



**CITY OF PONDERAY PLANNING & ZONING
PONDERAY CITY COUNCIL CHAMBERS
288 4TH STREET
MAY 10TH, 2017**

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

Commission Member McNearney called the meeting to order at 6:30 p.m.

Planner Brubaker called the roll: Commission Members Present: Phil McNearney, Steve Fox, Lawson Tate

Staff: Planner Erik Brubaker, Assistant Planner KayLeigh Miller

ABSENT: Chair Kellee Merrill, Marc Woller,

**CONSENT AGENDA: Approved minutes of April 12, 2017 Regular P&Z Meeting
Commission Member Fox/Tate, all in favor. Approved**

Planning Updates: The City of Ponderay is going to be hosting a clean-up fix-up weekend, June 10 & 12. We have dumpsters, materials, volunteers and have sent letters to the residents. Bar-b-que after at 3:30 in Jessie's Park.

ACTION ITEMS:

File SP17-036, Pape Machinery-site plan review

Pape machinery has requested a site plan approval to construct a new facility on the corner of Piehl Road and Highway 95. The proposed facility is about fourteen thousand six hundred eighty eight feet (14,688sq" ft.) it has a separate wash bay on the southeast corner of the property. The parcel consists of two properties with one adjoining line that runs down the center. They have chosen to not combine those. This project fits into the City Code requirements.

PCC 9-4C-3 allows Retail and Wholesale facilities of up to 20,000 sq ft as a permitted use in the commercial zoning district. Additionally, repair, maintenance and service facilities are permitted.

Site Plan Approval is required

Notice Provided

- Published in the Bonner County Daily Bee: Saturday, April 22, 2017
- Mailed to affected land owners within 300 feet of the subject parcel: Friday, April 21, 2017
- Emailed to the media: Tuesday, April 25, 2017
- Posted at City Planning and to the City of Ponderay website: Tuesday, April 25, 2017
- Posted at the site: Tuesday, April 25, 2017

Background

On March 6, 2017 the Ponderay City Council unanimously voted to institute a community development grant program in the City of Ponderay. This program will allow the Council to consider requests for project assistance on a case by case basis. The assistance may be granted in many forms, with the general goal of aiding residents, businesses and promoting development within the community. Additionally, the City Council voted to approve the first grant as a pilot case under this new program.

As a part of this project the City has made application for a special use permit on the subject property. If special use permit approval is granted the City will then exchange the "City Parcel" with special use permit for the neighboring property to the south of equal size. Additionally, prior to the exchange the City will receive public right-of-way dedications, as well as green belt and pathway dedications.

Site Information

- A. **Site Data:** The subject ±1.32 acre parcel was acquired by the City of Ponderay in 2001 (Instrument 586027). A large gravel pad was created in the center of the parcel when the site was used as a staging area during the 2016 Triangle Drive road construction project to store materials and equipment during construction, making the site prime for development.
- B. **Access:** The site will be accessed from both U.S. 95 and Piehl Road. Piehl road is a hard surfaced local access road constructed within a 40-foot public right-of-way. However, dedications are in process that will widen the right-of-way to 60-feet in most areas. Public road right-of-way dedication of 10-feet along the northern boundary of the subject parcel is proposed. Additional dedication at the northwest corner of the property is proposed to allow for connection of the proposed U.S Highway 95 bike path extension to Piehl road, while avoiding conflicts with existing utilities (see condition 5 and 6)
- C. **Environmental Factors:** The site is currently undeveloped. It is relatively flat and contains native grasses and bushes. The site does not contain mapped wetlands or water bodies according to the Bonner County GIS mapping tool. The site does not contain any mapped floodplain (Zone X, Panel 0716E).
- D. **Services:** The subject property is served by Sandpoint City Water and Kootenai-Ponderay Sewer District. The site is located within the Boundaries of the Lake Pend Oreille School District and Northside Fire District.
- E. **Stormwater:** A stormwater management and erosion control plan was completed by Debra Van Dyk, P.E. of Clearwater Engineering on April 17, 2017.

PCC 9-4C-2 (A) Open Space

- Minimum of 25% Required
- 78% Proposed

PCC 9-4C-2 (E) Green Space

- Not less than 10% nor more than 25% is required.
- 33% is proposed

PCC 9-4C-2 (D) Signage

- Signs and advertising must comply with PCC and ITD regulations
- Proposed Condition 4 – Signage shall comply with the standards of PCC 7-6 and all Idaho Transportation Department Requirements

PCC 9-4C-2 (C) Parking

- Retail and office space (1 per 200 sq ft) = 22
- Warehouse Space (1 per 1,000 sq ft) = 4
- Repair and Maintenance (1 per 1,000 sq ft) = 7
- Total Required Parking = 33 spaces
- 33 Spaces are proposed

PCC 9-4C-2 (F) Access

- Must have at least one
- Access is provided from both US Highway 95 and Piehl Road

PCC 9-4C-2 (G) Site Plan

- Shall depict sidewalks and/or bike paths
- Bike path along US Highway 95 is proposed and shown

PCC 9-5A-3 (C) Setbacks

- 75 feet from centerline of US Highway 95 or 25 feet from the property line
- 45 feet from centerline of Piehl Road or 25 feet from property line
- 10 feet from the east and south lines
- Setbacks have been reviewed for compliance

PCC 9-5C-5 Trash

- Must be screened on at least 3 sides by a solid wall or sight obscuring fence at least 4 feet tall or inside
- Vehicle access must be provided
- Animal proof
- See Proposed Condition 10

PCC 7-6-8 Sign size

- 1 sq ft of signage per lineal ft of property and building frontage up to 300 feet. ½ sq ft for the remaining frontage
- Staff calculated that the site would be allowed ±440 sq feet.
- Allows up to 2 pole signs
- The sign plan has been reviewed for Compliance.
- 1 pole sign and 3 wall mount signs are proposed.

PCC 9-8-3 (H) Site Plan Approval

- Signage, lighting, landscaping, stormwater and erosion control plans shall be reviewed concurrently
- The listed plans were reviewed for compliance

PCC 9-5-4 Performance Standards

- Any commercial or industrial use must comply with performance requirements relating to fire hazards, radio active particles or electrical disturbances, noise, vibration, air pollution, glare and water pollution.
- Proposed Amended Condition 15

PCC 9-5B-6 Outdoor Storage of Commercial and Industrial Materials or Equipment

- When commercial or industrial materials are stored outdoors they must be screened from view by any existing residence or residentially zoned property.
- Commercially zoned parcel to the east contains a residence
- Proposed Condition 12 states that out door storage must be screened
- Commercial or Industrial Materials or equipment cannot be stored within the front yard setback.
- Proposed Condition 13
- PCC 9-8-3 (G) Allows the Planning Commission to Place Supplementary Conditions and safeguards during site plan approval
- 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.
- 8. Requiring buffers, lighting restrictions, and building materials as necessary to protect the nature and character of any scenic byways within the city.
- 9. Requiring professional design review, by criteria and process established by the planning director and adopted from time to time by resolution of the council.
- **Staff has recommended dedication of 10 feet along the northern property boundary and a triangular shaped area in the northwest corner of the parcel (See Recommended Condition 5)**

Agency Comments

- **Dan Larson**, P.E., HMH Engineering (City Engineer)
- Proposed modified conditions 7 -A final engineering plan shall be submitted to the City of Ponderay for review and approval by the Ponderay City Engineer. The off-site stormwater detention fee shall be paid to the City of Ponderay prior to building permit issuance.
- Proposed Condition 16 – Requires that Culverts along Piehl road be placed at grade. The elevation of grade shall be determined in cooperation with the City of Ponderay prior to construction.
- **Pat Park**, Building Official
- Building will be Type II-N in construction
- Appears to be fully sprinklered which is required over 12,000 sq ft.
- Appears to have adequate access for fire apparatus
- Recommended approval
- **Northside Fire**, Chief Brad Mitton
- Stated that he had no concerns with the proposal at this time, but final drawings will be reviewed during the building permit process.
- **Kootenai Ponderay Sewer**, Colleen Johnson
- Located within the district boundaries
- Capacities are reserved for one of the lots and a hook-up has been purchased for the other.
- Specifics are needed and an application for service must be submitted
- General notes were revised based on discussion with the sewer district and the application paperwork will be completed and supplied to KPSD.
- Proposed Condition 8- States that prior to building permit issuance the land owner shall provide documentation showing compliance with the requirements of Kootenai-Ponderay Sewer District.
- **City of Sandpoint** (Water)
- Ryan Luttmann, public works director commented regarding the installation specifications for the water main extension and estimated fee's
- Proposed Condition 9 states that proof of compliance with the comments supplied by the City of Sandpoint is required prior to building permit issuance.
- **Independent Highway District**, Commissioner Mel Bailey The use should not add to the traffic or modify the type of traffic in the area.

Conditions of Approval

1. Prior to submitting a building permit application, the applicant shall submit a final site plan to the Ponderay Planning Department. The site plan shall incorporate any required revisions or conditions of approval.
2. Construction must begin within one (1) year after the site plan is approved. An extension of time for beginning construction may be requested, in writing, from the planning and zoning commission, which shall grant such an extension for a specified reasonable time upon a showing of good cause.
3. Building permits shall be obtained prior to construction of buildings or signage. The site shall be developed in accord with the approved site plan, applicable Ponderay City Codes and the adopted building and fire codes at the time of construction.
4. Signage shall comply with the standards of PCC 7-6 and all Idaho Transportation Department requirements.
5. Prior to building permit issuance the land owner shall formally dedicate the north 10-feet of the subject property along Piehl Road as public right-of-way and the depicted triangular bike path dedication ($\pm 15' \times 47'$) in the northwest corner of the subject property.
6. Prior to final certificate of occupancy issuance multi-use path shall be constructed along US Highway 95 in accordance with the approved Plan.
7. A final engineering plan shall be submitted to the City of Ponderay for review and approval by the Ponderay City Engineer. The off-site stormwater detention fee of \$1,856.08 shall be paid to the City of Ponderay prior to building permit issuance.
8. Prior to building permit issuance the applicant shall provide proof of compliance with the requirements of the Kootenai-Ponderay Sewer District and documentation from the district that adequate sewer service will be provided to the proposed development
9. Prior to building permit issuance the applicant shall provide proof of compliance with the comments provided by the City of Sandpoint and documentation that adequate water service will be provided to the proposed development.
10. All proposed or future trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or sight obscuring fence of at least four (4) feet in height, or within an enclosed building or trash and/or garbage collection dumpster. Adequate vehicle access to and from such area or areas for collection of trash and/or garbage shall be provided. Trash and/or garbage collection areas must also be animal proof.

11. External lighting shall be installed in accord with the approved lighting plan. Exterior lighting shall not be placed in any manner as to permit beams and illumination onto a public right of way. All lighting shall be downwardly directed.
12. All materials and equipment stored outdoors shall be screened from view from any existing residence or any residentially zoned area.
13. Commercial material or equipment shall not be stored outdoors within the front yard setback area.
14. Landscaping shall be installed and maintained in accord with the approved landscaping plan.
15. The industrial use shall operate in compliance with the performance standards of PCC 9-5-4.
16. Culverts along Piehl Road shall be placed at grade. The elevation of grade shall be determined in cooperation with the City of Ponderay prior to construction.

Staff Analysis & Recommendation

Subject to the recommended conditions of approval, staff finds that this project is consistent with Ponderay City Code. The proposal meets the applicable provisions of Ponderay City Code. Lighting, landscaping, signage and stormwater would be managed through the approved plan meeting the requirements of Ponderay City Code. Therefore, staff recommends approval of the proposed site plan.

Motion to Approve: I move to **approve** this project FILE SP17-036 for construction of a new ±14,688 square foot facility with a detached ±1,080 square foot covered wash stand. I further move to adopt the conditions of approval as listed in the staff report noting the amendment of Conditions 7 and 15 as presented.

Motion to Approve: Commissioner Tate/Fox. Roll Call, all in favor.

File UP17-035, City of Ponderay Special Use Permit – Industrial use within the commercial zoning district

The City of Ponderay is requesting Special Use Permit (SUP) approval to develop a commercially zoned parcel with a light industrial use (metal fabrication) as is allowed by Ponderay City Code. The property is located off Triangle Drive near its intersection with Schweitzer Plaza Drive in Section 11, Township 57 North, Range 2 West, Boise Meridian. Open public hearing at 6:58 p.m.

The proposal includes construction of a ±10,400 square foot industrial building with office space, as well as a ±1,625 square foot accessory structure for covered equipment parking at the east edge of the site.

Background

On March 6, 2017 the Ponderay City Council unanimously voted to institute a community development grant program in the City of Ponderay. This program will allow the Council to consider requests for project assistance on a case by case basis. The assistance may be granted in many forms, with the general goal of aiding residents, businesses and promoting development within the community. Additionally, the City Council voted to approve the first grant as a pilot case under this new program.

- City has made application for a special use permit.

- If special use permit approval is granted the City will then exchange the “City Parcel” with special use permit for the neighboring property to the south of equal size.
- Additionally, prior to the exchange the City will receive public right-of-way dedications, as well as green belt and pathway dedications.

PCC 9-4C-2 (A) Open Space

- Minimum of 25% is required
- ±77% is proposed

PCC 9-4C-2 (B) Compliance

Compliance with the provision of the title and the requirements of the zone

The plan has been reviewed for compliance with the provisions of the title. Construction shall be in accord with approved site plan and all adopted building and fire codes. (See Proposed Condition 3)

PCC 9-4C-2 (C) Parking Space Requirements

- 1 space per 1,000 sq ft
- 11 Spaces required
- 14 Spaces are proposed

PCC 9-4C-2 (E) Green space

Not less than 10% nor more than 25% can be required
14.5% is proposed

PCC 9-4C-2 (F) Access

All lots in the Commercial zone shall have at least one existing access

Access exists from Triangle Drive

Upon Special Use Permit approval a proposed R-O-W will be dedicated aligned with Schweitzer Plaza Drive and an access driveway will be constructed.

PCC 9-4C-2 (G) Site Plan

Site plan shall depict sidewalks and/or bike paths if required by the commission or city council

Side walks were constructed along the west side of Triangle Drive in the summer of 2016.

Side walks are not proposed as a part of this project.

Dedications were made in lieu of side walk construction.

PCC 9-4C-4 Special Uses

Light Industrial uses are permitted by special use permit provided the following criteria are met.

A. Carried on in such a manner as to not create a hazard of fire or explosion.

B. All byproducts, emissions, waste and other discharges must meet the minimum standards of all local, state and federal agencies with jurisdiction, including, but not limited to, EPA, health district, sewer district and sanitary landfill district. In addition, said use shall not negatively impact adjoining and/or adjacent properties.

C. All storage of materials, equipment, supplies, etc., must either be indoors or contained within a six foot (6') high, sight obscuring fence. Storage of hazardous, flammable or explosive materials must be in accordance with Northside fire department requirements.

See Proposed Conditions 5-7

PCC 9-5A-3 (C) Setbacks

45 feet from the center of the street of 25 feet from the edge of R-O-W.

10 feet from the North and East R-O-W

With approval setbacks may be reduced to zero in the Commercial District

The R-O-W dedication creates the need for a greater setback than would otherwise be required

Requesting 5 foot setback to the southerly property line and 35 feet to the center of the proposed R-O-W

Additionally, the 15 foot greenbelts and pathways plan creates an increased setback requirement along the east property line.

Requesting zero setback to the east line

PCC 9-5C-5 Trash

- Must be screened on at least 3 sides by a solid wall or sight obscuring fence at least 4 feet tall or inside
- Vehicle access must be provided
- Animal proof
- See Proposed Condition 8

PCC 9-5-4 Performance Standards

- Any commercial or industrial use must comply with performance requirements relating to fire hazards, radio active particles or electrical disturbances, noise, vibration, air pollution, glare and water pollution.
- Proposed Condition 11

PCC 9-5B-6 Outdoor Storage of Commercial and Industrial Materials or Equipment

- When commercial or industrial materials are stored outdoors they must be screened from view by any existing residence or residentially zoned property.
 - Screening will be provided by vegetation within the greenbelt area
- Storage of Commercial materials or equipment is prohibited within the front yard setback
- See Conditions 12 and 13

Prior to building permit issuance a final engineering plan shall be submitted to the satisfaction of the City of Ponderay.

Engineering Review

Dan Larson, P.E. reviewed plan prepared by Marcus Levesey, HMH Engineering staff. Project meets the requirements of Ponderay City Code. The calculations indicate we can meet the storm water treatment requirement on-site, but lack detention. Off-site detention or additional fee will be required. Any off site fee shall be paid prior to building permit issuance. (See condition 17)

Ponderay Police Department, memo dated April 19, 2017: No Comment

Northside Fire Chief Brad Mitton stated on the memo received May 3, 2017:

He has no concerns with the proposal at this time as long as city code was followed. Final drawings will be reviewed at time of building permit; and during construction Fire code will need to be met.

Independent Highway District, Commissioner Mel Bailey, email dated April 20, 2017: Mr. Bailey stated that the driveway and parking area should be constructed of an approved pavement rather than a temporary all weather surface. He stated that pavement would help to protect the edge of pavement from heavy loads, wet weather and snowplowing.

Staff Note: PCC city code does not require use of asphalt for driveway and parking areas.

Pat Park, CBO, James A. Sewell and Associates, Ponderay Building Official, email dated April 20, 2017:

Pat Park, CBO, James A. Sewell and Associates stated that he has reviewed the submission and has no comments at this time, but recommends approval of the project.

Kootenai-Ponderay Sewer District (KPSD), Colleen Johnson, letter dated April 24, 2017: Ms. Johnson stated that a sewer capacity has been reserved, but no hook-ups have been purchased. The number of ER's required will be determined by the size and type of business to occupy the property. She noted that there is a pressure sewer line in this location which will require a pump station and that the sewer valve vault will need to be protected. She further noted that an application process will be required prior to building permit signoff or connection to the system. A complete copy of the KPSD comments are attached for review. (See Condition 15)

City of Sandpoint, Ryan Luttmann, Public Works Director: Memo date May 4th, 2017; Mr. Luttmann commented that the project is within the service boundary and will be served with proof of a building permit and payment of applicable fees.

Two public comments both in support.

Conditions of Approval

1. The proposed use shall commence within one (1) year following the date of city council approval of the special use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse. The special use permit may be revoked if the sponsor fails to comply with required restrictions or conditions.
2. The use shall be developed and shall be operated in accordance with the approved plan.
3. The proposed site plan has been reviewed for compliance with the provision of this title. Construction shall be in accord with the approved site plan and shall comply with the adopted building and fire codes. Building permits shall be obtained for all construction and signage.
4. Structures shall not exceed two stories in height.
5. The light industrial use shall be carried on in such a manner as to not create a hazard of fire or explosion.
6. All byproducts, emissions, waste and other discharges, created by the proposed light industrial use shall meet the minimum standards of all local, state and federal agencies with jurisdiction, including but not limited to , EPA, health district, sewer district and sanitary landfill district. In addition, said use shall not negatively impact adjoining and/or adjacent properties.
7. All Storage of materials, equipment, supplies, etc. must either be indoors or contained within a six foot (6') high, sight obscuring fence. Storage of hazardous, flammable or explosive materials must be in accordance with Northside Fire Department requirements.

8. All proposed or future trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or sight obscuring fence of at least four (4) feet in height, or within an enclosed building or trash and/or garbage collection dumpster. Adequate vehicle access to and from such area or areas for collection of trash and/or garbage shall be provided. Trash and/or garbage collection areas must also be animal proof.
9. Future signs shall comply with the standards of Ponderay City Code in effect at the time of construction.
10. External lighting shall be installed in accord with the approved lighting plan. Exterior lighting shall not be placed in any manner as to permit beams and illumination onto a public right of way. All lighting shall be downwardly directed.
11. The industrial use shall operate in compliance with the performance standards of PCC 9-5-4
12. The site shall be developed and maintained in accord with the approved green space and landscaping plan. Vegetation shall be retained or replaced with similar in order to maintain adequate screening in accord with PCC 9-5B-6.
13. Commercial and industrial materials or equipment shall not be stored outdoor within the front yard setback.
14. Operations shall be limited to internal functions after 8pm. All external doors shall remain closed and use of forklifts or other equipment containing backup alarms shall cease after 8pm.
15. Prior to building permit issuance the applicant shall provide proof of compliance with the requirements of the Kootenai-Ponderay Sewer District and documentation from the district that adequate sewer service will be provided to the proposed development.
16. Prior to building permit issuance the land owner shall dedicate to the public, a 15-foot strip along the east property boundary of the subject parcel for drainage, greenbelt and pathways and the land located within the existing right-of-way easement.
17. The final engineering plan shall be reviewed by a liscenced P.E. and submitted to the City of Ponderay for final approval. The off-site storm water facilities shall be incorporated into off site street design or a commensurate detention fee shall be paid prior to the City of Ponderay prior to building permit issuance.

Findings of Fact

1. This proposal was reviewed for compliance with the approval criteria and standards set forth at Ponderay City Code Section (PCC) 9-7-2 Special Uses, 9-7-3 Special Use Applications, Public Hearings, and Council Action, Section 7-6 Sign Code, and the zoning district and other approval standards of Title 9.
2. The proposed use is conditionally permitted with the Commercial zoning designation (PCC 9-4-C-4).
3. The submitted stormwater management plan has been reviewed and found to be in compliance with the Ponderay City Code.
4. The proposed use is not in conflict with the comprehensive plan. (See the attached worksheet)
5. The site will be served by Avista, City of Sandpoint Water and Kootenai-Ponderay Sewer District.
6. Solid waste disposal will be provided by Waste Management.
7. Access to the site is provided by Triangle Drive, an existing publically maintained, hard surfaced local access road.
8. The project will result in public right-of-way dedication to clarify ownership of the existing Triangle Drive right-of-way.
9. The project will result in drainage, greenbelt and pathway dedications consistent with the Ponderay Greenbelts and Pathways appendix to the Comprehensive Plan.
10. Construction plans and signage will be reviewed through the building permit process for compliance with building and fire code.
11. The use must operate in compliance will all state, federal and local laws.

Close public hearing at 7:35 p.m.

Motion

MOTION TO APPROVE: I move to recommend approval of this application FILE UP17-035, requesting special use permit approval to develop a light industrial use in the commercial zoning district, 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 (**noting any amendments**) in the staff report and to approve the setback reductions to the south and east as requested.

Motion to Approve: Commissioner Tate/Fox. Roll Call, all in favor.

Workshop discussions - Sub Area Plan-continued discussion

The Meeting was adjourned at 8:24 p.m.

Planning and Zoning Chairperson

Su Warren, City Clerk-Treasurer