acre lot size minimum
- ▶ Rural to date, allows uses such as agricultural pursuits, home occupations, single family dwellings and duplexes, bed and breakfast, churches, community facilities and schools are permitted out right within the district.
- ▶ Additionally, PCC allows for golf courses and athletic facilities, mobile home parks, multiple family dwellings, public utility complex facilities, radio and television towers, veterinary clinics, orphanages, hospitals, boarding kennels, animal clinics and training schools, by special use permit approval when specific criteria can be met.
- ▶ Ponderay City Code currently allows commercial storage out right within the commercial zoning district and by special use permit within the industrial zone.
- ▶ PCC 9-4-4 defines the commercial zone as an area established to promote the development of land areas for general retail and wholesale sales and general office use.
- ▶ The industrial zone is defined at PCC 9-4-5 as having been established to promote the development of areas of land for manufacturing, processing, fabrication, research and testing operations and warehousing, general retail and wholesale sales.
- ▶ These two zones which allow commercial storage are typically served by all public services. As a result, public infrastructure goes unused when these sites are developed with uses such as commercial storage which generally to not require water and sewer connection, other than when required by the fire code to achieve fire flows.

Rental warehouses, boat and/or recreational vehicle storage or ministorage

- ▶ A minimum of Five (5) acres is required.
- ▶ Setbacks
 - ▶ Structures shall not be located within three-hundred feet (300’) from the edge of right-of-way of the nearest arterial as defined under subsection [9-1-2B](#) of this title. The Planning and Zoning Commission may authorize a setback reduction to not less than one-hundred-fifty feet (150’) from the edge of right-of-way of the nearest arterial as defined under subsection [9-1-2B](#) of this title, when it can be documented that adequate screening exists onsite. In the event that a setback reduction is granted a condition shall be placed to ensure the screening is retained.
 - ▶ All side and rear yard setbacks shall be increased to not less than 25-feet.
- ▶ Site shall have direct access onto a public right-of-way.
- ▶ The use, any appurtenant structures and fencing shall be so arranged on the land as to minimize any adverse effects on the surrounding properties and rights-of-ways.
- ▶ A maximum of 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.

- The exterior of all buildings shall be designed in a manner that is consistent with the rural character of the area.
- 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.
- A landscape buffer 25-feet in width shall be installed and maintained around the perimeter of the site, which shall include evergreen trees a minimum of 4-feet in height and spaced no more than 15' on center. Or documentation demonstrating that an adequate buffer is provided by the existing natural vegetation. Exception: Storage located within existing agricultural buildings or new construction on active farm land providing a minimum of 90% open space.
- 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.
- 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.
- If the property abuts rural or residential zoned property or property which is developed with a residence at the time of construction, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- 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.
- No portion of the above restrictions relating to storage shall be construed in a manner that shall inhibit agricultural pursuits.
- **Agency Comment**
 - The application was sent to the following agencies for comment on July 18, 2018:
 - Kootenai-Ponderay Sewer District
 - Ponderay Police Department
 - City of Sandpoint Water
 - Independent Highway District
 - Idaho Transportation Department
 - Northside Fire District
 - Pat Park, Building Official
 - Avista Utilities
 - Pat Park, CBO, James A Sewell and Associates, Ponderay Building Official, email and memo dated July 19, 2018: Mr. Park stated that he had no comment at this time. However, if approved the proposed use will need to comply with all building and fire codes.
 - Kootenai-Ponderay Sewer District, memo dated July 23, 2018: No Comment
 - Ponderay Police, Jimmy Cornelius, Police Chief, memo dated July 23, 2018: No Comment
 - Independent Highway District, Brett Engle, Road Supervisor, memo dated July 19, 2018: No Comment
 - Independent Highway District, Mel Bailey, Commissioner, email dated July 28, 2018: Mr. Bailey indicated that he had no comment regarding setbacks or road access but noted that restrooms should be included as a part of any storage facility.
 - Northside Fire District, Brad Mitton, Fire Chief, letter dated July 30, 2018: Mr. Mitton indicated that it is Northside Fire District policy to ensure that all projects are designed and constructed in accord with the 2015 International Fire Code.

Staff recommends approval.

Presentation by the applicant: Martin E. Taylor, AICP-James A. Sewell & Assoc.- When we first looked at the City's code and the availability of properties suitable for storage it looked like we would need to apply for rezone to commercial. However, after discussing the option with staff and due to the lack of services in the area, it was determined that a zone change to commercial would open the door to all commercial uses and may not be the most appealing option. As a result, a text amendment was pursued a text amendment instead. We have looked extensively at setbacks, landscaping, lot coverage, lot access, lot size, lighting, screening, operating hours. We think it makes sense for a rural property to have a better use of infrastructure through relatively benign activity like storage where you don't need sewer and water, you don't need the infrastructure that retail sales would require. A trip in and a trip out and is low impact. The only statutory prerequisite when you change a code or in this case, add some text, is it consistent with the goals and objectives of the Comprehensive Plan. This does meet that threshold of consistency with your Comp plan. In response to the IHD comment, sewer should certainly not be a prerequisite of a storage facility. The whole point of having a storage facility is for storage, you don't want to create an opportunity for people to move into a rented storage unit because they have bathrooms on the site. This is a use that is designed to get in and get. Storage facilities especially works well for properties that otherwise would be undevelopable, as is the case with a lot of larger properties in the Cities of Ponderay, Kootenai and in Bonner County in general.

Subject to any input the applicant would request a recommendation to City Council for approval of the Ordinance as drafted.

No question for the applicant. There was no public comment. No testimony in favor-neutral or opposed.
Closed Public Hearing at 6:49

Initiate deliberations discuss findings of fact and develop a reasoned decision.

Commission member Tate stated that he was caught off guard discussing amending the zoning code at a public hearing. He understood from the summary that we were revising what "Rural" is rather than rezoning. Commissioner Tate further stated that he believed that the use was incompatible with what is currently happening in our Rural zone, which is residential for the most part. He is not in favor of the amendment.

Commission member Woller stated that he was not understanding why this type of a request is coming before them at a public hearing. He believed that it should have been workshopped. He thinks that we should take these kinds of requests on an individual basis rather than an open-ended zone change.

Commissioner Tate indicated that these types of requests should be looked at a way to spur a broad approach to Comprehensive plan revisions. While he appreciates the effort that went into shaping the proposed text, he feels that it is an inefficient use of land because of the large setbacks that gobble up otherwise usable land. While there are not utilities today and it maybe currently undevelopable today it may be in the future as improvements are incrementally made. Some of the standards are vague and problematic.

Planner Miller stated that the setback requirements would only apply to the portion of the property being used for storage. The rest of the property could still be used for any other use that is allowed with in the rural district. She further stated that standards setbacks would apply to those uses. As a result, the area within the increased 300-foot setback remains available for future development, it would just be unavailable for construction of commercial storage units. The proposed text amendment would not be free for all but would modify the zoning text to provide an opportunity for qualifying properties to seek special use permit approval. This would allow for each individual project to be heard and a decision to be made on a site by site basis.

Planner Brubaker stated that rural character portions of the proposed text where there is not a black and white standard it empowers the Planning Commission to make a determination and be subjective about what

the community feels is consistent with the rural character of the area. Additionally, he reiterated that current City code allows for someone to bring forth a petition to change the ordinance. This is why we are not holding workshops on this request. If this is not a process that we want to see, then the ordinance would need to be changed so that only the Planning and Zoning Commission may initiate an amendment to code. However, currently this type of request is allowed.

Commissioner Fox asked if the request only pertained to one parcel.

Commissioner Tate stated that this request is peculiar to him because for example the comp plan map designates the area north of Bronx Road as future rural land. Which could invite warehouse and storage units lining Highway 95. In the short term the highest and best use for these lands would be probably be storage, but eventually services could be out there. He stated that if there is already an occupancy or use on land they typically do not change over to a higher and better use.

DENY: I move to recommend denial of this project FILE AM18-016, requesting to amend Ponderay City Code 9-4A-4 to allow commercial storage facilities within the Rural zoning district by special use permit approval, to the Ponderay City Council, finding that it is **not** in accord with the applicable provisions of Ponderay City and Idaho Code.

Commission Member Tate/Fox, Roll call vote, all in denied. Denied

This recommendation will be forwarded to the City Council for their consideration of the Planning Commissions recommendations. At that point they will have the opportunity to determine whether or not they would like to hold their own hearing or make a determination based on the record.

Field of Dreams workshop-we will be innating an exercise in Parks planning over the next several months. We will launch public input Sept. 29th at our Ponderay Neighbor Day. Does anyone want to sit on the Field of Dreams Parks Planning Board? There was discussion.

The Meeting was adjourned at 7:23 p.m.

Planning and Zoning Chairperson

Su Warren, City Clerk-Treasurer