

**SANDPOINT PLANNING COMMISSION MEETING  
5:30 P.M. CITY HALL COUNCIL CHAMBERS  
MINUTES OF MARCH 5, 2019**

**COMMISSION MEMBERS PRESENT:** Tom Riggs, Danny Strauss, Cate Huisman, Jason Meyer, John Hastings

**COMMISSION MEMBERS ABSENT:** Slate Kamp

**STAFF MEMBERS PRESENT:** Planning & Community Development Director Aaron Qualls, Planner Ryan Shea (minutes), City Engineer Dan Tadic, Infrastructure and Development Services Manager Amanda Wilson, City Attorney Scot Campbell

Chairman Riggs called the meeting to order at 5:31 p.m.

**Matters from the Public:** None.

**Approval of the Consent:**

Commissioner Huisman moved to approve and Commissioner Hastings seconded to approve the minutes of January 15, 2019. **Motion passes unanimously.**

**Agenda Item B: Public Hearing for Zone Change ZC19-01**

Qualls explained that this agenda item is a quasi-judicial process and asked the commissioners if they have any conflict of interest or have had ex-parte contact regarding this agenda item. All commissioners present, Riggs, Strauss, Huisman, and Hastings stated they have neither a conflict of interest or any ex-parte contact on this agenda item.

**Staff Presentation:** Qualls explained that the parcel is approximately 8.5 acres and is located at the southeast corner of Schweitzer Cutoff and N. Boyer Rd. This site is also situated in the Airport Overlay zone which governs height according to FAA regulations. The Comprehensive Plan designation is CA-3 (Context Area 3), which translates most directly to multifamily development. Qualls stated that this request is not associated with any development; it is only a proposal to rezone the property from RS (Residential Single Family) to MUR (Mixed Use Residential). Qualls said that comments have been attached from the Bonner County Commissioners, the FAA, the Independent Highway District, and 1 neighboring resident. Riggs asked if Qualls could speak to the relevance of the comprehensive plan to the proposed zone change. Qualls stated that any zone change request must be in accordance with the policies of the comprehensive plan. Qualls stated that the commission is bound more by the policies of the plan than by the future land use map. Huisman asked what specific policies apply. Qualls said that Section 4 in the staff report details the relevant comprehensive plan goals and objectives. Qualls said that there is also included information about airports and land use designations within the recently adopted Airport Master Plan (adopted in 2015).

Huisman asked Qualls to explain the difference between CA-3 and CA-3B future land use designation.

Commissioner Jason Meyers joined the meeting at 5:38. Qualls then asked Commissioner Meyers if he has any conflict of interest or had any ex parte contact with this agenda item. Meyers stated that he has no conflict of interest or any ex parte contact.

Qualls explained that the CA-3 designation allows for increased residential density while the CA-3B designation allows for increased residential densities and small scale commercial. Qualls stated that the designation that is most in line with CA-3B would be Mixed Use Residential, which the applicant is requesting.

Strauss asked if it is inappropriate to have different Context Areas abutting one another. Qualls said that there are many areas in town abutting one another with different zoning. Qualls explained that CA-3B serves as a buffer between more intense commercial uses and residential uses.

Huisman asked Qualls to show the applicant's property relative to the runway and asked if he could point out other residential that is in close proximity to the airport. Qualls said that there is residential development to the South and North. Qualls explained that the Runway Protection Zone is just east of the subject's property and that the property is just northwest of the runway. Qualls then pointed out that there are a number of single family developments in proximity to the airport to the North, West, and East. Huisman asked if single family development was immediately to the South of the subject property. Qualls stated yes.

Hastings asked if the zone change would impact the future planning for the airport. Qualls said that he would defer to the information and agency and public comments in the staff report to answer this.

**Applicant Presentation:** Marty Taylor introduced himself as a Certified Land Use Planner with James A. Sewell and Associates in Sandpoint. Taylor said that there has been a lot of discussion in the community about affordable and workforce housing. Taylor said that one of the precursors to affordable housing is appropriate zoning. Affordability equates to density. Without the appropriate zoning and thus density, there would be no opportunity to pursue any kind of actual brick and mortar project. Taylor stated that the Mixed Use Residential (MUR) zoning allows for increased density which in turn creates more affordable types of housing.

Taylor said that, as staff stated, statutorily a rezone needs to be consistent with the comprehensive plan goals, policies, and objectives. Taylor said that he has included a 3-page narrative where he has gone through every Sandpoint Comprehensive Plan component and provided evidence to how this project complies with the goals and

objectives of the Comprehensive Plan. Taylor said that there are 3 components to specifically address in regards to airport compatibility:

1. The FAA regulations, specifically noise. Taylor stated that this project is outside of the noise contour, which is displayed on the map within the packet. The project site is outside of the noisy area.
2. The Master Plan for the airport. This plan looks at compatible types of activities adjacent to the airport such as anything that might be an impediment to navigation.
3. The City of Sandpoint-adopted airport overlay zone. Taylor explained this zone essentially regulates height and anything that would pose an issue to navigation.

Taylor summarized the FAA comments: that a multifamily project near the airport might be subject to higher noise exposure. Taylor pointed out that the FAA regulations provides for airport noise compatibility. Taylor said that the conclusion is this project is compatible without restrictions according to the FAA regulations. Taylor explained that the noise contours are entirely contained within the airport and the project site is not within these. Taylor said that the FAA also commented on projects that are adjacent to the runway. Taylor said that the project site is not adjacent to the runway but there are two other developments that are. The FAA also commented on projects near the extended runway centerline and that projects near this centerline may not be compatible. Taylor stated that this project is not located near the extended runway centerline; it is located north and west of the centerline. Taylor reiterated that one of the FAA comments states that the FAA does not prohibit these kinds of activities. The FAA regulates noise and height. Taylor then stated that the FAA recommended that there be some kind of disclosure notice about the proximity of the airport and potential noise issues. Taylor stated that the applicant would not be objectionable to having such a disclosure made a part of the rezone ordinance. Taylor said that a rezone ordinance is recorded and made part of the public record so that potential buyers would be made aware.

Taylor then addressed the issue of compatibility. Taylor said that nowhere in the Airport Master Plan, Sandpoint City Code, or in the FAA regulations are there prohibitions on multi-family zoning and uses in this area. You just can't have smoke, light and glare, and other hazards to navigation. Taylor said that there's a substantial amount of information that supports the fact that this rezone is compatible on this site. Multifamily development alone does not create hazards to navigation due to height limits. Taylor said that there are other MUR-zoned properties like the county jail, just across the street to the west, which houses 132 inmates and 42 full time staff and is also in a hazard zone. Taylor said that the applicant requests that the Commission agree to forward a recommendation of approval to the City Council.

Riggs said that CA-3 allows residential uses only while CA-3B allows commercial as well. Riggs asked if wouldn't a simple rezone to RM be more in line with CA-3. Taylor said that the CA-3 land use designation in the comprehensive plan is flexible in that it references opportunities to be sited near CA-4 centers (primarily commercial).

Strauss asked if there was a plan for this site. Taylor said no, not at this time since the zoning must come first. Strauss asked why apply for MUR zoning instead of RM zoning. Taylor stated that in addition to the interest in providing affordable housing, there has also been interest in providing some light commerce along Schweitzer Cutoff Rd. Taylor said that this site is a good mix for the two uses due to its location.

Maureen Tillberg spoke next as the applicant. Tillberg stated that she has been in touch with the BCEDC (Bonner County Economic Development Corporation) and the BCHA (Bonner County Housing Agency). Tillberg said that she had spoken to the previous BCEDC Director and he said the BCEDC's mission is to recruit local businesses to Bonner County so that they can provide jobs for local residents. One of the difficulties the BCEDC was having that when they contacted companies to move to the County one of the problems they experiences was a shortage of housing stock. Tillberg stated that the BCEDC stated that they would be in support of this zone change because it would help the housing situation and aid in job creation. Tillberg stated she could not obtain a comment from the current board due to the timing of this zone change. She then said that currently the County is reducing barriers to development and that this zone change would be in keeping with this trend. Tillberg said she thinks this is a perfect area for affordable housing and consistent with nearby parcels that are zoned MUR. Tillberg asked the Planning Commission to approve the application request.

Huisman said that if the project site was rezoned there would be opportunity to construct different things, including luxury apartments. Huisman asked if the applicant truly wanted to construct affordable housing. Tillberg said that she is not interested in developing the property but is working with developers who will be developing affordable housing. Tillberg said that she believes the highest and best use of the property would be affordable housing. Qualls said that there is no particular requirement to develop one way or the other, it is just a question of density.

#### **Public Hearing Opened:**

##### **In Favor:**

Casey Krivor introduced himself and said he works with Tomlinson Sotheby's and specializes in land development. Krivor stated that the City of Sandpoint has no real developable property remaining and that all that's left are smaller chunks except for this property. Krivor said that this location is one of the last remaining developable properties and stated that he has been working with multiple Coeur d'Alene developers in order to provide affordable housing at this location in the \$175,000 to \$275,000 range. Krivor stated that this location has city services available including a water main, driveways available off of Schweitzer Cutoff Rd, and is a great location for mixed uses under MUR zoning. Krivor said that there are multiple developers interested but do not want to pursue it until the zone change has been approved. Krivor also stated that the MUR zoning would be great for one of his clients who envision having commercial space developed and residential nearby for his employees. Krivor said that this person would

like 3 bedroom, 2 bath homes that are not mixed in among low income housing. Krivor said that this spot fits this type of development well and the airport overlay district does not present a problem as height limits can be designed around and density can be arranged in such a way that it does not affect the airport.

Riggs asked what the height restrictions are in this area. Qualls stated that there are height restrictions based on the distance from the centerline of the runway and also the presence of a 3d conical zone at the end of the runway. Qualls stated that if it is rezoned to MUR the height limit would be 40' for the zone. Qualls said that the airport overlay restrictions may not restrict development below 40' for this property. Riggs asked if these restrictions would be reviewed during a specific development application. Qualls said yes they would.

Krivor said that in terms of building high end homes this property and the location is not conducive to high end condominiums. Krivor said the three people he has talked to about this project are interested in affordable housing - duplexes, triplexes, fourplexes, and office. Krivor said there have been no solid plans for the corner as of yet.

#### **In Opposition:**

Jacob Marble lives at the north end of Grandview Dr., the subdivision just to the South of the project site. Marble stated that he is looking forward to additional development but he does not like the idea of mixed uses, especially commercial, being allowed. Marble said that there are parcels on Woodland zoned MUR that are for sale and are more appropriate for this kind of development because they are next to existing apartments which would help keep continuity. Marble said that affordable housing means different things to different people. Marble said that he has a contract to buy a piece of land in Selle Valley which has a contract with a contingency in it that requires it to be rezoned and subdivided before closing. Marble said that if someone disagrees with his intended use of this parcel they could block the zoning because they know what the use will be. He stated that he does not believe that there are three perspective builders that would like to build affordable housing. Marble said that he would love to see this land developed into lower density development and that there are better places to build multifamily. Huisman asked what size the lots are in his subdivision - Grandview. Marble stated that his lot is about .35 acres. Strauss asked if this commission were to grant a rezone, why would a project with apartments and some commercial not be compatible with his neighborhood. Marble stated that he owns apartment buildings but they are in neighborhoods with other apartment buildings and he would prefer to see multifamily located next to the same use.

Amy Marble spoke next and said she lives on Grandview Dr. Marble said that her primary concern she had is the fact that commercial can be constructed here. Marble said that she feels like she is already surrounded by commercial and is afraid that more commercial would further isolate the neighborhood she lives in.

#### **Applicant Rebuttal:**

Taylor stated that the MUR zoning does not prohibit neighborhoods or the development of neighborhoods. Taylor said that large quarter acre and half acre lots do not lend themselves to affordability. Taylor went on to say that current zoning allows for 5,000 square feet lots – 8 to the acre. Taylor said that logically, any potential commerce would be constructed on Schweitzer Cutoff Rd, not 600 feet to the south near the Grandview properties. Further, construction of Commercial would require a Site Plan Review so it's not just a regular building permit. Taylor quoted the staff report and said that zone changes must be backed by sufficient findings of fact so that if the commission grants approval we know why and if they deny that we know why not.

Huisman asked Taylor what his opinion was regarding the comments from (IHD) Independent Highway District stating that all traffic from this development should exit onto Boyer Rd and avoid entering/exiting onto Schweitzer Cutoff Rd. Taylor said that this was a comment from Independent Highway District Commissioner Mel Bailey and was not supported by any type of analysis. Taylor said he believes that Schweitzer Cutoff Rd was reconstructed to a standard that can support increased traffic as it has recently been widened and reconstructed. Taylor said that he found no merit to Bailey's comment to prohibit traffic entering onto Schweitzer Cutoff Rd.

Strauss said that nobody from the airport has spoken and that the only thing that was included in the staff report was a letter written by the Airport Direct, Dave Schuck. Qualls explained that the letter was drafted by the airport director and was agreed upon by the Commissioners. Strauss asked if there was anyone from the airport who would like to speak. There was not.

Riggs asked how to reconcile the difference in the context areas with this area being designated as CA-3 on the map which allows only residential and the applicant asking for zoning that allows commercial. Qualls said that it's not perfectly consistent with the land use map. Qualls said that the commercial uses allowed in the MUR zone are quite restrictive and low intensity. Qualls said that the commission's decision is bound more to the goals and policies of the comprehensive plan and less by the map. The map is more of a watercolor.

Riggs said that there is a context area CA-3B, which would clearly allow commercial uses but that is not what was adopted in the land use map. Qualls said that is correct.

Campbell advised that the commission should ask if there are any additional comments from the applicant due to this recent discussion. Riggs asked if there was. Taylor stated unless the commission had questions for him, he did not have anything more to add.

Strauss said that during the presentation he pointed out that changing the zoning is not incompatible with the comprehensive plan, is OK with FAA regulations and the airport overlay. Strauss asked why then, would the airport be against this proposal and against increased density. Taylor answered that airports typically do not want any residential development anywhere near airports. Taylor said that within the Master Plan, the

airport overlay zone, and the City's comprehensive plan, there is nothing that says that multifamily should be disallowed here. Taylor said that he does not know why the airport feels this way since there is not a factual basis on which the recommendation had been made.

**Public Hearing closed.**

**Commission Deliberation:**

Riggs asked for each Commissioner's comments.

Hastings said that worrying about upper end housing at this location is not warranted due to the proximity of the jail and airport. Hastings wondered if adding commercial to this property would significantly change the value of this parcel if it was not part of the project.

Huisman agreed that luxury apartments would not be appealing due to proximity of neighbors. Huisman stated that if it was rezoned MUR there would be a chance to develop higher density housing. Huisman also wondered if the commercial zoning would allow for more opportunities for job creation. Huisman wondered if the potential of an airplane crashing here and potentially killing more people due to increased density is enough of a counterweight to argue against the request in order to maintain lower density housing. Huisman said that originally when the City rezoned during the Comprehensive Plan they spoke about incrementally increasing zones which this proposal is doing. Huisman asked about the requirement for Site Plan Reviews. Qualls clarified that Site Plan Reviews are only staff level reviews and would not come before the Planning Commission. Other procedures that would come before the Planning Commission are variances and CUPs (Conditional Use Permits). Qualls said that once it is rezoned, in terms of development, it is unlikely that this would come before the Commission except for certain density standards being triggered, 8 or more multifamily units, for instance would go to Planning Commission. Qualls said that there are restrictions on size and must meet design standards of the MUR zone. Huisman asked if the entire parcel could be developed into commercial. Qualls said that so long as the code is being met, yes it could. Qualls said that more intense uses require Conditional Use Permits which would come before the Planning Commission to give neighbors a chance to comment so that the Commission can place conditions to mitigate potential impacts.

Huisman said she still can't quite understand the difference between what the map says and what the comprehensive plan itself says. Huisman asked where the relevant wording in the comprehensive plan is that the Commission needs to adhere to in order to make a decision. Qualls said that the Commission needs to base their decision on relevant comprehensive plan policies more so than the comprehensive plan land use map.

Strauss said that coming into this he had one major concern: the airport and increasing density near the airport. Strauss said that due to Taylor's inclusion of substantial evidence he is not worried about the airport's concerns. Strauss said that he feels like this is a good site for high density housing. Strauss said that there are many positives and that the commercial impact would be very minor along the main streets.

Riggs said that the Commission has a rezone proposal before them and the Commission should review the range of uses permitted in the zones and determine if they are appropriate at this location. Hastings agreed but stated that multi-family may not necessarily be included in this site since it is not required through the MUR zone.

Riggs said that he is not concerned about allowed higher intensity residential uses around the airport due to the amount of existing residential uses around the airport. Riggs said he would characterize the County's comments as not liking residential near the airport, not prohibiting it. Riggs said that he is hesitant to allow MUR because he feels it is inconsistent with the comprehensive plan goals and policies.

Huisman said she felt that the relevant comprehensive goals and policies in the staff report say more about multifamily zoning than they do about MUR. Qualls pointed out that in the staff report the Airport Master Plan points out that commercial may be more of a compatible use than residential. Strauss asked if the MUR zone has higher density standards than RM zoning. Qualls said that only for mixed use buildings. Qualls said that for example, on a 5,000 square foot lot, a mixed use building could have 5 residential units on it. Strauss remarked that the density could be significantly higher through this allowance. Strauss asked if it was zoned MUR and developed to be all residential, would the density be any different than RM? Qualls said no, it would be the exact density of RM zoning.

Huisman said she was torn and said that the goals seemed to be in more of alignment for residential multifamily development as opposed to MUR allowances.

Riggs moved the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, recommend that the Sandpoint City Council DENY the request by Maureen and Steve Tillberg for a zone change from Residential Single-Family (RS) to Mixed Use Residential (MUR) for two parcels totaling 8.49 acres, which is legally described as: the Northwest of the Northwest of the Northeast of Section 10 57 North, 2 West, less North 80' & Tax 103, 104, and 105. The reasons for this decision are: 1. Particular consideration has been given to the effects of this proposed zone change upon the delivery of services by any political subdivision providing public services within the planning jurisdiction. 2. Staff has followed the notice procedures applicable to zone changes contained in Idaho Code §67-6511 and Sandpoint City Code Title 9, Chapter 9. 3. The proposed zoning designation is not consistent with the existing land use patterns and is not in accordance with the goals and policies of the Sandpoint Comprehensive Plan. 4. The Mixed Use

Residential is not consistent with the CA-3 land use designation. **No second made.**  
**Motion fails.**

Strauss moved that the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, recommend that the Sandpoint City Council APPROVE the request by Maureen and Steve Tillberg for a zone change from Residential Single-Family (RS) to Mixed Use Residential (MUR) for two parcels totaling 8.49 acres, which is legally described as: the Northwest of the Northwest of the Northeast of Section 10 57 North, 2 West, less North 80' & Tax 103, 104, and 105. The reasons for this decision are: 1. Particular consideration has been given to the effects of this proposed zone change upon the delivery of services by any political subdivision providing public services within the planning jurisdiction. 2. Staff has followed the notice procedures applicable to zone changes contained in Idaho Code §67-6511 and Sandpoint City Code Title 9, Chapter 9. 3. The proposed Mixed Use Residential zoning designation is consistent with the existing land use patterns and is in accordance with the goals and policies of the Sandpoint Comprehensive Plan. **Seconded by Hastings. Motion passes 3-2 with Meyers, Hastings, and Strauss voting for and Riggs and Huisman voting against.**

#### **Agenda Item C: Presentation on Upcoming Comprehensive Plan Update**

Qualls gave a presentation on the Comprehensive Plan update. It has been 10 years since the plan has been adopted and it's a good idea to keep the plan current. Qualls said that the first step is to engage with this body, next is to define a scope and budget like involving a planning firm through RFQ (Request for Qualifications). Qualls said that a significant amount of public involvement is necessary throughout a comprehensive plan update. Additionally, reviewing current goals is important and analyzing data in order to do so. Qualls said that there are many plans that are upcoming including multi modal transportation system plan, a parks master plan, waster master plan, wastewater plan, an arts master plan, and potentially a wayfinding plan. All these plans can inform a comprehensive plan update.

Qualls said that one of the things moving forward would be the creation of a Historic Design Standards Citizen Advisory Committee and that 2 planning commissioners should be on this.

Qualls said that the timeline for the Comprehensive Plan Update for the Commission is finish review of the Comprehensive Plan elements by June, defining the scope, budget and schedule by September, and advertising and selecting a consultant by December.

Hastings stated that it seemed there are currently 3 missing components from the current Comprehensive Plan. Qualls said yes that is correct: National Interest Electric Transmission Corridors, Public Airport Facilities, and Agriculture. Qualls said that community health might be an additional element that is not required as some other communities have done.

Qualls said that the plan is to tackle about 3 comprehensive plan chapters per meeting. These meetings would be workshops and may include open houses, surveys, and stakeholder meetings. Qualls said that initially the Planning Commission should be tackling missing elements, introduction, and community profile. Qualls gave the draft schedule moving through May covering all the comprehensive plan elements.

Wilson clarified that the duty here is to review the comp plan elements and to determine if the element needs to be updated or if it is good as is. Ultimately, the goal is to better define a scope for the comprehensive plan update. Qualls said that the goals and the policies are what the Commission should be focusing on throughout this process whereas staff can focus on the data and details in the documents. Riggs asked if the Council would be going through this same exercise. Qualls said that while there will be Council workshops, the Planning Commission is the lead on this process and updating the comprehensive plan is one of their primary duties. Hastings asked when the public process would come into play. Qualls said that involving the public would be intensive as the scope is better defined by the Commission and Council.

**MATTERS FROM STAFF:** None.

**ADJOURNMENT:** The meeting adjourned at 7:03 p.m.