



**CITY OF PONDERAY
REGULAR
MEETING MINUTES
NOVEMBER 19th 2018**

MAYOR STEVE GEIGER CALLED THE MEETING TO ORDER AT 6:00 P.M.

PRESENT: MAYOR STEVE GEIGER, COUNCILMEMBER McNEARNEY, COUNCIL MEMBER KUNZEMAN, COUNCILMEMBER OSBORNE, COUNCILMEMBER THOMPSON,

ALSO PRESENT: ATTORNEY MARSHALL, CHIEF CORNELIUS, PLANNER MILLER

ABSENT: PLANNER BRUBAKER, CLERK WARREN, ENGINEER HERNDEN

THE PLEDGE OF ALLEGIANCE WAS RECITED.

PUBLIC COMMENT: Jim Osmund asked if the City has an Ordinance keeping people from riding ATV's on the highway that goes through Ponderay is marked at 45 MPH? Is it legal for an ATV to ride down the highway in Ponderay if it is marked 45 mph. Chief replied yes, it is legal as well as in the County, as long as the MPH is 45 or less.

CONFLICTS OF INTEREST AND/OR DISCLOSURES:

Mayor Geiger acknowledged conflict of interest and disclosures statement.

CONSENT AGENDA: **ACTION ITEM******

A. Acknowledge Attorney Report

B. Acknowledge Police Report

Motion to approve consent agenda

Councilmember Thompson/Kunzeman. Roll Call vote. All voted in favor. Motion approved.

DEPARTMENT REPORTS/UPDATES:

MAYOR: **ACTION ITEM****** Confirmation of Karen Engel appointment to P&Z

Motion to approve Karen Engel to the Planning & Zoning Commission

Councilmember McNearney/Thompson. Roll Call vote. All voted in favor. Motion approved.

CLERK: Motion to table Liquor License approval

Councilmember Thompson/Kunzeman. Roll Call vote. All voted in favor. Motion approved.

POLICE: Chief Cornelius reported that Deputy Robillard seems to be doing fine so far.

PLANNING, PARKS & COMMUNITY DEVELOPMENT: **ACTION ITEM******

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. The Ponderay Planning and Zoning Commission unanimously recommended approval of the project at the

November 14, 2018 public hearing. The recommendation included the addition of proposed Condition A-2 as presented. Pictures were shown.

Site Data: The property is seventeen point eight (17.8) acres. It is currently zoned rural. Historically this site was used as a drive-in movie theatre. It is currently developed with a single wide mobile home. Access is provided by an existing commercial approach on Highway 95. It is served by Northside water and an individual septic system. Northside Fire, Lake Pend Oreille School Dist. and Avista power. The proposed development is not proposing connection to any of these services other than power. Environmental info: the site is relatively flat, it is mostly grass, brush and trees. There is no indication through Bonner County mapping of any presence of wet lands or mapped water body and is not in a mapped flood plain. The standards were reviewed. Setbacks require a minimum of 300 feet from an atrial unless it is being reduced by existing vegetation providing adequate screening and then it can go down to one hundred fifty feet. The site plan proposes six hundred thirty three feet (633) for the set back from Highway 95 right-of-way. The side and rear set backs have to be a minimum of twenty five feet. The application proposes side set backs ranging from eighty seven (87) to one hundred twenty eight feet (128). Rear yard set backs are proposed from sixty one (61) to sixty three (63) feet. The project site has been located toward the easterly boundary of the property which appears to be the most densely treed. The project is proposing thirty four point nine percent (34.9%) of the total property which is within the thirty five (35) percent threshold. The new unit will be used as a dwelling or as commercial service repair or industrial place of business and prohibits any manufacturing, commercial repair or the sale of items from this facility. Fencing, lighting, trash, hours of operation, outside storage, parking, performance standard, maximum height were recorded as conditions. There were stormwater questions from HMH and has determined that all was compliant. No turning study was required as the traffic is not high enough.

In reviewing this application, the staff found that the capital improvement plan for the transportation component of the comprehensive plan does call for a future north/south connection to the existing Starr Lane and Bronx Road along the East boundary of this property. Planning & zoning proposed an additional condition at hearing, A-2 that said prior to building permit issuance that land owner shall dedicate the East twenty five (25) feet of the subject property to the City for public right-of-way consistent with Ponderay Capital Improvements Plan dedicating of the tight-of-way to the City in no way modifies or renders nonconforming the special use permit. UP18-046 site plan, in no way is it contrary to the terms and conditions of the said permit and in no way is it inconsistent with the standards set forth in the City Code. P&Z recommendation was to approve with the condition A-2 added.

MOTION TO APPROVE BASED ON THE RECORD: I move to approve this application FILE UP18-046, requesting Special Use Permit (SUP) approval to develop a rural zoned parcel with commercial storage noting the addition of proposed Condition A-2, 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 record of the Planning and Zoning Commission of November 14, 2018 and the Planning and Zoning Commission recommendation. I further move to adopt the findings of fact, conclusions of law, and conditions of approval in the staff noting the addition of Condition A-2.

Motion to approve

Councilmember McNearney/Osborne. Roll Call vote. All voted in favor. Motion approved.

ORDINANCES, RESOLUTIONS, PROCLAMATIONS, CONTRACTS: Resolution 2018-7 **ACTION****

ITEM** A resolution of support for cooperation with the Friends of the Bay Trail in conducting funding research for a future Railroad underpass, general park development and related transportation improvements.

Mayor reported on the Business owners meeting that the City had at the Events Center. He talked to about twenty businesses, there are still concerns. There was more discussion by the Council.

Motion to approve Resolution 2018-7

Councilmember Kunzeman/Osborne. Roll Call vote. All voted in favor. Motion approved.

Councilmember Thompson/ McNearney to adjourn. All in favor.

Meeting adjourned 6:52 p.m.

Mayor Steve Geiger

City Clerk/Treasurer Su Warren