

MINUTES
REGULAR MEETING OF THE SANDPOINT CITY COUNCIL
March 20, 2019

D. REZONE REQUEST – TILLBERG

Planning and Community Development Director Aaron Qualls reported that Maureen and Steve Tillberg submitted a Zone Change Application, requesting a rezone from Residential Single-Family (RS) to Mixed-Use Residential (MUR). The site, consisting of two parcels, totaling approximately 8.5 acres, is located at the corner of North Boyer Road and Schweitzer Cutoff Road, near the north end of the Sandpoint Airport. The Sandpoint Comprehensive Plan future land use map envisions the site as Context Area (CA) 3, which, in our current Code, best translates to MUR, a flexible zone that allows multi-family and small-scale commercial development.

The Sandpoint Planning and Zoning Commission held a properly-noticed public hearing on March 5, 2019, to solicit comments on the request. Comments were received from the Federal Aviation Administration (FAA), Bonner County Commissioners, Independent Highway District (IHD), neighboring property owners, and others. The Commission voted 3-2 to recommend approval of the request. With testimony already documented and the hearing closed, Council's options are to approve the request, deny the request, or postpone a decision; no further testimony can be presented.

Mr. Qualls replied to **Mayor Rognstad** that, based on the available information, it does not appear that a rezone, as requested, would impair the ability of the Sandpoint Airport to obtain FAA grant funding in the future. The letter from the FAA does reference grant assurances for surrounding land uses, particularly as pertains to possible noise concerns. The Airport Master Plan, along with analysis provided by the applicant, indicates that the noise contours are within the Airport boundaries. However, as the staff report points out and as the Commission debated, industrial and commercial are typically preferred as surrounding land uses for operation of aircraft, bearing in mind that this property is near, but not adjacent to, the Airport. The Airport Board did not make a formal recommendation to the Bonner County Commissioners, although Airport staff did concur with the Commissioners' comments.

Mr. Qualls responded to **Councilman Eddy** that, at this time, there is no development proposal, just a rezone that would allow for more density. Future development may necessitate a traffic impact statement and resulting recommendations, which may or may not ultimately concur with the IHD recommendation that future traffic exit onto Boyer, as opposed to Schweitzer Cutoff.

Councilman Eddy moved that City Council, after consideration of the Planning and Zoning Commission's recommendation and the criteria and relevant standards of Idaho Code and Sandpoint City Code, GRANT 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. **Councilman Aispuro seconded the motion.**

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A roll call vote resulted as follows:

Councilman Aispuro	Yes
Councilwoman Williamson	Yes
Councilwoman Ruehle	Yes
Councilman Darling	Absent
Councilman Eddy	Yes
Councilman Aitken	Yes

The motion passed by a unanimous vote of Council present.

DRAFT



MEMORANDUM

TO: SANDPOINT CITY COUNCIL
FROM: MAYOR SHELBY ROGNSTAD
RE: Tillberg Zone Change Application

By this Memorandum, I hereby Veto the City Council decision on the Maureen and Steve Tillberg Zone Change Application (and indicate my intent to veto any proposed Ordinance).

It is my recommendation that the Council move to reconsider its decision in this matter at the April 17, 2019, Council meeting and set a new public hearing on the zone change before the Council at its May 15, 2019, Council meeting. This will provide for the required public notice of this hearing.

My primary reason for this veto is my belief that the public was not afforded an adequate opportunity to comment on this proposed rezone. While City staff complied with all of the legal requirements regarding public notice and even went above and beyond those requirements in their outreach efforts, government processes, including public comment, deadlines aren't always well understood by the general public. Further, the zoning change approval was a split decision by our Planning & Zoning Commission. In these cases, I believe it is a best practice for the City Council to conduct a second public hearing to ensure a robust public comment opportunity. The Sandpoint Airport is a critical economic development engine, and zoning and any changes thereto within its overlay are critical decisions that affect the overall vitality of our region.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1, BELOW, FROM RESIDENTIAL SINGLE-FAMILY (RS) TO MIXED USE RESIDENTIAL (MUR); PROVIDING FOR AMENDMENT TO THE OFFICIAL ZONING MAP TO REFLECT THIS CHANGE; FINDING THAT THE NEW ZONE IS IN ACCORD WITH THE SANDPOINT COMPREHENSIVE PLAN; PROVIDING THAT ALL PRIOR ZONES APPLICABLE TO LANDS DESCRIBED IN SECTION 1 ARE HEREBY SUPERSEDED; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS: Staff has followed the notice procedures applicable to zone changes contained in Idaho Code § 67-6511 and Sandpoint City Code Title 9, Chapter 9;

WHEREAS: It is desirable and beneficial to amend zones from time to time to reflect current and future best land use;

WHEREAS: 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;

WHEREAS: The zone change is consistent with the Sandpoint Comprehensive Plan; and

WHEREAS: The amended zoning designation is in accordance with the goals and policies of the Sandpoint Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO:

SECTION 1

The zoning classification for the below-described property shall be, and the same is, changed from the current designation of Residential Single-Family (RS) to Mixed Use Residential (MUR).

The real property is described as follows:

The Northwest quarter of the Northwest quarter of the Northeast quarter of Section 10, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, LESS the North 100 feet thereof. And also less the following described parcels, (Parcels 14 and 15) as set forth in Warranty Deed to the City of Sandpoint, recorded May 22, 2015, as Instrument No. 873787, and more particularly described as follows:

(Parcel 14) A parcel of land located in a portion of the of the NW 1/4 of the NE 1/4 of Section 10, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, and being more particularly described as follows: COMMENCING at the North 1/4 of said Section 10, from which the Northeast corner of said Section 10, bears South 89°37'14" East, 2645.78 feet; thence South 89°37'14" East along the North line of said NE 1/4 for a distance of 425.27 feet; thence leaving the North line of said NE 1/4, South 00°22'46" West, 79.99 feet to a point on the Northerly boundary of the Tillberg parcel as described under Bonner

ORDINANCE NO. _____

County Instrument No. 566643, Records of Bonner County, Idaho (hereinafter referred to as Parcel 14) and the POINT OF BEGINNING of the parcel to be described, said point being on the existing Southerly right-of-way line of Schweitzer Cut Off Road as shown on the Preliminary right-of-way plan "SMA-7895 Schweitzer Basin Cut Off Road, Sandpoint" dated March 2014, being 26.16 feet right of Schweitzer Cut Off Road Centerline at Station 5+78.26; thence South 89°37'14" East, parallel to the North line of said Section 10, along the Northerly boundary of said Parcel 14 and said existing Southerly right-of-way line for a distance of 124.99 feet to a point 26.16 feet right of Schweitzer Cut Off Road Centerline at Station 7+03.25; thence leaving the Northerly boundary of said Parcel 14 and said existing Southerly right-of-way line, South 00°43'16" West along the Easterly boundary of said Parcel 14 for a distance of 20.00 feet to a point on the proposed Southerly right-of-way line of said Schweitzer Cut Off Road, said point being 46.16 feet right of Schweitzer Cut Off Road Centerline at Station 7+03.13; thence leaving the Easterly boundary of said Parcel 14, North 89°37' 14" West parallel to the North line of said Section 10, along said proposed Southerly right-of-way line for a distance of 124.99 to the Westerly boundary of said Parcel 14, said point being 46.16 feet right of said Schweitzer Cut Off Road Centerline Station 5+78.14; thence leaving said proposed Southerly right-of-way line, North 00°43'16" East along the Westerly boundary of said Parcel 14, for a distance of 20.00 feet to the POINT OF BEGINNING.

(Parcel 15) A parcel of land located in a portion of the of the NW 1/4 of the NE 1/4 of Section 10, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, and being more particularly described as follows: COMMENCING at the North 1/4 of said Section 10, from which the Northeast corner of said Section 10, bears South 89°37'14" East, 2645.78 feet; thence South 00°36'31" West along the West line of said NE 1/4 for a distance of 79.99 feet to a point; thence South 89°37' 14" E, a distance of 25.00 feet to a point on the Easterly Right-of-Way of Boyer Road and the Northerly boundary of the Tillberg parcel as described under Bonner County Instrument No. 566643, Records of Bonner County, Idaho (hereinafter referred to as Parcel 15) and the POINT OF BEGINNING of the parcel to be described, said point being on the existing Southerly right-of-way line of Schweitzer Cut Off Road as shown on the Preliminary right-of-way plan "SMA-7895 Schweitzer Basin Cut Off Road, Sandpoint" dated March 2014, being 26.16 feet right of Schweitzer Cut Off Road Centerline at Station 1+77.67; thence South 89°37'14" East, parallel to the North line of said Section 10, along the Northerly boundary of said Parcel 15 and said existing Southerly right-of-way line for a distance of 400.59 feet to a point 26.16 feet right of Schweitzer Cut Off Road Centerline at Station 5+78.26; thence leaving the Northerly boundary of said Parcel 15 and said existing Southerly right-of-way line, South 00°43'16" West along the Easterly boundary of said Parcel 15 for a distance of 20.00 feet to a point on the proposed Southerly right-of-way line of said Schweitzer Cut Off Road, said point being 46.16 feet right of Schweitzer Cut Off Road Centerline at Station 5+78.14; thence leaving the Easterly boundary of said Parcel 15, North 89°37'14" West parallel to the North line of said Section 10, along said proposed Southerly right-of-way line for a distance of 400.55 to the Westerly boundary of said Parcel 15, said point being 46.16 feet right of said Schweitzer Cut Off Road Centerline Station 1+77.55; thence leaving said new proposed Southerly right-of-way line, North 00°36'31" East along the Westerly boundary of said Parcel 15 for a distance of 20.00 feet to the POINT OF BEGINNING.

TOGETHER WITH:

ORDINANCE NO. _____

A parcel of land located in a portion of the of the NW 1/4 of the NE 1/4 of Section 10, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, and being more particularly described as follows:

COMMENCING at the North 1/4 of said Section 10, from which the Northeast corner of said Section 10, bears South 89°37'14" East, 2645.78 feet; thence South 89°37'14" East along the North line of said NE 1/4 for a distance of 550.26 feet; thence leaving the North line of said NE 1/4, South 00°22'46" West, 79.99 feet to a point on the Northerly boundary of the Tillberg parcel as described under Bonner County Instrument No. 566643, Records of Bonner County, Idaho (hereinafter referred to as Parcel 15) and the POINT OF BEGINNING of the parcel to be described, said point being on the existing Southerly right-of-way line of Schweitzer Cut Off Road as shown on the Preliminary right-of-way plan "SMA-7895 Schweitzer Basin Cut Off Road, Sandpoint" dated March 2014, being 26.16 feet right of Schweitzer Cut Off Road Centerline at Station 7+03.25; thence South 89°37' 14" East, parallel to the North line of said Section 10, along the Northerly boundary of said Parcel 15 and said existing Southerly right-of-way line for a distance of 111.34 feet to a point 26.16 feet right of Schweitzer Cut Off Road Centerline at Station 8+14.59; thence leaving the Northerly boundary of said Parcel 15 and said existing Southerly right-of way line, South 00°22'46" West along the Easterly boundary of said Parcel 15 for a distance of 20.00 feet to a point on the proposed Southerly right-of-way line of said Schweitzer Cut Off Road, said point being 46.16 feet right of Schweitzer Cut Off Road Centerline at Station 8+14.59; thence leaving the Easterly boundary of said Parcel 15, North 89°37'14" West parallel to the North line of said Section 10, along said proposed Southerly right-of-way line for a distance of 111.46 to the Westerly boundary of said Parcel 15, said point being 46.16 feet right of said Schweitzer Cut Off Road Centerline Station 7+03.13; thence leaving said proposed Southerly right-of-way line, North 00°43'16" East along the Westerly boundary of said Parcel 15 for a distance of 20.00 feet to the POINT OF BEGINNING.

SECTION 2

The new zoning classification for the described property is in accord with the Sandpoint Comprehensive Plan.

SECTION 3

The prior zoning designation for the land described in Section 1 of this Ordinance is hereby superseded as provided herein. No other lands within the City are affected by this Ordinance.

SECTION 4

Providing that the Zoning Map for the City be revised to reflect this amendment.

SECTION 5

This Ordinance shall take effect and be in full force upon its passage, approval, and publication in at least one (1) issue of the Bonner County Daily Bee, a newspaper of general distribution in the City of Sandpoint, Bonner County, Idaho, and hereby declared to be the official newspaper for the publication of this Ordinance.

ORDINANCE NO. _____

PASSED BY THE CITY COUNCIL as an ordinance of the City of Sandpoint on this 17th day of April, 2019.

CITY OF SANDPOINT

Shelby Rognstad, Mayor

ATTEST:

Melissa Ward, City Clerk