

MINUTES OF THE SANDPOINT PLANNING COMMISSION
MEETING, APRIL 22, 2003

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

COMMISSION MEMBERS PRESENT: Kevin Monahan, Steve Lockwood, Alice Vroman, Steve Prince, John O'Hara, Raffat Saied, and Christine Kester.

COMMISSION MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Interim Planning Director Joan Bramblee, Planning Assistant Crystal Schoonover, and Public Works Director Kody VanDyk.

CONSENT CALENDAR: **Moved by Commissioner Prince, seconded by Commissioner Vroman** to approve the minutes of the April 8, 2003 Planning Commission meeting.

MATTERS FROM THE PUBLIC: None.

OLD BUSINESS:

PUD03-01 & S03-01 Cottonwood Creek

Request: McDonnell Construction Inc. and Boyer Development Group LLC are requesting preliminary subdivision and final PUD approval to develop 35 lots ranging from 4,529 to 17,119 square feet on approximately 9.4 acres in the Residence A zone. The site is described as Lot 14, less Tax #62 and highway, in Section 10, Township 57 North, Range 2 W.B.M.

Chairman Lockwood opened public testimony.

Staff Report: The Planning Commission granted conceptual approval of the Planned Unit Development at the March 25, 2003 meeting. The applicant has since submitted a revised site plan with a minimum lot size of 6,000 square feet. The City's Pedestrian Advisory Committee reviewed the development and suggested that the fences adjacent to and paralleling sidewalks be a maximum of 42 inches high (3 ½ feet). Commissioner Saied asked if there were any regulations on fence height in the Sandpoint City Code. Mrs. Bramblee replied that current code does not regulate fences under 6 feet in height.

Applicant's Presentation: Tim McDonnell, 1302 Vineyard, Sandpoint, Idaho, was present to answer the Commission's questions. Commissioner Kester asked about access to the common area for the proposed four-plex. Mr. McDonnell stated that the access is shown on the revised site plan and it is proposed as a 10 foot utility easement. He also stated that the original site plan offers more variety of lot sizes and prices. Commissioner Vroman asked if the only change in the revised site plan was the size of lots adjacent to the common area. Mr. McDonnell answered yes and stated that there were the same number of lots. Commissioner Kester asked when the common area would be completed. Mr. McDonnell replied that the ponds and trail would be

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completed immediately and the rest would be done as soon as possible. Commissioner O'Hara verified that the proposed common area meets the 10% minimum for a Planned Unit Development.

Scott Brown, of Tucker, Brown & Vermeer Engineering, 102 South Second Avenue, Sandpoint, Idaho. Mr. Brown stated that both site plans meet all of the standards set forth in code. He also stated that the common area comprises at least 10% of the total square footage of the Planned Unit Development. Commissioner Saied asked if there were plans to landfill the steep areas near lot 7. Mr. Brown replied that there were no such plans since there are already buildable sites on each lot. Commissioner asked if the applicant planned on building a fence surrounding the common area to increase safety on the steep slopes. Mr. Brown stated that Mr. McDonnell would be the person to ask about the fence. He also noted that the slope is well vegetated and would comply with storm water and erosion control requirements.

Chairman Lockwood stated that it was his understanding that the Code was written to encourage Planned Unit Developments because the open space allocation and more flexible use of the land allows for quality developments. Mr. Brown said that he believed PUD's were intended to allow for homes to be clustered and for the common area to be used by all of the surrounding property owners. Commissioner O'Hara asked if there would be a road connecting the subdivision to Boyer Plaza Estates. Mr. Brown replied that the applicant is not planning on developing roads on the north, east, and south sides of the property. However, he pointed out that the applicant has left right-of-way on each of those sides to allow for future development of roads. Commissioner O'Hara asked if the sidewalks would end where the rights-of-ways are shown on the site plan. Mr. Brown stated that the sidewalks would be continuous and would have to be torn out if a road was installed.

John Campbell, 3702 North Boyer Avenue, Sandpoint, Idaho. Mr. Campbell asked if the proposed four-plex would lower his property value. Mrs. Bramblee stated that tax property assessments are based on similar developments in similar areas and are not limited to the property being assessed. She also noted that property values are based on the quality of surrounding development rather than the density. Chairman Lockwood stated that the Commission would consider any points raised by the public when evaluating the proposed development.

Tim McDonnell, 1302 Vineyard, Sandpoint, Idaho, was given the opportunity for rebuttal. Commissioner Kester asked where the parking would be for the four-plex. Mr. McDonnell stated that there is an existing entrance on the north side of the property which would be used for parking. He also stated that the four-plex would be designed in the chalet style similar to that found on Schweitzer Mountain. Commissioner Kester expressed concern over cars backing out onto Boyer Avenue. Mr. McDonnell assured her that would not be the situation.

Scott Brown of Tucker, Brown & Vermeer Engineering, 102 South Second Avenue, Sandpoint,

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Idaho. Commissioner Vroman asked if the access to the common area for the four-plex was correctly identified on the site plan. Mr. Brown stated that the dashed line on the plan indicates a 15-20 foot wide pedestrian easement. Chairman Lockwood confirmed that the access would be provided in the same place regardless of which plan is chosen. Commissioner Saied asked if the dashed line went across the road to indicate a crosswalk. Mr. Brown replied in the negative and stated that the line was meant to indicate that the common area could be access by the four-plex.

Chairman Lockwood closed public testimony.

Commissioner Monahan asked if the Commission was required to chose one of the two site plans that were presented. Chairman Lockwood stated that the applicant prefers the original plan and that the Commission should discuss it first. Commissioner Saied noted that there is more variety with the original plan and that the revised site plan does not make much of a difference. Commissioner Monahan stated that the first site plan maximized the use of the common area. Commissioner Kester said that she liked the second plan better because of the increased lot size. Commissioner Vroman noted that the revised plan does not provide more buildable land. Commissioner Prince stated that having more common area is better. Chairman Lockwood stated that he was more comfortable with using the PUD standards to evaluate the proposal rather than minimum lot size. He also asserted that he was more comfortable with the originally proposed site plan.

Chairman Lockwood brought up the proposal for shorter fences along sidewalks. Mrs. Bramblee stated that the Pedestrian Advisory Committee recommended the addition of a maximum fence height of 42 inches to the covenants. Commissioner Prince asked if the requirement would be applied to all such developments or if it was a one time thing. Mrs. Bramblee pointed out that the Pedestrian Advisory Committee would make a similar recommendations for all projects of this type. Commissioner Saied asked if the height restriction was in the covenants. Mrs. Bramblee noted that covenants are not enforceable by the City. She then stated that when a condition is required by the Planning Commission it is easier to enforce. Chairman Lockwood asked if the conditions would be included in the covenants. Mrs. Bramblee answered in the affirmative. Discussion followed on the issue.

Commissioner Kester suggested adding a condition requiring an off-street parking area for the proposed four-plex. Mrs. Bramblee stated that parking code requires a total of eight parking spaces for the proposed four-plex. Commissioner Prince expressed concern about the existing house not having sidewalks. Chairman Lockwood noted that a condition could be included to require sidewalks along the length of the development fronting Boyer Avenue. Mrs. Bramblee pointed out that was one of the recommendations of the Pedestrian Advisory Committee. Commissioner O'Hara stated that he would like more than one tree for every 50 feet of lot frontage. He then brought up a concern over the exclusion of the existing house and proposed four-plex. Chairman Lockwood asked Commissioner O'Hara if number 11 of the proposed conditions addressed those concerns. Commissioner O'Hara stated that the condition did

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address those issues. Chairman Lockwood asked about the purpose of the proposed berms. Mrs. Bramblee replied that the berms are intended to provide some buffering from traffic noise.

Commissioner O'Hara pointed out that the property across the street was recently changed from the Mobile Home "T" zone to Light Industrial "ER." He then noted that the applicants for the zone change had left buffering partly up to the Cottonwood Creek development. Chairman Lockwood asked Commissioner O'Hara if he preferred the first site plan. Commissioner O'Hara answered in the negative. Commissioner O'Hara asked if the Commission was in favor of the original site plan. Commissioner Prince asked if the Commission should clarify which site plan they would approve. Mrs. Bramblee replied that they could clarify, but it would not be necessary if the first plan was approved because the notice included the original site plan.

PUD: MOTION FOR FINDINGS OF FACT

Moved by Commissioner Vroman, seconded by Commissioner Prince, that the Sandpoint Planning Commission adopt the following findings of fact:

1. That application #PUD03-01 **was** filed in accordance with *Sandpoint City Code*, Chapter 9.
2. That notification advising property owners within 300 feet of the subject property of the Planned Unit Development **was** mailed according to list provided by the applicant.
3. That a public hearing to accept public testimony on application #PUD03-01, was held by the Planning Commission on March 25 and April 22, 2003.
4. That 3 persons spoke at the April 22, 2003 public hearing: 2 persons in favor of the proposed Planned Unit Development, 1 opposed, and 0 neutral.

The motion carried with no opposition.

PUD: MOTION FOR CONCLUSIONS

Moved by Commissioner Vroman, seconded by Commissioner Saied, that based on the above findings of fact, the Planning Commission adopt the following conclusions:

1. That proper notification **has** been given for the April 22, 2003, public hearing.
2. That based on information presented at the hearing and the placement of limitations through conditions, the application by McDonnell Construction Inc. and Boyer

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Development Group L.L.C. (File #PUD03-01) for a Planned Unit Development **is** in compliance with the standards set forth in *Sandpoint City Code* Title 9, Chapter 8 and **is** consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

Commissioner Prince then noted that the Commission had not discussed the issue of decreased property value raised by John Campbell. Chairman Lockwood stated that he believed the development would be of high quality and therefore would not have a negative affect on surrounding property values. Commissioner Prince agreed and stated that the Planned Unit Development was more appealing than a traditional subdivision for the site in question. Commissioner Vroman pointed out that Mr. Campbell was not necessarily concerned with the entire development but with the four-plex in particular.

The motion carried with no opposition.

PUD: MOTION FOR DECISION

Moved by Commissioner Vroman, seconded by Commissioner Kester that the Sandpoint Planning Commission **approve** the McDonnell Construction Inc. and Boyer Development Group L.L.C. Planned Unit Development final development plan to develop 35 lots ranging from 4,529 to 17,119 square feet on approximately 9.4 acres in the Residence “A” zone, subject to the following conditions:

1. Those conditions applied to subdivision application S03-01 shall also be applicable to this application.
2. The final development plans for this planned unit development will be allowed in 2 phases as follows.

<u>Plans for :</u>	<u>Submitted by</u>
Phase 1	May 2005
Phase 2	May 2009

3. Any covenants (CC&Rs) or similar declarations, such as a homeowners’ association agreement, shall include City requirements and note that those requirements cannot be changed without approval of the City. Such covenants shall be approved by the City.
4. The developer will properly execute a memorandum of understanding to be recorded at developer’s cost with the County Recorder. Such memorandum shall identify all of the documents, permits, relevant laws, and agreements that constitute or relate to the

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development currently identified as the Cottonwood Creek (PUD 03-01) Planned Unit Development.

The motion carried with no opposition.

SUBDIVISION - MOTION FOR FINDINGS OF FACT

Moved by Commissioner Prince, seconded by Commissioner Saied, that the Sandpoint Planning Commission adopt the following findings of fact:

1. That application #S03-01 **was** filed in accordance with *Sandpoint City Code*, Chapter 9.
2. That notification advising property owners within 300 feet of the subject property of the proposed subdivision **was** mailed according to a list provided by the Applicant.
3. That the proposed subdivision **does** meet the minimum *City Code* requirements for street width for local drives, block width, road grade, and curbing. The project is being developed as a Planned Unit Development which permits an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
4. That a public hearing to accept public testimony on application #S03-01 was held by the Planning Commission on March 25 and April 22, 2003.
5. That 7 persons spoke at the March 25, 2003 public hearing: 2 persons in favor of the proposed Planned Unit Development, 4 opposed, and 1 neutral.”
6. That: 3 persons spoke at the public hearing of April 22, 2003, 2 in favor of the proposed subdivision, 1 opposed, and 0 neutral.”

SUBDIVISION - MOTION FOR CONCLUSIONS

Moved by Commissioner Prince, seconded by Commissioner Vroman, that based on the above findings of fact, the Planning Commission offer the following conclusions:

1. That proper notification **has** been given for the March 25 and April 22, 2003, public hearings.
2. That the proposal contained in File #S03-01 to develop 35 lots on 9.4 acres in the Residence “A” zone **is** in compliance with *Sandpoint City Code*, Title 10, Chapter 1.”

The motion carried with no opposition.

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SUBDIVISION - MOTION FOR RECOMMENDATION

Moved by Commissioner Prince, seconded by Commissioner Vroman, that the Sandpoint Planning Commission recommend the City Council **approve** the request by the McDonnell Construction Inc. and Boyer Development Group L.L.C. to develop 35 lots ranging from 4,529 to 17,119 square feet on approximately 9.4 acres in the Residence "A" zone, subject to the following conditions:

1. Approval of this subdivision in its current configuration is contingent upon the preliminary and final development plan approval of PUD03-01.
2. The sewer lift station location and design will need to be approved by the City of Sandpoint and the Division of Environmental Quality prior to construction.
3. The sewer collection system will need to be approved prior to construction, and should include a 4-inch pressure line rather than 3-inch pressure line.
4. The water main extensions will need to be approved by City and Division of Environmental Quality prior to construction.
5. Dead end mains will require fire hydrants at the end for blow off purposes.
6. The Applicant will provide for extension of water main(s) to unplatted property to the east between Blocks 2 and 3.
7. Approval of a subdivision-wide storm water management plan will be required prior to preliminary plat approval.
8. All storm discharge lines will require easements for access.
9. All storm collection and discharge systems shall be approved prior to construction.
10. The street design section shall be revised from a 4-inch minus pit run to a rock cap material instead of pit run.
11. Sidewalks will be constructed as individual lots are developed. All sidewalks within the development shall be completed within three years of final plat approval of Phase 1. Minimum sidewalk width for the internal roads shall be 5 feet wide. This requirement includes construction of sidewalks along the length of the development on Boyer

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Avenue, which shall be 6 feet wide. A minimum of one street tree shall be planted for each lot within the development.

12. The 50-foot right-of-way is accepted for the proposed roads with the provision of right-of-way to allow for possible extension of the roadways to the unplatted property to the north and east.
13. "NO STREET PARKING" signs will be required to be installed, at the Applicant's expense along a minimum of one side of each of the internal roadways.
14. Addressing for each dwelling constructed within the development shall comply with City Code and shall be posted to be visible from the street by Public Safety agencies.
15. All approaches onto Boyer Avenue shall meet the clear vision triangle requirements of Idaho Code.
16. The Applicant shall provide for continued maintenance of the nature trail, sports court, and picnic area. Such provisions may be set forth in the covenants, or such other maintenance agreement that is included in the memorandum of understanding for the planned unit development.
17. The applicant shall incorporate language in the project's covenants to limit fences adjacent to and paralleling sidewalks to 42" in height.

The motion carried with no opposition.

NEW BUSINESS:

S03-02 Division Street Business Center

Request: A request by Craig King for preliminary Subdivision approval to develop 15 lots on 9.28 acres in the Light Industrial "ER" zone. The site is located on the northeast corner of the intersection of Division and Walnut Streets and extends to the Burlington-Northern/Santa Fe railroad right-of-way to the north. The legal description is Block 1 of Farmins 6th Addition, and Tax Nos. 8 and 9, and a portion of Tax No. 23, all located in the southwest corner of Section 15, Township 57 North, Range 2 W.B.M.

Staff Report: Mrs. Bramblee stated that the application had been reviewed by City staff and the Pedestrian Advisory Committee. She noted that the staff and Committee comments were included in the proposed conditions in the staff report. Mrs. Bramblee reviewed the public

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response received by the Planning Department. She then pointed out that there is residential zoning to the south of the site, which would require a 25 foot setback along Walnut Street. Mrs. Bramblee also noted that the total side setback would have to be 15 feet. She stated that the setbacks shown on the applicant's site plan would have to be changed to meet those requirements. Commissioner Saied asked what the setback from the railroad tracks would be. Mrs. Bramblee replied that the setback would be five to ten feet from the railroad right-of-way.

Chairman Lockwood opened public testimony.

Scott Poorman, 8884 Government Way, Hayden, Idaho, is the representative for L. D. McFarland Company. Mr. Poorman stated that there is an operating pole yard and the Lighthouse Dressing facility to the east, residential property to the west and south, and railroad tracks to the north of the site in question. He stated that the applicant has proposed a new street running west and east which would provide access for the Lighthouse facility and the pole yard. Mr. Poorman pointed out that there is an error on the site plan showing a 50 foot right-of-way, which should read 60 feet. He noted that the Pedestrian Advisory Committee had suggested installation of a sidewalk along the property fronting Walnut Street. Mr. Poorman proposed that the applicant install a bike path instead that would connect to the existing path on Division Street. He stated that adding curbs and a sidewalk along Walnut Street would alter the existing storm water drainage. He claimed that Walnut Street slopes downhill to the west and storm water would therefore have to run uphill to reach the closest City drain. Mr. Poorman reiterated his request to allow the applicant to substitute an asphalt bike path in lieu of the sidewalk and curbing.

Mr. Poorman stated that the applicant anticipates commercial, business, and light industrial use of the proposed subdivision. He said that the project would clean up the site and provide economic benefits to the area. Mr. Poorman noted that the ditch running north and south would be replaced with a proper drainage system. He stated that this would mitigate the storm water impact. Mr. Poorman claimed that the proposed subdivision would lessen impact to surrounding residential areas since the current use is heavy industrial. He stated that the project would significantly lower density. He then noted that the Sandpoint Comprehensive Plan promotes centralized industrial parks and commercial development. Mr. Poorman also pointed out that the Comprehensive Plan encourages the use of vacant land within the City limits. He stated that any traffic increase caused by the new development would be mitigated by the new road. He then referred to page 3 of the staff report and noted that all utilities for the site would be located in the right-of-way.

Commissioner Saied asked if the property in question had been used as a pole yard in the past. Mr. Poorman answered in the affirmative. Commissioner Saied then asked if the site was utilized for chemical treatment and if it was contaminated. Mr. Poorman replied that the

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property was subject to a remediation agreement with the Department of Environmental Quality. He then stated that the piece in question had been released from the remediation agreement. Commissioner O'Hara asked for clarification of the bike path/sidewalk issue. Mr. Poorman stated that the applicant would extend the roadbed for a bike path which would be in place of a sidewalk. Commissioner O'Hara asked how that would affect storm water. Mr. Poorman stated that the installation of curbs and sidewalks would require the storm water to flow uphill. Chairman Lockwood asked what other developments do to deal with similar situations. Mr. Poorman stated that the sidewalks could be completed with extra cost. He then claimed that the benefit to the City would not outweigh the increased cost.

Chairman Lockwood asked what made the property in question different so that it would not need sidewalks. Mr. Poorman stated that the sidewalks they are proposing are interior to the front of the property. He then asked that condition 1 be changed to read "interior sidewalks be done within three years." Chairman Lockwood asked why he wanted the change since there are already sidewalks along Division Street. Commissioner Kester suggested that the applicant did not want to be responsible for installing a six foot planting strip along Division. Mr. Poorman stated that Commissioner Kester was correct. Commissioner Monahan asked if the internal roads would be dedicated for City maintenance. Mr. Poorman replied in the affirmative and stated that they would be public roads. Commissioner O'Hara asked if the four lots along Division would access that road by four separate driveways. Mr. Poorman replied yes. Commissioner Kester asked if the applicant would be building on the property or just selling the lots. Mr. Poorman stated that the applicant intended on selling the lots but would also have the option of building on them.

Public Works Director Kody VanDyk was available for questions. Commissioner Saied asked what Mr. VanDyk thought of the storm water issue and sidewalks versus a bike path. Mr. VanDyk stated that the project could be made to work either with or without curbing and sidewalks. He then noted that he was not the best person to answer the question on the bike path versus sidewalks. Commissioner Saied asked for Mr. VanDyk's opinion on the six new driveways proposed to access Division Street. Mr. VanDyk stated that he thought it was actually four driveways. He then said that he would prefer it if the driveways were off Ruth Street (as designated on the site plan). Chairman Lockwood asked if there was reason to consider a condition requiring the driveways to access Ruth rather than Division. Mrs. Bramblee stated that issue could be addressed in the site plan review process.

Chairman Lockwood asked if there was anything in the Code restricting the number of driveways in developments. Mr. VanDyk responded in the negative. Mr. VanDyk suggested the Commission require that the driveways not be sloped. Chairman Lockwood pointed out that driveway slope was addressed in Condition 4. Chairman Lockwood asked for comments on the existing sidewalk along Division Street. Mr. VanDyk responded that sidewalk was located on

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the property line so there is no room for a planting strip. Commissioner Saied asked if he knew if the adjacent property owned by the pole yard was contaminated. Mr. VanDyk said that he did not know the answer to that question. Commissioner Saied suggested a barrier separating the proposed development site from the contaminated property.

Molly O'Reilly, Chair of the Pedestrian Advisory Committee, stated that the bike path on Division Street is separated from traffic by a curb. However, the bike path proposed by the applicant on Walnut Street would not meet the standards of the City. She noted that sidewalks may not be very beneficial to an industrial complex, but are good for surrounding residents. Mrs. O'Reilly said that the Pedestrian Advisory Committee encouraged the reduction of the number of driveways on Division Street.

Scott Poorman, 8884 Government Way, Hayden, Idaho, submitted a copy of the certificate of completion from the Department of Environmental Quality (DEQ). He stated that DEQ required a restrictive covenant only allowing the current zoning and excluding uses such as child care facilities.

Chairman Lockwood closed public testimony.

Commissioner Vroman stated that she thought the difference between a bike path and sidewalks was too large for one to be substituted for the other. She also said that she would not support a bike path on Walnut Street unless it was separated from the street. Commissioner Kester agreed and suggested the Commission discuss the number of driveways off Division Street. Commissioner Prince noted that Code does not address access so the Commission has no tool for restricting the number of driveways. Commissioner Saied stated that he thought the proposed site was a good place for an industrial subdivision. Chairman Lockwood asked if the Commission could restrict the number of driveways if the project required a conditional use permit. Mrs. Bramblee replied that the Commission could restrict the number of driveways but they would need adequate grounds to do so. Commissioner O'Hara stated that a sidewalk is much more preferable to a bike path on the property in question. Commissioner Prince asked Mr. VanDyk if he would look at the site and decide if installing sidewalks along Walnut Street would be an undue burden. Mr. VanDyk stated that he did not think it would be an undue burden to require the applicant to install curbs and sidewalks.

MOTION FOR FINDINGS OF FACT

Moved by Commissioner Kester, seconded by Commissioner O'Hara, that the Sandpoint Planning Commission adopt the following findings of fact:

1. That the Division Street Subdivision application **was** filed in accordance with *Sandpoint City Code*, Chapter 9.

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2. That notification advising property owners within 300 feet of the subject property of the proposed subdivision **was** mailed according to a list provided by the Applicant.
3. That the proposed subdivision **does** meet the minimum *City Code* requirements for lot size, frontage, street and block width, road grade, and curbing.
4. That a public hearing to accept public testimony on this application was held by the Planning Commission on April 22, 2003.
5. That 1 person spoke at the public hearing, 1 in favor of the proposed subdivision, 0 opposed and 0 neutral.

The motion carried with no opposition.

MOTION FOR CONCLUSIONS

Moved by Commissioner Kester, seconded by Commissioner Prince, that based on the above findings of fact, the Planning Commission make the following conclusions:

1. That proper notification **has** been given for the April 22, 2003 public hearing.
2. That the Division Street Subdivision proposal to develop 15 lots on 9.28 acres in the Light Industrial “ER” zone **is** in compliance with *Sandpoint City Code*, Title 10, Chapter 1.”

The motion carried with no opposition.

MOTION FOR RECOMMENDATION

Moved by Commissioner Kester, seconded by Commissioner O’Hara, that the Sandpoint Planning Commission recommend the City Council **approve** the request by Craig King for preliminary subdivision approval to develop 15 lots on 9.28 acres in the Light Industrial “ER” zone, subject to the following conditions:

1. Sidewalks will be constructed as individual lots are developed. All sidewalks within the development shall be completed within three years of final plat approval.
2. The road designated “Ruth” on the preliminary plat shall be renamed on the final plat.
3. The road detail on the Stormwater & Road Design map shall be corrected to show the full 60-foot right-of-way.

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4. All sidewalk and curb ramps shall comply with the proposed standards included in the Streetscape Ordinance.
5. The Applicant shall comply with the recommendations of the Pedestrian Advisory Committee:
 - A. Streets internal to the development, fronted by the light industrial uses, have 6' wide sidewalks set in the public right of way adjoining the property line, leaving a 6' wide planting strip separating it from the street. Corner curb ramps be installed consistent with the proposed Sidewalk Performance Standards and driveways have no sideslope exceeding that of the general sidewalks (2% maximum).
 - B. Along Walnut, where no industrial uses will front, the sidewalk be constructed to residential standards, 5' wide, set on the public right of way adjoining the property line, with curb ramps at Washington.
 - C. Along Division, where sidewalk currently exists, driveways be constructed to have no sideslope exceeding that of the general sidewalks (2% maximum).
6. Designs for water and sewer extension must be prepared by an Idaho Professional Engineer and approved by the Division of Environmental Quality and the City.
7. Stormwater management and grading plans will also be required. The stormwater management plan shall include strict provisions for construction period Best Management Practices (BMPs).
8. A new fire hydrant will be install at the corner of Washington and Ruth as required by the Fire Chief.

The motion carried with no opposition.

ZC03-05 Streetscape Ordinance

Staff Report: Mrs. Bramblee noted that three letters and one e-mail had been received in support of the Ordinance. Mr. VanDyk said that the Streetscape Ordinance has been under development for over two years. He stated that the goal of the Ordinance is to develop sidewalks abutting new construction and to refurbish old sidewalks and curbs. The Ordinance is modeled after the Coeur d'Alene Frontage Improvement Ordinance. Mr. VanDyk noted that pedestrian activity is a big issue in Sandpoint and sidewalks have been requested since the early 1900's. He pointed out that nationally, driving kids to school is responsible for 25% of morning traffic. Mr. VanDyk stated that in 1969, 69% of students walked to school nationally. He noted that today, only 17% of students walk to school nationally. Mr. VanDyk then went through the summary of the Streetscape Ordinance and the Sidewalk Performance/Design Standards.

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Commissioner Vroman pointed out Section 3 of the Ordinance and asked if the property owner would be responsible for \$25,000 worth of repairs. Mr. VanDyk explained that Section 3 is intended to comply with Idaho Code bidding procedures. Commissioner Prince asked if the intent of the Ordinance is to retroactively deal with sidewalks for existing homes. Mr. VanDyk noted that the proposed Ordinance does not effect single-family homes or duplex owners. He also stated that the intent is to require that business districts install sidewalks. Commissioner O'Hara asked if single-family homes are exempt because of the possible financial burden associated with installing sidewalks. Mr. VanDyk answered in the affirmative. Commissioner O'Hara then asked what criteria is used by City Council to determine if sidewalks are necessary. Mr. VanDyk stated that proximity to a school or public comment could trigger a requirement for sidewalks.

Molly O'Reilly, Chair of the Pedestrian Advisory Committee, pointed out that it takes an awful lot of sidewalk to cost \$25,000. She stated that City Council will face the difficult issue of individual homeowners at a later date. Mrs. O'Reilly stated that the Pedestrian Advisory Committee is completing a sidewalk survey for the entire City of Sandpoint. She then noted that the Streetscape Ordinance is an important step in Sandpoint's development. Commissioner Kester asked why a new single-family home would not be required to install sidewalks. Mrs. O'Reilly stated that the new house might be the only one on the block with a sidewalk. She then pointed out that the ordinance is designed to be expandable and retractable and that issue would be addressed at a later date.

Commissioner Kester asked why duplexes are excluded from the requirement. Mrs. Bramblee stated that newer homes in subdivisions are already required to have sidewalks. She also noted that single-family homes and duplexes are exempt from storm water management requirements. Mrs. O'Reilly stated that the Ordinance in its current form has the best chance of being passed for this year's building season. Commissioner Saied noted that rewriting the Ordinance would be difficult and suggested making it a part of the building permit process. Mrs. O'Reilly stated that the Pedestrian Advisory Committee would consider such a provision in the future.

Chairman Lockwood opened public testimony.

Constance Buxton, 301 Iberian Way, Sandpoint, Idaho, appeared as a Sandpoint resident and on behalf of the Downtown Sandpoint Business Association. She spoke in support of the Pedestrian Advisory Committee and stated that the proposed Ordinance makes sense for the downtown district. Ms. Buxton stated that with downtown revitalization imminent, Sandpoint needs good standards to start with. She also said that she wanted to take City Council along to survey sidewalks. Ms. Buxton then encouraged the Commission to look at Third Avenue and Lake Street. She stated that two brand new homes were recently built and there are no sidewalks.

Lawrence Blakey, 324 South Boyer Avenue, is on the Pedestrian Advisory Committee. Mr.

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Blakey asked what would happen if a new house was built and the owners put in a hedge where the sidewalk should be. He also asked who decides if a sidewalk is present when they are fading into dust.

Commissioner Saied left at 8:45 p.m.

Chairman Lockwood closed public testimony.

Commissioner Kester asked if the City could require repairs on a sidewalk adjacent to a single-family home. Mr. VanDyk stated that City Council has the power to do that but they rarely use it. Commissioner Kester reiterated that she was against the exemption for single-family homeowners. Chairman Lockwood asked if an industrial development located on a corner would have to install sidewalks on both streets. Mr. VanDyk replied in the affirmative. Commissioner Monahan asked if the church on Oak and Division Streets would be required to have sidewalks on both streets. Mr. VanDyk answered yes and stated that the owners of the building had offered to install sidewalks, but the City had not required it. Commissioner Monahan asked if government entities would be exempt from sidewalk requirements. Mr. VanDyk replied no.

MOTION FOR RECOMMENDATION

Moved by Commissioner Vroman, seconded by Commissioner O'Hara, that the Planning Commission recommend the City Council **approve** the request by the City of Sandpoint to amend *Sandpoint City Code*, Title 7, Chapter 3, Sidewalk Construction and Maintenance, as shown in Attachment 1.

The motion carried with no opposition.

Moved by Commissioner Kester, seconded by Commissioner Prince, that the Planning Commission recommend the City Council consider removing single-family homes and duplexes from the exemption from sidewalk and curbing requirements when possible.

Moved by Commissioner Monahan, seconded by Commissioner Kester, to amend the previous motion to remove the exemption from sidewalk requirements for single-family homes and duplexes when there are existing sidewalks on adjoining properties.

The motion carried with no opposition.

MINUTES OF THE SANDPOINT PLANNING COMMISSION
MEETING, APRIL 22, 2003

ZC03-06 Hard Surfacing

Staff Report: Mrs. Bramblee started by explaining some of the history behind the proposed code amendment. She noted that American Auto Sales went through the conditional use permit application process a few years ago. One of the conditions placed on the permit by the Planning Commission required that the parking area be hard surfaced. Since the definition for hard surfacing did not specify the type of material to be used, the applicant met the Commission's requirement, but did not comply the intent of the condition.

Kody VanDyk stated that hard surfacing can cause issues with storm water because it increases impervious area and can overtax the storm water systems. He noted that permeable paving reduces the impact that hard surfacing has on storm water management.

Chairman Lockwood closed public testimony.

MOTION FOR RECOMMENDATION

Moved by Commissioner O'Hara, seconded by Commissioner Vroman, that the Sandpoint Planning Commission recommend the City Council **approve** the request by the City of Sandpoint to amend *Sandpoint City Code*, Title 9, Zoning, Chapters 1 and 5, to define the term "hard surfacing," to delete the exception to hard surfacing requirements for certain parking facilities, and providing for a method to post security to assure construction.

The motion carried with no opposition.

CUP03-03 Bonner County Fairgrounds

Staff Report: Mrs. Bramblee explained that current code requires that any new building or addition to the Bonner County Fairgrounds undergo the Conditional Use Permit application process. Commissioner O'Hara stated that he had no problem approving the proposed code amendment due to its location. Commissioner Kester agreed.

MOTION FOR DECISION

Moved by Commissioner Prince, seconded by Commissioner O'Hara, that the Sandpoint Planning Commission **approve** the Bonner County Fair Association request for a Conditional Use Permit (File #CUP03-03) to construct a 5,000 square-foot building on the Fairgrounds property.

The motion carried with no opposition.

MINUTES OF THE SANDPOINT PLANNING COMMISSION
MEETING, APRIL 22, 2003

MOTION FOR FINDINGS OF FACT AND CONCLUSION

Moved by Commissioner O’Hara, seconded by Commissioner Prince, to adopt the following findings of fact and conclusions:

1. That application #CUP03-03 **was** filed in accordance with *Sandpoint City Code*, Chapter 9.
2. That notification advising property owners within 300 feet of the subject property of the conditional use permit **was** mailed according to the list provided by the applicant.
3. That a public hearing to accept public testimony on application #CUP03-03 was held by the Planning Commission on April 22, 2003.
4. That 0 persons spoke at the public hearing, 0 in favor of the proposed Conditional Use Permit, 0 opposed and 0 neutral.
5. That proper notification **has** been given for the April 22, 2003, public hearing.
6. That based on information presented at the hearing and the placement of limitations through conditions, the application by the Bonner County Fair Association for a Conditional Use Permit **is** in compliance with the nine criteria for Conditional Use Permits as outlined in *Sandpoint City Code* §9-9-6 A (3H) and **is** consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

The motion carried with no opposition.

MATTERS FROM STAFF:

MATTERS FROM COMMISSION:

Proposal: Arts & Culture Committee of the Planning Commission

Chairman Lockwood suggested forming an Arts Committee to develop a proposal for an art policy for the City of Sandpoint. Commissioner Vroman pointed out that one of the reasons we need an art policy is that there was none in place when the City was offered the ‘Tolerance’ statue. Commissioners Prince and Kester stated that they were in favor of the formation of an Arts & Culture Committee.

Moved by Commissioner Prince, seconded by Commissioner Vroman, that the Planning Commission establish an Arts & Culture Committee to make recommendations on art policy to the Planning Commission.

