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PLANNING OFFICE  
CITY OF PONDERAY

# Ponderay - City Planning

## Special Use Permit Application

Site/Project Information	
<b>Brief Project Description:</b>	The applicant is requesting a special use permit for the construction of a single family residence in the Recreational District.
<b>Project Representative:</b>	Doug Lutz / Levi Bush Ramey Construction Company 509 N Fifth Ave STE G Sandpoint, Idaho 83864
<b>E-mail:</b>	<a href="mailto:doug@rameyco.com">doug@rameyco.com</a> / <a href="mailto:levi@rameyco.com">levi@rameyco.com</a>
<b>Phone #'s:</b>	Wk 208-597-7071 / D cell: 208-255-9104 / L Cell: 208-290-2186
<b>Location:</b>	West of Ponder Point Lane cul-de-sac.
<b>Legal Description:</b>	RP00000112252A / RP00000112286A; See Quit Claim Deeds (attached)

Applicant/Owner Information	
<b>Name:</b>	Nathan Rodland
<b>Legal Owner:</b>	Ponder Industries LLC / Nathan Richard Rodland
<b>Signature:</b>	
<b>Mailing Address:</b>	101 Colorado St #2407 Austin, TX 78701
<b>E-Mail:</b>	c/o Project Representative
<b>Phone #'s:</b>	c/o Project Representative

Ponderay Planning Department	
<b>File Number:</b>	UP21-075
<b>Fees:</b>	\$500.- APP SW
<b>Zoning:</b>	Rec
<b>Received By:</b>	
<b>Date:</b>	6/30/21
<b>Comments:</b>	

# Ponderay - City Planning

## SUP Application

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### 1. Narrative statement addressing the following:

- a. How the proposed use will, in fact, constitute a variance or a special use.

Ponderay City Code, Section 9-4E-4 identifies single family dwellings as a "special use" within the Recreational Zone, subject to the following standards:

#### **9-4E-2: STANDARDS AND RESTRICTIONS:**

A. Detailed Plan Required: In any development on property in the recreational zone, the sponsor of the proposal shall submit a detailed plan that shows the relationship between the development and the following:

1. The proposed physical and legal ingress and egress to the site.

Legal access to the site is provided from the west end of Ponder Point Lane, a hard surfaced public right of way that varies in width between 22 feet and 24 feet. The roadway was constructed by, and was accepted by, Bonner County and included in the road maintenance system by Bonner County May 19, 2000 (Special Meeting Minutes, Bonner County Commissioners). This access consists of platted public right of way (Ponder Point, 1st Addition, Bk. 2 of Plats, Pg. 98), and a Montana Rail Link, Burlington Northern and Santa Fe Pacific Railways "easement" (Instrument 528579, Bonner County Records). The railway "right of way" was conveyed as an "easement." Idaho Code, Section 40-2302(1), provides that, in lieu of acquiring a right of way by "fee simple title," a right of way may be acquired by "lesser estate," in this case an "easement" granted to Bonner County for the "construction, maintenance and operation of a roadway." This easement document was signed by the Bonner County Commissioners, a copy of which is included in Bonner County Certificate of Compliance File 39-98. This easement is also subject to a "Construction and Maintenance Agreement," also signed by the County Commissioners and included in Certificate of Compliance File 39-98 (Instrument 528578, Bonner County Records). The Agreement states that the County will construct, maintain and operate the proposed roadway within said easement. In addition, Resolution 00-23

was adopted by the Bonner County Commissioners May 18, 2000, accepting certain lands for rights of way purposes (Instrument 563911, Bonner County records). A right of way deed was also accepted by the Bonner County Commissioners May 18, 2000 (Instrument 563886, Bonner County records). Access to the subject property once leaving Ponder Point Lane is via a dedicated easement for ingress, egress and utilities (Instrument 469626, Bonner County records). This easement will be developed as a private driveway as previously noted.

2. The surrounding neighboring land uses.

A single-family residential parcel similarly approved for a house (SUP-10-010) borders the subject property to the west. The Ponder Point Lane cul-de-sac borders the site to the east.

3. The availability of water and wastewater treatment services.

The property is located within the existing Sandpoint Water Service Area. As such, the property is eligible for water service from the City of Sandpoint. The developer can expect that a main line extension will be required. The Sandpoint Water Master Plan calls for a transmission main in that location. A recent project extended a 12" water main beneath MRL near the existing cul-de-sac.

The property is also within the Kootenai-Ponderay Sewer District boundary. New User Facility Fees need to be paid and a sewer application needs to be approved by the KPSD prior to home development.

4. Site drainage and features.

The site drains generally from the north by the railroad tracks to the south toward Lake Pend Oreille. Home site development will occur consistent with a stormwater management plan currently in process.

5. Topographical features.

The site slopes from the rail road right of way toward the access road paralleling Lake Pend Oreille.

6. The proposed building's size, shape and location on the property, including dimensions, total square feet of each structure, and site area dimensions.

Please refer to the attached architectural concepts and site plan.

7. Parking facilities.

Three parking spaces are provided: One carport and a separate two-car garage (to be built on parcel #RP00000112252A). According to (PCC, §9-5E-2D), on parking space is required.

B. Design, Operation And Maintenance: Any development in the recreational zone shall be designed, operated and maintained in a manner which is harmonious with, and appropriate in appearance to, the existing or intended general character of the area; and so that the development will not substantially change the character of the area.

Ponder Point Lane is generally developed with single family, lake front residences similar to the subject proposal.

C. Access: All lots in the recreational zone shall have at least one existing "legal access" to a public street as defined in subsection 9-1-2B of this title. (Ord. 6-2e, 2000; Ord. 6-2f, 2002)

As documented, legal access is provided by means of a recorded easement for ingress and egress.

b. Why the proposed variance or special use is necessary or desired.

The applicant desires to enjoy a lake front parcel by construction a single family residence thereon, a right commonly enjoyed by other lake front property owners.

c. Whether the proposed variance or special use will be harmonious with and in accordance with the general objectives, or with any specific objective, of the comprehensive plan and/or this title.

The purpose of the Recreational Zoning District is to provide for a wide range of recreational and residential uses (§9-4-6, PCC). The proposed single-family residence is consistent with that purpose by providing for recreational and residential activities.

d. Whether the proposed variance or special use will be designed, constructed, operated and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

As noted, Ponder Point Lane is generally developed with single family, lake front residences similar to the subject proposal.

e. The effect of the proposed variance or special use on adjacent property and whether it will be hazardous or disturbing to existing neighboring uses.

The proposed structures will be designed in accordance with setback, parking, flood damage prevention, stormwater and similar applicable zoning standards. Consequently, the use will not be hazardous or disturbing to the only neighbor, the adjacent parcel to the west previously also approved for a single-family residence (Council approval 3/3/11; File SUP-10-010).

- f. The identity of the owner or purchaser of the lot which is subject to the proposed variance or special use.

The property is owned by Nathan Rodland and Ponder Industries LLC (see Quit Claim Deeds).

- g. Whether the property will be served adequately by essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the proposed variance or special use shall be able to provide adequately any such service or utility.

The project will be accessed by a private driveway connected to the Ponder Point public Right of way; served by Ponderay police; developed with a fire hydrant and a stormwater management system; served by the county solid waste site; connected to Sandpoint's water system and Kootenai-Ponderays' sewer system; and served by local schools.

- h. Whether the proposed variance or special use will create excessive additional requirements at public cost for public services and utilities or will be detrimental to the economic welfare of the community.

All infrastructure costs associated with developing the subject site will be borne by the applicant.

- i. Whether the proposed variance or special use will lead to uses, activities, processes, materials, equipment and conditions of operation detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odor.

The proposed use is limited to those activities typically associated with a single family residence.

- j. Whether the property under the proposed variance or special use will have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public roads.

Proposed driveway access is off of the west end of the Ponder Point Lane cul-de-sac. A Bonner County driveway permit for the entrance onto Ponder Point Lane will be obtained in conjunction with applying for a Ponderay building permit, subject to special use permit approval.

- k. Whether the proposed variance or special use will result in the destruction, loss or damage of the natural, scenic or historic features of major importance.

The project consists of a single-family residence on lake front property, a use similar to those developed on the adjoining Ponder Point Lane parcels.

- l. A description of the previous use of the property and the intended use, including hours of operation or use, number of employees or occupants, the system for delivery of materials, and the general nature of the business or occupancy.

The property is presently undeveloped. Uses are those consistent with single family residences. Access is via private drive off of public Ponder Point Lane.

2. The name, address and telephone number of applicant.

Nathan Rodland  
101 Colorado St #2407  
Austin, TX 78701  
c/o Ramey Construction (208) 597-7071

3. The legal description of property.

See Quit Claim Deeds.

4. A copy of the recorded deed showing proof of ownership.

Quit Claim Deed is attached.

5. The signature of the legal title holder, if different from the applicant, signifying approval of the application.

See Page 1.

6. The names and addresses of all adjoining property owners, provided on a separate sheet of paper.

Names and addresses of property owners: 1. West of property - USA (RP00000112193A); 2. East of property – Carter W Payne (193 Ponder Point Lane); 3. North of property – Railroad right of way.

7. A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the current zone classifications and existing land use of adjoining property.

Surrounding zoning is Recreational. The Ponder Point Lane cul-de-sac adjoins the subject property to the east. Railroad right of way adjoins the project to the north. Lake Pend Oreille borders the property to the south.

8. Ten (10) copies of the following plans (suggested scale: 1" = 20'):

- a. Site plans showing the location and dimensions of all building setbacks, road frontage, curb cuts, circulation patterns, loading service areas, parking, sidewalks, landscaped areas, signs, lighting, easements, utilities and drainage patterns and listing the total open space area, impervious surfaces, lot size and total building floor area.
- b. Floor plans, elevations: front, side and rear, and property lines and roofline dimensions.

# Ponderay - City Planning

## Site Plan Application

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### Procedures

1. Schedule preliminary meeting with the Planning Director to review project and sketch plans.

[DATE]

2. Submit project plans to agencies identified by Ponderay Planning.

The project was discussed with the following agencies:

A. Bonner County Road Department (driveway encroachment onto Ponder Point Lane);

BCRSM Section 1.1-3 Applicability says "...approaches and driveways entering upon County maintained roads or located within rights of way...". Therefore, an encroachment permit is warranted. In order to lessen the driveway grade, public works is willing to consider a 4% grade (versus 2%) at this entrance.

B. City of Sandpoint (water service);

The property is within the existing Sandpoint Water Service Area. As such, the property is eligible for water service from the City of Sandpoint. The developer can expect that a main line extension will be required. The Sandpoint Water Master Plan calls for a transmission main in that location. A recent project extended a 12" water main beneath Montana Rail Link near the existing cul-de-sac.

C. Kootenai-Ponderay Sewer District (sewer service);

The property is located within the boundaries of the Kootenai-Ponderay Sewer District. A "NUFF" (New User Facility Fees) for this property needs to be reserved prior to connecting to the sewer system. After all requirements of the District have been met, including but not limited to the payment of NUFFs, application made to the District and approved by the Board of Directors of the District, the District will provide service to the subject property, according to the District.



D. Ponderay Building Official (fire code applicability); and

PCC, Section 8-1-6, specifies that “access up to four lots may be permitted by private drive which shall be constructed to the satisfaction of the city engineer.” Proposal for access will be designed consistent with the city engineer’s recommended driveway standards and subsequently submitted to the planning commission and city council for approval.

E. Army Corps of Engineers (wetland encroachment).

To be submitted

3. Complete and return a site plan application with requisite fees, and proof of mailing or agency initials.

## Doug Lutz

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**From:** Eric Clayton <eclayton@northsidefire.org>  
**Sent:** Wednesday, June 30, 2021 9:07 AM  
**To:** Doug Lutz  
**Cc:** Levi Bush; Kayleigh Miller  
**Subject:** RE: variance request

*DRIVEWAY VARIANCE  
CONFIRMATION*

Good morning Doug,

Thanks you for adjusting the plans to include handrails along the driveway where there are retaining walls and extending the driveway by the house to get use closer to the master bedroom. I have no further concerns with the plans and let Kayleigh at the city know that we came to an agreement and your ready to move forward. If you have any further needs or questions please feel free to reach out to me.

Capt. Eric Clayton  
Compliance Officer  
Northside Fire Dist.

On 06/18/2021 5:51 PM Doug Lutz <doug@rameyco.com> wrote:

Hey Eric,

Thank you again for meeting on site with Levi and me week before last. I spoke with the owner and he has agreed to put the fire suppression system in place as well as the railing where the retaining wall exists.

Attached is the site plan that shows the extended driveway for additional emergency vehicle access.

Please let me know if you need additional information to proceed with the variance concerning the City ordinance. If nothing more is needed can you give me a timeline as to when we can get the variance sent to the city? Our window of opportunity is shrinking as you know since we have a 4 month process to get the SUP. I look forward to hearing from you.

Make it a great day!

*Doug Lutz, Jr.*

**Assistant Project Manager**

**Marketing Director**

509 N 5<sup>th</sup> Ave. Ste G

Sandpoint, ID 83864

Cell. (208) 255-9104

Office. (208) 597-7071

[www.rameyco.com](http://www.rameyco.com)



**From:** Doug Lutz

**Sent:** Tuesday, June 8, 2021 10:12 AM

**To:** eclayton@northsidefire.org

**Cc:** Levi Bush (levi@rameyco.com) <levi@rameyco.com>; KayLeigh Miller <klmiller@ponderay.org>

**Subject:** variance request

Hey Capt Clayton,

I am writing to ask about a statement provided by Sewell and Associates regarding his opinion on the denied variance.

Would you take a look at this and talk to the fire chief. Just curious if there might be a change of heart on the issue for Rodland project at Ponder point. Here's what Jeff Jensen at Sewell wrote:

A couple of notes on the requirements of the International Fire Code Appendix D. I could not find it yesterday but Idaho Administrative Code (IDAPA) Section 18.08.01 adopts the International Fire Code and modifies the code in specific ways for the State of Idaho. Section 18.08.01.022.03 states the following:

d. Add the following section, "503.7 Driveways. Need be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45720mm) from a fire apparatus access road. Driveways will provide a minimum unobstructed width of 12 feet (3658mm) and a minimum unobstructed height of 13 feet 6 inches (4115mm). Driveways in excess of 150 feet (45720mm) in length need to be provided with turnarounds. Driveways in excess of 200 feet (60960mm) in length and less than 20 feet (6096mm) in width may require turnouts in addition to turnarounds." (4-7-11).

There are also some exceptions for Topography in Appendix D.

The Chief may interpret the Code differently but it is my opinion that the 12' wide driveway meets the requirements IDAPA and provides sufficiently equal access to the 20' wide driveway because a fire truck is only 8' wide. I also think that this site would qualify for some discretionary exceptions based on the topography. Even if the driveway could be necked down to 12' at the culvert crossing for 100' that would be a significant improvement to the 20' wide driveway the entire way because it would not involve modifying the USACE permit or submitting to IDWR.

Make it a great day!

*Doug Lutz, Jr.*

***Assistant Project Manager***

***Marketing Director***

509 N 5<sup>th</sup> Ave. Ste G

Sandpoint, ID 83864

Cell. (208) 255-9104

Office. (208) 597-7071

[www.rameyco.com](http://www.rameyco.com)





March 20, 2020

Panhandle Health District  
Attn: Chris Irvin, Environmental Health Specialist  
2101 Pine Street  
Sandpoint, ID 83864

**Subject: Will Serve Confirmation: 11-57N-2W Tax 113 Less PT to USA; 11-57N-2W E 300FT of GOV LOT 1 MEASURE ALONG RR R/W, Ponderay, Idaho (RPP00000112286A & RPP00000112252A)**

The subject parcels are located within the City of Sandpoint Water Service Area. The City of Sandpoint has the capacity and ability to provide water for these parcels upon completion of a water main extension. The nearest water main is an 8" PVC public water main located within Ponder Point Lane to the east. See attached map of existing utility mains for more detail. Upon payment of applicable fees, completion of approved water infrastructure improvements, and proof of a valid building permit(s), service will be provided.

Please feel free to contact me with any questions.

Sincerely,

Dan Tadic, PE  
City Engineer  
City of Sandpoint  
dtadic@sandpointidaho.gov  
(208) 263-3577

Enclosed:

- Map of existing utility mains



## Kootenai-Ponderay Sewer District

P.O. Box 562  
Kootenai, ID 83840

Office – 511 Whiskey Jack Road

Phone (208) 263-0229  
Fax (208) 265-5326  
Emergency (208) 290- 5979

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October 19, 2010

Jacob Behrens  
Marty Taylor  
James A. Sewell and Associates  
1205 Highway 2, Suite 101  
Sandpoint, Idaho 83864

SENT VIA E-MAIL: Marty Taylor [mtaylor@jasewell.com], Rob Behrens[rsbehrens@gmail.com]

Dear Mr. Behrens:

The property identified with RP#P00000112286A, with ownership being listed as Jacob S. Behrens, has capacity for one single family residence reserved thru the LID. As yet, no application for service has been received by the District nor have the NUFF fees been paid.

**After all requirements of the District have been met**, including but not limited to the payment of NUFF fees, application made to the District and approved by the Board of Directors of the District, the District will provide service to the above-mentioned property.

Sincerely,

*/s/Colleen F. Johnson*

Colleen Johnson  
Business Office Manager  
Kootenai-Ponderay Sewer District