



**CITY OF PONDERAY PLANNING & ZONING  
PONDERAY CITY COUNCIL CHAMBERS  
288 4<sup>TH</sup> STREET  
April 21<sup>ST</sup>, 2021**

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

Chairman Woller called the meeting to order at 5:30 p.m.

Planner Miller called the roll.

Commission Members Present: Chairman Marc Woller, Commission Members Steve Fox, Karen Engel, Lawson Tate

Staff: Planner Miller, Planning Director Brubaker

ABSENT: Arlana Dunkel

**CONSENT AGENDA:** Nothing to approve.

**PLANNING UPDATES:**

- City Cleanup will be Sunday May 16, 2021
- A Bike Rodeo will be held at McNearney Park on May 22, 2021

**ACTION ITEMS:**

**1. BL21-028, Heintz Estate, Boundary Line Adjustment**

Chairman Woller asked if there were any conflicts of interest or disclosures. There were none.

**Opened the file at 5:34 pm.**

Presentation by Planner Miller. The Heintz Family Estate is requesting approval to adjust the boundaries between two adjacent parcels of land. Currently, the parcels are +/- 13.84 acres and +/- 5.27 acres. Post adjustment the parcels will be +/- 6.95 acres and +/- 12.17 acres. The parcels are zoned residential and are located off Starr Lane in Section 2, Township 57 North, Range 2 West, Boise Meridian. This application was routed to Agencies on March 17, 2021. Comments were received from:

- **Avista** – Recommends Approval.
- **Panhandle Health District** – Completed a review of the existing facilities serving the manufactured home and found it has a vested rights system, the adjustment of the lines would not change that, but further the development of the parcels would require a land development application.
- **Kootenai-Ponderay Sewer District** – Stated they are within the boundary lines, but there are no lines to serve the site. To provide service, the developer would need to construct the lines, pay fees, and reserve capacity.
- **Northside Fire District** – Needs to comply with fire code.

Staff found the project to be compliant. Subject property is currently described as two parcels. Existing parcels and resulting parcels exceed the minimum lot size of 7,100 sq ft for the residential zone. Proposed adjustment does not result in the creation of additional lots. Resulting parcels have direct frontage onto a public right-of-way. The application has been reviewed and found to be in compliance with the applicable provision of Ponderay City Code, Title 8. No negative agency or public comments received for this project. Staff recommends approval of the project as proposed with one condition of approval which states, upon completion of the boundary line adjustment, they will need to provide a copy of the recorded survey and the deeds to the city for our records. No questions for Planner, no presentation by the applicant. No public testimony.

**Closed the file at 5:40 pm.**

***Motion to Approve project File #BL21-028 requesting Boundary Line Adjustment approval, in order to reconfigure two existing parcels of record, finding that the adjustment in accord with the applicable provisions of Ponderay City Code. I further move to adopt the conditions of approval, as listed in the staff report.***

**Commission Member Engel/Fox. Roll Call Vote. All Voted in Favor. Motion Approved.**

**2. SP21-069 True Value Investment Group, LLC, Site Plan, RV Park**

Chairman Woller asked if there were any conflicts of interest or disclosures. There were none.

**Opened the file at 5:41 pm.**

Presentation by Planner Miller. True Value Investment Group, LLC, represented by Scott Dempsey, is requesting site plan modification approval to construct an RV Park adjoining the existing Day's Inn facility. The site currently contains six "cabins", five of which will be integrated into the proposed RV park and will be rented as a part of the transient (short term) rental use. The property is located south of Bonner Mall Way at the south end of the existing Day's Inn site, in Section 11, Township 57 North, Range 2 West, Boise Meridian.

True Value Investment Group, LLC also owns the adjoining parcel to the north containing the Days Inn by Windham Sandpoint. The proposed RV park would function as an expansion of the motel site.

- **Site Data** – The subject property is +/- 1.82 acres which contains 5 existing rental cabins, proposed to be retained, one additional structure proposed to be removed from the site and a gravel travel running north to south centrally located on the site.
- **Access** – Access to the site is proposed from the existing Day's Inn site and the application proposes dedication of public rights of way 30 feet in width along the west and south property boundaries of the site. The project proposes construction of internal access roads in these areas at this time. (Condition A-4)
- **Environmental Factors** - Site is relatively flat, contains a mix of grasses, brush, and trees. No indication of wetlands, no bodies of water identified, and the parcel does not contain mapped flood plain.
- **Services** – Subject property is located within the district boundaries of Sandpoint Water, and Kootenai-Ponderay Sewer District, as well as Lake Pend Oreille School District and Northside Fire District.
- **Stormwater** – A stormwater management and erosion plan dated March 7, 2021 was prepared by B. Scott Brown, P.E., James A Sewell and Associates along with a civil plan set (revised March 16, 2021).
- **PCC 9-4C-3 Uses Permitted** – Transient residential uses, single family dwelling.
- **PCC 9-4C-2 (A) Open Space** - +/- 96.5% is proposed; PCC 9-4C-2 (E) Green Space – 60% is proposed; PCC 9-5A-4 (A) Maximum Height – Existing cabins and the proposed common structure are 2 stories. (Condition B-9)
- **PCC 9-8-3 (H) Site Plan Approval** – Shall be a concurrent signage plan, landscape plan, lighting plan, stormwater and erosion control plan or other required plan if submission is adequate to satisfy the above requirement; The listed plans have been submitted and reviewed. (Conditions B-2, B-5, B-6, A-5 & B-7)
- **PCC 9-4-C-2 (G) Site Plan** – Sidewalks are not proposed along Bonner Mall Way or within the site. Bonner Mall R-O-W in this location is 40 feet in width and additional frontage would be difficult due to the location of the existing motel and other structures along the southside of Bonner Mall Way. In lieu of sidewalk construction along the frontage, staff proposes (Condition A-6), construction of a SPOT Bus Pad 10' x 20', located to the east of the existing motel approach to Bonner Mall Way, Ponderay to supply the design, dedication of the 15' x 25'.
- **PCC 9-5A-3 (C) Property line setbacks, Commercial and Industrial zones** – Structures shall be 45 feet from the centerline of the street or legal access right of way or 25 feet from the edge of the right of way, whichever is greater; 10 feet from all other lines; any setback can be reduced to zero if authorized by the Planning Commission and is within an approved plan. Setbacks would not apply to the RV spaces, the common/managers structure proposes a setback of 30 feet to the north and 20.6' to the proposed dedicated right of way or 50.6' to the existing property line. Remaining cabins are in excess of the required 10-foot side yard setback which would have been required prior to dedication, however, as with the common/manager structure, the dedication of the 30-foot public right of way along the west property line creates a side flanking street and reduces this setback below the 25-foot setback required by code. Staff requests that the planning commission approve the reduced setbacks.
- **PCC 9-4C-2 (C) Parking Space Requirements** – It is assumed the parking for the RV sites will occur within the RV space. 5 spaces are required for the cabins. A total of 9 parking spaces are required for the structures; 10 are proposed. All parking required by this title shall be exclusive of the drives and access lanes. All parking shall have adequate ingress and egress. (Condition B-11).
- **PCC 9-5C-5 Trash** – Application proposed use of the trash enclosure which exists on the Day's Inn site at the north. Trash facilities shall comply with the standards of PCC 9-5C-5. (Condition B-8)
- **PCC 9-1-2 Definitions, Travel Trailer** – Travel trailer are less than 35-feet in length, designed for human habitation on a temporary basis for recreational or other related activities. When used in excess of 30 days in one calendar year, on a site as regular or supplemental living quarters, shall be subject to special use permit approval. (Condition B-12)

Routed to Agencies for review on March 16, 2021. No written public comment was received.

- **Ponderay Police, Chief Jimmy Cornelius** – Comments relating to additional traffic flow.
- **Avista Utilities** – Recommend Approval
- **Idaho Transportation Department** – No comment.
- **Independent Highway District** – Commissioner Mel Bailey commented that it should be in ADA compliance.
- **City Engineer Justin Shaw** – Reviewed the stormwater designs and noted technical questions to address. They did have a conference call; information is pending in response to Justin's comments, so Condition A-5 has been put in place.
- **Kootenai-Ponderay Sewer District** – Within boundaries of the district and located the main. They currently serve the site.
- **City of Sandpoint** – Commented it is unclear what size pipe to service the development and noted unless the pipes are intended to be 8-inch water mains as depicted the proposal would be classified as a transient non-community water system, which would be subject to the Idaho Department of Environmental Quality Engineering review and would need to meet the standards for a new public drinking water system. He recommended the landowner design a site that installs a new 8" water drinking main from the city of Sandpoint with individual service lines for each cabin and RV site. (Condition A-3)
- **Northside Fire** – No comment but needs to comply with building and fire codes.
- Staff recommends approval subject to the recommended conditions of approval. Revised staff report 04/20/21 (A-4 and A-5)
- Questions from Planning Commission to Staff regarding an easements/access road, Planner Miller showed on maps the specific easement.

Presentation by Applicant:

- Scott Dempsey, Representative – spoke of the SPOT Bus pad location, and the current easement still owned by Bonner Mall Partnership.

Questions by Planning Commission – Commission Member Tate asked about dedication, Mr. Dempsey stated the applicant has felt they have given more than enough at this point but would speak with applicant.

- No Public Testimony.

- **Closed the file at 6:05 pm.**

Discussion/Deliberation among Planning and Zoning Commission.

**Motion to Approve the Project File #SP21-069 authorizing True Value Investment Group, LLC to modify the existing site in order to construct an RV Park and associated common/managers structure, finding that it is in accord with the applicable provisions of Ponderay City Code. I further move to adopt the proposed setback reductions and conditions of approval, as listed in the staff report, and add Condition A-7 prior to site disturbance, landowner shall dedicate or provide a public access easement, 30-feet in width, in a location to be determined by staff.**

**Commission Member Tate/Engel. Roll Call Vote. All Voted in Favor. Motion Approved.**

### **3. SS21-027, Ponderay Cottages, LLC, Preliminary Plat**

Chairman Woller asked if there were any conflicts of interests or disclosures. None were made.

#### **Opened the Public Hearing at 6:10 pm.**

Presentation by Planning Director Brubaker. Ben McGrann is proposing a preliminary plat of 17 residential lots facing McNearney Park along Dustarr Lane. The site is +/- 3.05 acres and will include dedications of associated right of way, an alleyway and greenbelt. The property is located on the north side of Dustarr Lane and west of McNearney Road.

- Site is relatively flat. There are no mapped wetlands and flood plain, and it does not have a mapped body of water. Along the western line it does have a drainage that is deemed critical on our greenbelts and pathways plan.
- Single Family Residential units, all facing on McNearney Park.
- Developer is proposing to complete the other half of the road.
- The project is being developed under our Conservation Subdivision Provision. Pursuant to PCC 9-5C-15 – Based on the standard residential lot size of 7100 sq ft. the total 3.05-acre site would yield 18 lots at gross density. 26% of the total site dedicated to the public for Public Ways and Greenbelt is proposed by the applicant. (Condition B-10). The project proposes that all lots will have a residence facing McNearney Park. Dustarr Lane will be constructed to a width of +/- 32.5 feet curb to curb, with planting strip, street trees and sidewalk. (Condition B-11). Development will be required to provide a variety of frontage elevation types with a least six different facades using elements of building plan variation, style, and finish textures to differentiate. (Condition B-11). Dedication of public right of way allowing for emergency vehicle access along the rear of each lot and connecting through to Dustarr Lane. (Condition B-9 and B-10).
- Reviewed the Original Ponderay Plan – Plat of Ponderay was completed in 1904, Lots are 25' x 142', Block is 3 acres, 144 25' lots per 18 acres and 35 % dedication of public right of way.

This application was sent out for review on March 19, 2021.

- **Avista** – Recommends approval.
- **Pat Park, City Building Official** – Comments were utilized early on and included in plan, must meet fire code. (Condition B-9)
- **Police Chief, Jimmy Cornelius** – Understands the need for affordable housing, and approves the concept, but road upgrades will be needed, to carry additional traffic safely. Noted traffic concerns with Kootenai Cutoff Road.
- **Justin Shaw, City Engineer** – Several concerns with the stormwater plan, need for culvert where the alley meets McNearney Road. (Condition B-6) He is confident the project can move forward.
- **Northside Fire District** – Project will need to meet fire codes. (Condition B-9)
- Kootenai-Ponderay Sewer District – Stated the site is within the district boundaries, and the district will provide service. All district requirements have been met. (Condition B-3)
- **Panhandle Health District** – Standard conditions relating to plats to be approved including qualified licensed professional engineer proposing sewer and water services meet the State of Idaho standards. They will lift sanitary restrictions at time of signature provided conditions are met. (Condition B-3 & B-4)
- **Sandpoint Water** – This site can also be served by Northside Water, both will serve. Dan Tadic noted, because it is in Northside Water District and Sandpoint and Northside have an agreement to serve the Northside Residential Water, they have to defer to Northside. Northside may or may not be able to provide the requisite fire flows. (Condition B-4)
- **Independent Highway District** – Noted the project does not provide 60' rights of way for roads. Without the rights of way, the Independent Highway District cannot maintain the roads. If the right of ways are provided, construction and drainage will need to meet IHD and city codes. (Condition B-7)

Public Comment received:

- Teresa Butler, 50 McNearney Road – Asked if this was supposed to be a commercial property and stated there is too much industrial traffic go to fast, and stated it was a bad idea to have a bunch of houses and kids in the area.
- Ken Charbonneau, 104 Dustarr Lane – Stated the project will create too much traffic on Dustarr Lane, especially in and around the park, it already becomes one lane when parking spaces are taken. He believes it will devalue homes in the area.
- Staff recommends approval subject to the proposed conditions.
- Questions/Comments from Planning Commission – Addressed concerns regarding parking restrictions, rear access – driveways, shortcutting to and from Home Depot, or other businesses and McNearney Culvert sizing (18").

Presentation by the applicant:

- Ben McGrann – He had given a little background on why he chose this location. He plans to landscape along McNearney Road, and they would like the homes to be well built and affordable.
- Questions/Comments from Planning Commission – The asked about traffic flow, planting right of way trees, and curbs, gutters, and sidewalks, applicant feels those are all necessary.

Public Testimony:

- Neutral/In Favor – Linda Knodel, 35 Perstarr Lane – Stated concerns with wetlands, flooding issues. She also expressed speeding traffic concerns. She enjoys the park and the neighborhood and hopes that things do not move so quickly other concerns get lost.

- Neutral – Ron Knodel, 35 Perstarr Lane – Concerns with doubling the population by use of accessory dwelling units and noted concerns with traffic flows over bridge.
- Neutral - Debra Kirk, 109 Aultstarr Lane – Voiced drainage/flooding concerns.
- Public Questions/Comments via Zoom – There was a question regarding the proposed value of the homes and drainage issues. The applicant stated the homes will range between 1,300 to 2,000 square feet and value will range from \$400,000 to \$500,000.

**Closed the Public Hearing at 6:58.**

Discussion/Deliberation between Commission Members.

***Motion to recommend approval of this application, File #SS21-027, requesting subdivision approval to divide +/- 3.05 acres into 17 lots, finding that it is in accord with the applicable sections of Ponderay City Code as outlined 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 adopt the conditions of approval in the staff report.***

**Commission Member Fox/Tate. Roll Call Vote. All Voted in Favor. Motion Approved.**

**4. SP21-070, GVD Commercial Properties, LLC, Hotel Ruby, Site Plan Modification**

Chairman Woller asked if there were any conflicts of interest or disclosures. There were none.

**Opened the file at 7:01 pm.**

Presentation by Planner Miller. GVD Commercial Properties, LLC is requesting site plan modification approval in order to expand the Hotel Ruby site. The modification would add additional parking, cabins, tents, and outdoor recreational area that would function as an extension of the Motel. This project would be constructed in a series of three phases. The project is located east of U.S. Highway 95, behind the Farmhouse Restaurant in Section 2, Township 57 North, Range 2 West, Boise Meridian. For the purposes of this application the northerly parcels are used for the calculation in most cases, there are a few components to this that are modified on the southerly already developed Ruby Hotel Site so she will refer to them as needed for review.

- **Site Data** – The subject +/- 4.4-acre property is made up of a portion of Starr's Acreage Block 5. The adjoins a +/- 2.687-acre parcel which houses Hotel Ruby, subject site is currently developed with an existing single-family dwelling with accessory structure in the northwest corner of the site. The site houses existing mini storage in the northeast corner of the site, both will remain in place, per the application and will be incorporated into the proposed development.
- **Access** – Access to Hotel Ruby is provided by U.S. Highway 95 via the existing encroachment. The proposed site modification includes connection to the site through the existing Hotel Ruby development. Additional access to the site is proposed via Piehl Road through and existing approach constructed to access the storage facility.
- **Environmental Factors** – Site is relatively flat and was previously developed. The US Fish and Wildlife National Wetlands Inventory does not indicate the presence of wetlands on site. There are no water bodies identified on site and the parcel does not contain mapped flood plain.
- **Services** – The subject expansion proposes service by Sandpoint Water and Kootenai-Ponderay Sewer District. The site is located within the boundaries of the Lake Pend Oreille School District and Northside Fire District.
- **Stormwater** – A stormwater management plan, dated March 5, 2021 and revised on April 9, 2021 were submitted for review to our City Engineer.
- **Uses Permitted** – PCC 9-4C-3 Transient residential uses – the proposed cabins and tent spaces would be rented for short term stays as a part of the Hotel Ruby.
- They are proposing +/- 94% Open Space; and 67% Green Space. The provided concept floor plans and elevations indicate the structures will be single story. (Condition B-9).
- **Site Plan Approval, PCC 9-8-3 (H)** – Shall be a concurrent signage plan, landscape plan, lighting plan, stormwater and erosion control plan or other required plan is submission is adequate to satisfy the above requirement. Listed plans have been submitted and reviewed. (Conditions B-4, B-5, B-6, and B-10)
- **Sidewalks/Bike Paths PCC 9-4C-2 (G)** – The southerly parcel is a flag lot containing only 60 feet of frontage for the Highway approach and ingress/egress easement. The northerly parcel has frontage along Piehl Road. No sidewalk facilities exist along the south boundary of Piehl Road and none are proposed by City of Ponderay at this time or as part of the proposed site modification. The site proposed alternately, an internal network of gravel pathways. Staff proposes Condition A-3 – Requires internal hard surfaced connection from east to west parking facilities providing access to the internal amenities. Phasing may affect the alignment.
- **Property Line Setbacks, Commercial and Industrial zones, PCC 9-5A-3 (C)** – As designed, the application proposes construction of two cabins and two tents that fail to comply with the standard setback requirement of 25 feet from the Piehl Road right of way. As designed the nearest proposed structures to Piehl Road is depicted at 16.93 feet from edge of right of way. Applicant is requesting approval for a setback reduction to Piehl for these 4 structures. All other setbacks are met as proposed. All needed dedications along Piehl Road have occurred previously for this site. Due to the orientation of the structures with reference to Piehl Road, staff see's no visibility issues with this request and no negative agency comments were received regarding the setback reduction.
- **Parking Space Requirements, PCC 9-4C-2 (C)** – The proposal calls for removal of 8 guest spaces on the southerly hotel parcel. 69 spaces are required by code for the Hotel parcel. 98 spaces exist on the motel site, 90 will be retained. 17 additional spaces are required for the proposed development on the norther parcel. 61 additional spaces are proposed over the course of the 3-phase project.
- **Trash, PCC 9-5C-5** – The application does not propose relocation of the on-site trash facilities. Should additional trash facilities be installed in the future, they would need to be compliant. (Condition B-2)

Application was routed to Agencies on March 17, 2021. No public written comment was received.

- **Ponderay Police Chief, Jimmy Cornelius** – No comment, and proposal looked good.

- **Avista Utilities** – Recommends approval.
- **Independent Highway District** – Noted the proposal adds a new form of accommodations to the area, and the pathways in gravel would be difficult to traverse in a wheelchair.
- **Justin Shaw, City Engineer** – Reviewed plans submitted, at this point all concerns have been addressed. It was asked by the project engineer that clarification of his summary, Planner Miller interchanged the words swale and pond... It is the slope of the pond, not the swale that we are addressing with the 4 to 1 slope. (Condition A-4)
- **Northside Fire District** – No comment and the site would need to comply with fire code.
- **Sandpoint Water** – Indicating a new main, 8" would need to be installed throughout the site with connections for each of these buildings with their own hookup directly to the main. Currently the design proposes a 1.5" water main or water line extending from the current hotels service to provide services to all 8 cabins. Planner Miller spoke with Dan Tadic and it was said you cannot serve detached units from one line, so they want that main and individual taps for each. If they chose to stay with the current design, then he stated that they would need to be compliant with Idaho Public Drinking Water System Standards and approved and reviewed by DEQ. (Condition A-5)
- **Kootenai-Ponderay Sewer District** – No comment initially, they did provide a follow up comment, the district has verified the location of the main in relation to the property currently. The developer needs to work with the district on proper connection to the main line and the options available. All district requirements, rules and regulations regarding the connection lateral line and types of pipes to be used must be met, once the district has been satisfied and the conditions have all been met, they will provide service to the site. (Condition A-6)
- Staff recommends approval subject to the conditions as recommended in the staff report.
- No questions from Planning Commission to Planner Miller.

Presentation by Applicant:

- Jerry Dicker, 1106 West 9<sup>th</sup>, Spokane, Washington – He shared his history within Ponderay, and spoke of his mission throughout the property and would like to create a nice atmosphere for families.
- Dillon Gogarty, 1011 W 1<sup>st</sup> Ave. Spokane, Washington – Spoke of the three phases of the modification. Building the cabins, playground, small hill, a pond, and dog park. He shared drawings (Exhibit A) with Planning Commission. Phase one will be the network of paths, phase 2 will be the west parking lot and installing cabins and phase three will install the remainder of proposed cabins and glamping tents, which will be owner provided. He also mentioned why they did not want to put a road through as it did not seem practical. If they had kids playing, they did not want cars going through.
- Debbie Van Dyck, Clearwater Engineering – noted the abundance of parking, pathways, a proposed restroom.

Questions by Planning Commission:

- Planning Commission addressed concerns about cabins – whether they are portable, have utilities/sewer, and the types of tents.
- Applicant stated the cabins will be fully functionable and the tents will be provided. The vision was to create a sense of destination and that events could be a possibility.
- No Public Testimony.
- **Closed the file at 7:30 pm.**

Discussion/Deliberations among Planning Commission.

***Motion to Approve this project File #SP21-070 requesting site plan modification approval in order to construct additional parking, 8 cabins, 9 tents and additional guest amenities and the associated setback reduction request, finding that it is in accord with the applicable provisions of Ponderay City Code. I further move to adopt the conditions of approval, as listed in the staff report.***

**Commission Member Engel/Fox. Roll Call Vote. All Voted in Favor. Motion Approved.**

**5. SP21-071, Haymond Brothers Construction, 95 Express, LLC, Site Plan, Car Wash**

Chairman Woller asked if there were any conflicts of interest or disclosures. There were none.

**Opened the file at 7:37 pm.**

Presentation by Planner Miller. 95 Express, LLC is requesting site plan approval to construct a +/- 5,280 sq ft, drive thru express car wash with associated vacuum facilities. The property is located on the east side of U.S. Highway 95, between Pape Machinery and The Farmhouse BBQ Restaurant, in Section 2, Township 57 North, Range 2 West, Boise Meridian.

- **Site Data** – The subject property +/- 1.073-acre parcel is a portion of Block 5, Starr's Acreage. The parcel is currently vacant and is currently owned by Fingel under contract for sale to 95 Express, LLC.
- **Access** – Access to the site is proposed via a 60-foot wide, ingress, egress, and utilities easement along the south border of the site. The site has direct frontage along US Highway 95. There is an existing approach in place that is proposed for removal as part of this project.
- **Environmental Factors** – The site is relatively flat and contains a mix of native grasses and weeds. The U.S. Fish and Wildlife National Wetlands Inventory map does not indicate the presence of wetlands and there are no water bodies identified on site and the parcel does not contain mapped flood plain, according to the Bonner County online mapping tool.
- **Services** – The project proposes service by Sandpoint Water and Kootenai-Ponderay Sewer District. A utility easement across the Pape Machinery site to the north is proposed for water and sewer infrastructure. At this time, the easement has been drafted, however, recordation is not proposed until the property transfer has been completed. Staff Note: Staff is in receipt of an email dated March 16, 2021, from Quinn Closson, Senior Project Manager for Pape Machinery, confirming that an easement is in progress at this time. (Condition A-3). The site is located within the boundaries of the Lake Pend Oreille School District and Northside Fire District.
- **Stormwater** – A stormwater management plan was prepared by Dan Larson, P.E., 7B Engineering. The plan proposes stormwater treatment facilities on-site, as well as use of the existing shared (Hotel Ruby) stormwater detention facility along

the east boundary of the site. In order to, ensure that the shared stormwater facility is not overburdened, and the volume is fairly allocated the City has restricted the capacity related calculations to only the portion of the facility located on the specific project site. (Same was applied to the Hotel Ruby site). Additionally, the plan calls for payment off-site detention fees in lieu of facilities. (\$3,750)

- **Uses Permitted, PCC 9-4C-3** – The carwash has been classified and personal service/maintenance service.
- **PCC 9-4C-2 (A) Open Space** +/- .88% is proposed; PCC 9-4C-2 (E) Green Space 15.8% is proposed; PCC 9-5A-4 (A) Maximum Height – The provided concept floor plans and elevations indicate the structures will be single story with a small portion extending to two story near the highway. (Condition B-9). PCC 9-8-3 (H) Site Plan Approval – Shall be considered a concurrent signage plan, landscape plan, lighting plan, stormwater, and erosion control plan other required plan if submission is adequate to satisfy the above requirement. The listed plans have been submitted and reviewed. (Conditions B-4, B-5, B-6, and B-10).
- **PCC 9-4C-2 (G) Site Plan, Sidewalks/Bike Paths if required by the Commission or City Council** – The application proposes construction of an 8-foot-wide asphalt multi-use pathway along the US Highway 95 frontage. 10 foot is typical however, there is power pole that would need to be moved in order to accommodate for the full 10-feet as a result a reduction in width was allowed, same occurred on the Pape site to the north. (Condition A-6). Staff Note: The proposed section of path is the final missing link needed to complete the US Highway 95 multi-use path from Sandcreek/The Sandcreek Trail north through Ponderay to Piehl Road.
- **PCC 9-5A-3 (C) Property Line Setbacks, Commercial and Industrial zones** – As designed, the site complies with all setback requirements.
- **PCC 9-4C-2 (C) Parking Space Requirements** - All uses in the commercial zone shall meet the minimum parking space requirements as provided in PCC 9-5 Article E; PCC 9-5E-3; PCC 9-5E-4 – The application proposed construction of a +/- 5,280 square foot carwash facility. Of the proposed square footage 3,120 of the facility was determined to be industrial in nature (wash tunnel) and was therefore calculated as follows:  $3,120 / 1000 = 3.12$  spaces required. The remaining 2,160 sq foot of the structure (office, restrooms, and associated equipment) was calculated according to the commercial/retail space as follows:  $2,160 / 200 = 10.8$  spaces required. A total of 14 required spaces. The following spaces are provided on-site: 19 vacuum parking spaces, 3 employee parking spaces, and 1 van accessible space. 23 total on-site parking spaces provided and stacking for 24 cars is provided for those waiting to wash.
- **PCC 9-5C-5 Trash** – The site proposes a trash enclosure along the south boundary of the site to the west of the approach. (Condition B-2)
- **PCC 9-5-4 Performance Standards** – Any commercial or industrial use or occupation of land or buildings in any zone which creates dangerous, injurious, noxious, or otherwise objectionable conditions adversely affecting any other lot must comply with performance requirements relating to fire hazards, radioactive particles or electrical disturbance, noise, vibration, air pollution, glare, and water pollution. (Condition B-3)

This application was routed to Agencies for review on March 17, 2021.

- **Pat Park, Building Official** – He reviewed the proposed carwash project, and noted that the site allowed for fire service features and recommends approval.
- **Avista** – Recommends approval.
- **Police Chief, Cornelius** – no negative thoughts on the project, and noted it looked like it would hold enough vehicles without interfering with traffic and said there would be increased traffic in and out of the intersection from Highway 95.
- **Idaho Transportation Department, Bill Roberson** – They have reviewed the site plan and noted they approve of the general site disturbance plan but will require the applicant to complete an encroachment permit prior to any work in the right of way; removal of the culvert and establish the ditch line adjacent to the Highway. (Condition A-5)
- **Independent Highway District** – Noted the project seems well planned, and the only issue is the access to Highway 95 and should be limited to one location if possible. Planner Miller responded – no access on Highway 95, as that is proposed for removal.
- **Justin Shaw P.E., HMM Engineering, City Engineer** – Has reviewed which led to initial comments, and requested additional information, which was supplied by 7B Engineering on March 31, 2021. Additional comments were received from Mr. Shaw on April 16, 2021 that indicated the only thing outstanding was an Operations and Maintenance Plan, which needs provided and that the fee for the off-site stormwater detention would be \$3,750. (Condition A-8 and B-6). Staff Note: The Operations and Maintenance Plan has been submitted and approved by our Engineer.
- **City of Sandpoint, Dan Tadic** – Noted Sandpoint owns the existing 8" main near the northeast corner of the proposed development. Plans show to tap into the existing main and extend a 2" water service connection to serve the carwash. They had no issue with the proposal and upon proof of valid building permit and application of service, payment of fees and infrastructure installation service would be provided.
- **Kootenai-Ponderay Sewer District, Ms. Johnson** – Stated the car wash is located within the boundaries of the district and they have verified the location of the main in relation. The developer will need to work with the district on connection to the main and options available, noting all rules and regulations regarding the connection, and lateral lines. Once all requirements have been met, service would be provided. (Condition A-4)
- **Northside Fire District** – No comment, except it needs to comply with fire code.

To date no written comment has been received. Verbal comment has been received which raised concerns which included the following:

- Validity of the easement to access the proposed site.
- In sufficient parking causing overflow into neighboring sites.
- Easement Interference.
- Vacuum Noise

- The raised concerns were shared with the applicant so they could be addressed:
  - Updated site plan correcting an easement instrument error.
  - Easement exhibit provided by the project surveyor.
  - Legal opinion from Toby McLaughlin, Attorney at Law regarding use of the easement with chain of title.
  - Proposed Condition A-7, requiring evergreen landscape buffer
  - Comment from Motor City Wash Works (Company supplying wash facilities) – Noted facilities as designed are an excess of what they typically see regarding parking. They also noted that there were several reiterations and revisions that it went through and it is 30 to 50% higher in their opinion than their industry standards nationwide, and the facilities will minimize the need for people to stop and dry their vehicles based on the equipment provided. They also noted the vacuum lanes are 11 or 12 feet wide and this project has been through hours of countless review by industry professionals prior to submission.
- Staff recommends approval of this project based on the easement documentation provided, the legal review, and they review from the surveyor indicating that this property has the right to use it. The property does have direct frontage on Highway 95, in future review if it would be a conflict, they would have the ability to redesign and come back to the Planning Commission with a modification to provide access from Highway 95. Subject to the conditions of approval, Staff recommends approval.
- No questions for Planner Miller.

Presentation by Applicant:

- Dan Larson, 414 Church St. Sandpoint, Idaho – He stated there was some early confusion regarding the easement access. The updated site plan that was submitted shows easement access which was clarified by the surveyor and Mr. McLaughlin.
- Mark Haymond, 402 S Boyer, Sandpoint, Idaho – Stated he was there with his brothers, Father, and Mr. Larson. They were there to answer any questions regarding the operational aspect.

Questions from Planning Commission:

- Commission Member Fox asked what the hours of operation were.
- Applicant stated they would be limited to normal business hours.
- Commission Member Tate asked if the car wash was a drive thru and where they intend to put the noise producing apparatus.
- Applicant stated it was a pull thru car wash and explained the process. He also mentioned they are working with a company called ABI – they produce quality vacuums, only put out 72 decibels at 10 feet away and that they plan to enclose them to reduce noise.
- Chairman Woller asked if he had seen these or heard these with the enclosure around them and how many they plan to have.
- Applicant stated they have not measured it, but they have used vacuums, typically not surrounded, they do not produce much disruption, and they will have 38 total nozzles.
- Commission Member Tate asked if the parking lot lighting would be on after the business was closed.
- Applicant stated no pole lighting, only building lights and downward facing lights.
- Commission Member Tate asked about the (LP) on the site plan.
- Applicant stated those are existing on the access easement to Hotel Ruby.
- Commission Member Tate then asked about housing the vacuum apparatus in the building.
- Applicant stated how they had run out of room, and the need for them to have air flow.

Public Testimony:

- Opposed, Jerry Dicker, 1106 W 9<sup>th</sup> Spokane, Washington – He stated there are many issues that still had not been discussed. That various site plans had been in circulation, and that he had only found out about this last Friday. When he came in to discuss his property he inquired about the site. City Staff mentioned it was going to be carwash. He then stated he spoke with an attorney the following Monday about the validity of an easement they had. He also felt that this type of project should have a Special Use Permit and the vacuum stalls should not be used as a parking space. He voiced other issues of concern such as chemical smells, noise, and lighting – these can affect his places of business. The shared stormwater was a concern. He then described how they have improved their hotel and how it brings a lot of money to the city. He is very opposed to this project and felt staff and the applicants should meet with him as no one has attempted to make a solution that benefits or takes his property into consideration.
- Debbie Van Dyke, Engineer, GVD Commercial Properties – Touched on how this effects GVD's property – hours of operation, noise abatement, plans for signage. She also voiced concerns about stormwater – joint swale and catch basin/pond overloading; and car traffic impacts to the Hotel Ruby/Farmhouse BBQ driveway.
- Opposed, Jerry Dicker, 1106 W 9<sup>th</sup> Spokane, Washington – He felt Debbie's comments were engineering problems that had not been addressed and reiterated his initial statements.
- Applicant Rebuttal:
- Scott Haymond, 402 S Boyer, Sandpoint, Idaho – Response to concerns and issues.
  - Special Uses: He felt that it was the city's responsibility to determine what the Uses are by City Code.
  - Easement: He relayed information regarding the easement off the warranty deed and believes the easement is genuine and clear. They have no interest in parking in the Hotel Ruby site or Farmhouse BBQ site.
  - He also noted that the Farmhouse BBQ, would not be affected by the car wash as all the windows are south facing and outdoor seating is blocked by other obstacles.
  - The fully intend to mitigate the noise with trees.
  - The building will be a split face block building, and noted vacuums are state of the art, that use variable decibels.
  - Hours of operations will be addressed.

- Chemicals will be contained in a mechanical room, in a block enclosure. They have a reclaim system for water, and it is an environmentally friendly system.
- He noted hotel/highway traffic patterns, their express tunnel can do 100 cars per hour, and is meant to be a self-serve quick process. They have the capacity to stack 30 cars from the kiosk.
- Dan Larson, 7B Engineering, 414 Church St, Sandpoint, Idaho – Made clarifications to the technical comments and how the incorrect easement came from a preliminary survey which is what they began the site plan with. It was not final or 100% accurate. He received that February 24, 2021 and on February 25, 2021 he made a public records request with the city for surrounding businesses site plans. He mentioned he spoke with Debbie Van Dyk about it. Current shared stormwater is not functioning properly. They chose not to use the detention facility because it is a facility that is not working well or for treatment.
- Planner Miller – Made clarifications regarding the signage, and changes to the easement language – she stated emails were sent early in the day to Mr. Dickers and his Attorney, advising that updated documents have been uploaded to the project page, so they would have an opportunity to review. She also touched on Ponderay City Code, regarding special uses.
- Louis Marshall, City Attorney – Stated the City of Ponderay will never determine whether an easement is valid or not. They may only look to see if there is legal access. An easement can only be determined by parties going to court and obtaining a quiet title.
- **Closed the file at 8:40 pm.**
- Discussion/Deliberation among Commission Members. Commission Member Tate stated he needs more information before making a decision. Chairman Woller agreed. Commission Member Engel would like to remand.

***Move to Remand this Project File #SP21-071 requesting site plan approval in order to construct an express carwash and associated amenities, to the applicant for redesign or modification. Parking, stormwater, and noise from the site will need to be addressed.***

**Commission Member Tate/Engel. Roll Call Vote. Fox - Voted No; Tate, Engel, Woller - Voted Yes. Motion Approved.**

- Planner Miller stated May 12, 2021 will be the next meeting date and the applicant will bring additional information.

**WORKSHOP: None**

**The Meeting was adjourned at 8:45 p.m.**

**Commission Member Engel/Fox**

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Planning and Zoning Chairperson

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Su Warren, City Clerk-Treasurer