

SANDPOINT PLANNING COMMISSION
SEPTEMBER 23, 2003 MINUTES

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

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

COMMISSION MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: City Attorney/Planning Director William Herrington, Associate Planner Joan Bramblee, Recording Secretary Crystal Schoonover, and Extern Larry Falk.

CONSENT CALENDAR: The minutes of the September 9, 2003 meeting were approved as distributed.

Chairman Lockwood summarized the appeal process.

MATTERS FROM THE PUBLIC: None.

OLD BUSINESS:

PUD03-01 Revised Road Width for Timberbay

Mrs. Bramblee stated the Planning Commission and City Council approved the Timberbay (formerly Waterfront Village) project in 2002. An amendment was granted in 2002 to change the number of units in each phase and to allow for a reduction in the minimum dwelling size. The amendment decision also required the Developer to provide parking along the breakwater. The Developer is currently proposing a reduction in the approved road width. The original condition reads "the Applicant shall grant the City a 30-foot public access from Bridge Street to the City's lake water treatment plant, and will improve it as a 24-foot wide paved street with a public pedestrian walkway/bikepath of 6-foot in width." At one of the City Council meetings, Burlington Northern Santa Fe (BNSF) Railroad raised a concern over the proximity of the bike/pedestrian path to the railroad tracks. BNSF has a policy of requiring a 50-foot setback from the track centerline to any bike path. As approved, the bike/pedestrian path would not meet that requirement.

The Developer's proposal is to reduce the road width to 26-feet, which would meet *International Fire Code* standards. If approved, the road would be shared between pedestrian/bicycle traffic and vehicular traffic. Mrs. Bramblee pointed out on Exhibit 1 (map) that the red line shows the 50-foot setback from the railroad track centerline and the blue areas indicate where the proposed road extends into the setback. Commissioner Saied confirmed that some of the original conditions have been appealed to the courts. Mrs. Bramblee stated that the current issue is still

in the appeal process. Commissioner O'Hara asked if a representative of BNSF had attended the City Council meeting. Mrs. Bramblee replied no and noted that the Railroad submitted a letter which listed its requirements (Exhibit 4). That letter prompted Council to require a fence to be installed adjacent to the bike path. Commissioner O'Hara asked if the Railroad has a requirement for buildings or parking areas to be setback from the tracks. Mrs. Bramblee answered that she is not aware of any such requirement.

Chairman Lockwood asked if it would be better to defer judgement on the issue until the court case has been resolved. Mr. Herrington stated the City has been grappling with this issue while attempting to settle the current litigation. It appears the proposed roadway is one that every involved party could agree to. He pointed out the Railroad, as owner of the underlying property, is an important player in the litigation. Mr. Herrington stated that it would be helpful to get the Commission and Council to look at the proposal in an attempt to resolve some of the litigation issues.

Mr. Herrington asserted the Railroad is adamant that the bike path should not be located within 50-feet of the tracks. However, the Railroad is not opposed to having the roadway located within the setback. Mr. Herrington pointed out that if the bike path were located on the eastern side of the road it would occupy space needed for parking. He suggested the Commission ask the Developer's representative if the walkways shown adjacent to the road would be available for public pedestrian use. Mr. Herrington said he thinks the pathways should provide pedestrian access to the area north of the development. He pointed out that the proposed road would not lead to anything except the water treatment facility and there is not much developable property to the north of the site.

Mr. Herrington brought up the issue of property rights and what the City should require the Developer to dedicate. He asked the Commission to consider whether the bike path is intended to serve the development or the City's needs. Mr. Herrington instructed the Commission to evaluate whether there is enough of a relationship between the bike path and the development to warrant requiring the bike path. Commissioner Saied asked if the City required public access because it has plans to develop a park on the north side of the Timberbay property. He also inquired about plans for a future bike path running through the Hall property. Mr. Herrington stated the bike path is part of a City's master plan for bike paths. He also noted that providing public access to serve adjacent properties beyond the property in question is important. If the City did not have a policy of requiring public access through properties, the Timberbay site might not have a road.

Commissioner Saied asked if the City required public access as a result of the first round of public hearings. Mr. Herrington stated the original condition required a 30-foot public access, which included a 24-foot wide road and a 6-foot wide bike path. He noted that the access would accommodate two-way traffic and the City would apply a very low speed limit. Commissioner Monahan asked if the proposal includes a separate bike path. Mr. Herrington clarified that although bicyclists would be permitted to use the roadway, there would not be a separate bike path. Commissioner Monahan asked if any of the City Department Heads had additional

comments on the proposal. Mr. Herrington replied that the Public Works Director has approved the roadway but the Police or Fire Chiefs have not.

John Corn, 416 N. Division Avenue, Development Manager for Timberbay, spoke on behalf of Adrian Cox and Timberbay. He informed the Commission that the proposal was made specifically in response to the Railroad's complaint concerning the safety of the bike path. Mr. Corn reiterated that relocating the bike path on the eastern side of the road would directly interfere with the driveways and head-in parking. He explained that Mr. Cox believes that location would constitute a more severe safety issue than proximity to the railroad tracks. The current proposal is the best solution Timberbay's land planner could come up with. If approved, the road would consist of a 16-foot wide northbound lane and a 10-foot wide southbound lane. Mr. Corn remarked the Railroad has not approved the proposal. He also noted a bike path is planned for the west side of Sand Creek as part of the Byway plan.

Mr. Corn clarified the proposal only offers public bike and pedestrian access to property north of the site. Pedestrians would not be prohibited from using the sidewalk adjacent to the proposed roadway. The appeal of the condition requiring public vehicle access is still pending. Timberbay intends to impose a low speed limit (15 miles per hour) because it would be a private road that doesn't lead anywhere. Commissioner O'Hara asked if Mr. Corn was aware of any setback requirements BNSF has for parking areas or buildings. Mr. Corn pointed out the existing railway structures shown on Exhibit 1 and stated they will remain. He noted the buildings are straddling the property line and the Railroad Lease requires an easement for Railroad personnel and equipment. Commissioner O'Hara raised the question of why the Railroad would be concerned about bike paths located within the 50-foot setback but not buildings and parking areas. Mr. Corn stated the access road to the water treatment plant (which has been used by pedestrians and bikes) has stood for decades with no complaint from the Railroad.

Mr. Herrington indicated that the BNSF Track Management personnel have been very adamant that any type of development meet the 50-foot setback from the tracks. The particular concern about bike paths is based on their experience with areas similar to Sandpoint. Chairman Lockwood asserted the Railroad previously stated pedestrians and bicyclists are apt to want to hop a fence and get up on the tracks. Commissioner Kester confirmed that the Developer would install a fence between the development and the railroad tracks. Mrs. Bramblee clarified that City Council required a fence as a result of the Railroad's concerns. She pointed out the issue of public vehicle access is not being considered at this time; the only condition currently being evaluated is the proposed road width.

Commissioner Saied insisted it makes no sense to come to a decision because it would not go into effect until the court case has been resolved. Commissioner Kester commented the court would like to know if the proposal is acceptable to the Planning Commission. Commissioner Prince stated that since there is a development plan for a bike path through the area in conjunction with the Byway, the Timberbay bike path is redundant. He is not concerned about the proposed road width or the lack of separation for the bike path. Commissioner Kester agreed

with Commissioner Prince. Commissioner Saied pointed out there is no public access unless people are walking or riding their bikes. Mr. Herrington declared the issue to be considered is the road width, not who will be able to use it. Commissioner Saied inquired about the length of the road. Mr. Corn estimated the road would be approximately 1,600 feet in length from the jetty to the condemned property. He also announced that the road width would be the same through the development parcel as it would be adjacent to the Edgewater. Brief discussion followed. Commissioner Saied inquired about approval of the road width by the Fire Chief. Mrs. Bramblee explained the proposed road width would meet the *International Fire Code* standards. She also noted there would be an additional fire apparatus access road as required by City Council. Commissioner Monahan verified that the proposed road width, if approved, would not change any other requirement and would meet the minimum fire and safety standards.

Chairman Lockwood raised a concern over pedestrian access from the development to the downtown area. Commissioner Kester agreed that she shares that concern and pointed out that people would have to walk through the Edgewater parking lot to get downtown. Commissioner Prince asked if Chairman Lockwood was concerned about access for the future residents of the development or the general public. Chairman Lockwood responded that his concern was mostly for the people who will live in Timberbay. Commissioner Prince maintained that Chairman Lockwood's concern was not part of the road width issue. Chairman Lockwood clarified that he was concerned with traffic flow and access as is standard in the evaluation of a Conditional Use Permit. Commissioner Vroman proclaimed that the reduction in road width would not change the access. Chairman Lockwood reiterated the lack of a bike path changes the access. Commissioner Saied informed the Commission that he would rather have a 24-foot wide road with a 6-foot bike path, as originally required.

Commissioner O'Hara stated that he finds the proposed road acceptable as a compromise. However, he believes the road from Dock Street to Bridge Street should be a separate issue from the access to the water treatment plant to the north. The section of road between Dock and Bridge Streets is well beyond the 50-foot setback from the tracks and therefore could accommodate a separate bike path. Commissioner Prince suggested the developer provide a separate bike path from Bridge Street to Dock Street and combine the bike path with the road for the water treatment plant access. Commissioner Kester recommended requiring painted lines indicating the bike path and making cars yield to bikes. Commissioner O'Hara asserted that would be problematic because the proximity to parking would create an unsafe situation.

Chairman Lockwood brought up reevaluating the entire project in order to accommodate the originally required road width. Commissioner O'Hara alleged that such action would go beyond the scope of the current issue. Mr. Herrington stated the Planning Commission should be evaluating what was approved and the current proposal, not any other issues. Commissioner Prince speculated that if this proposal were denied the original Conditional Use Permit would have to be revised. Mrs. Bramblee clarified that the applicant would have the opportunity to appeal the denial to City Council.

MOTION FOR DECISION

Moved by Commissioner Prince, seconded by Commissioner Monahan, that the Sandpoint Planning Commission **approve** the proposed reduction in the Timberbay (formerly Waterfront Village) road width as described in the letter from John Corn and shown on the revised plan site dated June 30, 2003.

The reasons for this decision are the revised width is not in conflict with said public interest.

The motion passed with the following roll call vote:

Commissioner Kester	yes
Commissioner Prince	yes
Commissioner Vroman	yes
Commissioner O'Hara	no
Commissioner Monahan	yes
Commissioner Saied	no
Chairman Lockwood	no

NEW BUSINESS:

CUP03-07 – Sandpoint Charter School:

Mrs. Bramblee noted that the Charter School has come before the Commission twice before. The first proposal was to use the current facility at the former Northern Lights building and the second was to utilize the former Encoder building for their new location. One of the conditions placed on the permit for the Northern Lights site was that the maximum occupancy for the facility would be 99. Any plan to exceed that number would require structural modifications to the building. The Charter School is in the process of remodeling their future site and are not able to move into the building by the beginning of the 2003/2004 school year. They are now proposing the temporary use of a portion of the Lutheran Church facility located to the southeast of the current location.

Mrs. Bramblee noted that the surrounding zoning and comprehensive plan designations listed in the staff report for east and west are reversed. The zoning to the east is Residence "A" with Commercial "D" to the west; the comprehensive plan designation to the east is Low Density Residential with Business to the west. Mrs. Bramblee informed that Commission that staff had distributed a revised version of staff's recommended conditions. The new conditions clarify that the classroom area maximum occupancy does not include the music room. Staff also added the condition that makes the use of the building subject to *International Fire Code* requirements.

Dan Krabacher, 516 St. Claire, Sandpoint, Idaho, remarked that the request is fairly simple. He stated that the new facility should be complete by December 31, 2003. The Lutheran Church is located right across the student play field from the current Charter School building. The

proposal is the best solution to the unexpected delay in finishing the new site. Mr. Krabacher informed the Commission that the Fire Chief suggested the Lutheran Church as the temporary annex facility.

Commissioner Saied confirmed that Mr. Krabacher agrees to comply with the conditions presented in the staff report. Commissioner O'Hara asked what the maximum occupancy would be for the band/ music room. Mr. Krabacher replied that he was not sure, but noted that the School does not plan to have more than 15 people in the room at one time. Commissioner O'Hara noted that since the main entrance is on the east side of the building there should be an established maximum occupancy for the music room. Mr. Krabacher pointed out that Condition 2 would require the Charter School to provide a class schedule demonstrating that the maximum occupancy would not be exceeded.

Chairman Lockwood closed public testimony.

Commissioner Saied announced that he did not have a problem with the proposal because it would only be used for three months.

MOTION FOR DECISION

Moved by Commissioner O'Hara, seconded by Commissioner Saied, that the Planning Commission, after consideration of the criteria and relevant standards of *Idaho Code* and *Sandpoint City Code* **approve** the request by Dan Krabacher to utilize an existing building located at 526 South Olive Avenue as a temporary school annex facility until January 31, 2004.

The reasons for the decision are that it is an allowed Conditional Use in the Commercial "D" zone and it is consistent with the existing Conditional Use Permit.

1. The classroom area (excepting the music room) is to be restricted to an occupancy load of 45 people including staff, students, and any visitors allowed on campus.
2. The Applicant shall provide a class schedule that demonstrates how the occupancy allowed in this annex (45) and the existing facility (99) will be maintained.
3. The Applicant shall submit an evacuation plan for the annex facility, including staging area and transportation routes. The approved evacuation plan shall be clearly posted.
4. The Applicant shall provide any additional or updated emergency contact information for this facility to the Police Department.
5. The Charter School's use of the Lutheran Church facility shall be subject to all *International Fire Code* requirements.

The motion passed with no opposition.

ZC03-07 – Block 8 of Sandpoint Original

Mrs. Bramblee informed the Commission that the request was made by Mr. Glahe and several other property owners of Block 8, Sandpoint Original. The proposal consists of a change from the current Professional Office “PO” zone to the Commercial “D” zone. Page 1 of the staff report for this item lists the standards for both zones and page 2 lists the current uses for Block 8. Since the “PO” and “D” zones are designated ‘Business’ on the Comprehensive Plan map, the proposal would not require an amendment to that map. The Planning Department received one letter in opposition to the proposal which was distributed at the beginning of the meeting.

Larry Glahe, 303 Church Street, Sandpoint, Idaho, spoke as the Applicants’ representative. He explained that when he bought the property in 1987, it was represented as commercial property. The County does not have a Professional Office designation for tax purposes so all of the property owners of Block 8 pay Commercial taxes. Two property owners are not participating in the proposed zone change because they think their taxes and BID assessments would increase.

Alan Barber, 401 Church Street, Sandpoint, Idaho, spoke in opposition to the proposal. He and his wife run a Bed & Breakfast out of their home, located on the northeast corner of Block 9. He does not feel comfortable with changing the zoning on Block 8 because Commercial “D” is the most intense form of commercial zoning in the City. Mr. Barber is very much in favor of commercial uses within Block 8, but he is concerned about some of the uses allowed in the Commercial “D” zone. Certain uses would discourage the use of the older architecture present in that block. The City’s Comprehensive Plan specifically sets forth a policy of encouraging the reuse of older buildings. Mr. Barber noted that there is a restaurant on Block 9 and the use is a perfect application of the old architecture.

Mr. Barber pointed out that the Commercial “D” zone allows gas stations, pool halls, and dance halls. A lot of these uses would not make good neighbors for his business and would not encourage the preservation of the old architecture. Mr. Barber stated that he does not fully understand the tools the Planning Commission has available for encouraging the policies set forth in the Comprehensive Plan. However, he would like the Commission to help preserve the older buildings in town, particularly his, which is on the National Register of Historic Places. Mr. Barber explained that if his property were surrounded by Commercial “D” zoning it would discourage him from locating his business there.

Mr. Barber suggested the Commission decide which commercial uses should be allowed in the area on a case-by-case basis rather than approving the zone change. The proposal includes a portion of two lots but the Comprehensive Plan is explicit in discouraging ‘spot zoning.’ If approved, the zone change would result in that portion being zoned Commercial “D” while the surrounding property would be Professional Office. Mr. Barber closed by stating that the whole block should be zoned either Professional Office or Commercial “D.”

Mr. Glahe stated in his rebuttal that there is one lot which is already zoned Commercial “D” in Block 8. He noted that he tried hard to get the other two property owners to go along with the

zone change to avoid ‘spot zoning.’ Mr. Glahe asserted the proposed zone change would make Block 8 fit within the cycle for the downtown area. Commissioner Monahan stated that property taxes are based on the use not the zoning. Mr. Glahe claimed that the properties on the block with residential uses are taxed as commercial property. Commissioner Kester asked if the tax designation is the main reason that he wants the zone change. Mr. Glahe stated that his reasons are his property is already taxed as commercial, he is mostly surrounded by property that is zoned Commercial “D,” and he wants to conform to the downtown area. He explained that his main reason is that when he bought the property he thought it was zoned Commercial. Mr. Glahe informed the Commission that he plans to have a retail store attached to his current business.

Chairman Lockwood closed public testimony.

Commissioner Saied asked if Lots 3, 4, 15, and 16 (which have residential uses) are paying Professional Office taxes. He also inquired as to whether the property tax for Professional Office is the same as Commercial “D.” Mrs. Bramblee clarified that Mr. Glahe was correct in that the County does not differentiate between Professional Office and Commercial “D” in assessing property taxes. She then explained that property taxes are based on use rather than zoning. Commissioner O’Hara stated that there is a reason for differentiation in the zones the City has and if we don’t use them there is no point in having them. He declared that there is a distinct character to the area and he would hesitate to change it to Commercial.

Commissioner Kester asked about the possibility of changing the site to the Commercial Neighborhood “CN” zone. Chairman Lockwood stated that is not an option because it was not part of the application. Mrs. Bramblee explained that denial of the application could be accompanied by a recommendation to City Council for a development agreement. Commissioner O’Hara asked if the Commission would have to draft seven different development agreements, one for each owner. Mrs. Bramblee replied that one development agreement would be sufficient for the entire property involved in the application and each property owner would have to sign the document.

Commissioner Saied proposed that the Commission deny the application because the Commercial “D” designation would allow too many incompatible uses. He stated that his biggest concern is the lack of parking in the area. Chairman Lockwood verified that the City’s parking standards would apply if the property were developed or if there were a change in use. Commissioner O’Hara declared that ITD would have to approve any new curb cuts on Pine and Church Streets. He stated that there is a good chance that development would be concentrated in the alley and a small mini-mall might be formed. Commissioner Prince indicated he does not support the zone change and that the PO designation is beneficial as a buffer for the Residential properties located on the other side of Pine Street. Commissioner Vroman agreed with Commissioner Prince and stated that she sees no purpose in approving the zone change.

Chairman Lockwood asserted that he would feel awkward changing zoning simply because of taxation. He also stated that approving the proposal based on the misunderstanding of the zoning

designation at the time the property was purchased could cause problems in the future. Mr. Lockwood expressed concern over other property owners claiming the right to a change in zoning as a result of confusion over the correct zoning designation.

MOTION FOR DECISION

Moved by Commissioner O’Hara, seconded by Commissioner Saied, that the Planning Commission, after consideration of the criteria and relevant standards of *Idaho Code* and *Sandpoint City Code* as noted on Pages 1 through 4 of the Staff Report, make a recommendation to City Council to **deny** the request by **Glahe & Associates, Inc. et al**, for a zone change from Professional Office “PO” to Commercial “D” for Lots 1 through 6, the South 40 feet of Lots 9 and 10, and Lots 13 through 20, of Block 8, Sandpoint Original, located in Section 22, Township 57 North, Range 2 W.B.M.

The reasons for this decision are the rezone is incompatible with the Comprehensive Plan.

The motion carried with no opposition.

Public Comment on Residential Zoning Issues

Mr. Herrington stated that purpose of the discussion is to solicit input on minimum lot sizes and other residential zoning issue so that staff can draft an ordinance. His research indicates that most jurisdictions confronted with the issue of whether platted lots are separately buildable have upheld reasonable minimum lot sizes as a police power. Mr. Herrington maintained that he believes the current minimum lot size of 7,100 square feet in the City is reasonable. He then summarized Resolution No. 03-40, which sets forth the current policy on minimum lot sizes. Mr. Herrington asserted that an ordinance formally establishing minimum lot sizes should be drafted and approved by the City Council as soon as possible. He informed the Commission that staff would also like to make some minor ‘housekeeping’ code changes. The Commission was instructed to evaluate minimum lot sizes and the issues set forth in the memorandum dated August 26, 2003. Commissioner Saied asked when the current minimum lot size went into effect. Mr. Herrington replied 1980 and noted that minimum lot sizes in Idaho communities range from 6,500 to 12,000 square feet.

Marita Stewart, 226 North First Avenue, Sandpoint, Idaho, has been a real estate broker in Sandpoint for twenty-five years. She indicated her desire to speak on the ‘granny flats’ or auxiliary units common in the Residence “A” and “B” zones. Ms. Stewart stated that there is a serious lack of housing in the community and rentals in the range of \$300 to \$500 per month are very hard to find. There are many existing illegal units in Sandpoint; some are rented out and others are used as guest quarters. Ms. Stewart asked that the City recognize the situation and allow the use. The City already has the infrastructure in place and if it doesn’t encourage higher density, people will be forced to move outside City limits. Commissioner O’Hara asked Ms. Stewart if she would be in favor of allowing the extra units in every residential zone. Ms. Stewart answered in the affirmative, stating that there is a need for them and they are currently prevalent in every zone.

Curt Hagan, 321 North First Avenue, Sandpoint, Idaho, is a realtor with Evergreen Realty. He stated that Seattle allows building on twenty-five foot wide lots in order to provide affordable housing. The houses are aesthetically pleasing and they sell for about \$100,000 each. Mr. Hagan stated that he does not want South Sandpoint desecrated with little houses on twenty-five foot lots because it is a special place that has character. However, the City does need to consider affordable housing so that people in the service industry don't have to live outside Sandpoint and drive to work. His opinion is that each neighborhood should be evaluated separately rather than enacting blanket zoning.

Mr. Hagan insisted that it is good to have small houses and people don't need huge homes with huge lots. The City should contemplate allowing cottages as a way of increasing the density in Sandpoint. Cottage developments are usually built in a circle with garages behind and a community area in the center. They are beautiful, affordable houses of approximately 1,000 square feet each. The City already has the infrastructure; it should be utilized more. The auxiliary units should be identified and made legal to increase the tax base. Mr. Hagan asserted that, with City regulation, the extra units would not ruin the nice neighborhoods.

Dean Yanocha, 419 Michigan Street, Sandpoint, Idaho, has a house on a fifty-foot lot and owns the thirty-five foot lot next door. His intent when he bought the property was to build a small guest cottage that would match the existing house. There is a lack of land and housing in the area so people have started building large houses on small lots. His property with two lots and one house is not worth as much as two lots with two houses. Therefore the City is taking potential assets and he should be compensated. He stated that he would not have issue with the current policy if the minimum lot sizes had been upheld since they went into effect. Mr. Yanocha claims the City should not have changed the policy since it has allowed the nonconforming lots to be built on for twenty-two years.

Mr. Yanocha suggested a review process for each of the nonconforming lots or requiring the size of the house to correspond to the size of the lot. If the City is going to pass an ordinance that prohibits building on nonconforming lots, then people need to be notified by mail. The City is going back in time to enforce policies but they do not know the original intent. No one knows whether the twenty-five foot lots were intended to be separately buildable because most were platted in the early 1900s. It wastes time to look backwards; we need to concentrate on the future of Sandpoint. Discussion on current minimum lot size policy followed.

Mr. Herrington stated he agrees with Mr. Yanocha that the Commission needs to look at the future and different ways of regulating housing. He encouraged the Commissioners to think out of the box and continue to look at the web sites provided by staff. The option of holding a public workshop to gather more public comment prior to the hearing was brought up. Chairman Lockwood voiced his support of the idea of a public workshop. Commissioner Saied stated that there should be an outline of general guidelines in place before the workshop.

Chairman Lockwood requested comment from Mr. Herrington concerning the illegal extra units.

Mr. Herrington stated that on a case-by-case basis some of them are good uses while others should be torn down. If the City is going to start approving them, there should be a process for going back and approving the existing units. He suggested the Conditional Use Permit process could be used to bring the units into conformance with Building And Zoning Codes. Mr. Herrington also recommended making setbacks uniform because the Planning Department has had problems when accessory buildings are converted into residential uses. The Commission and Planning Staff need to work together to deal with the problem. In addition, the City should establish a date before which the extra units would be grandfathered.

Commissioner Monahan declared that the Commission should continue to take comments from the public before any action is taken. Commissioner Prince remarked that the illegal units should not just be grandfathered, there should be a process to improve the quality of the living units. Commissioner O'Hara pointed out that people will not want to come into compliance if they have to bring the units up to Code. Commissioner Saied asked if the additional units would increase the taxes for the property. Mrs. Bramblee answered in the affirmative. Chairman Lockwood brought up the issue of what realtors should do when they encounter these units. Mrs. Bramblee stated that the Planning Department does not usually find out about the illegal units until the property goes up for sale or gets appraised. Current policy is to have the property owners research whether the use was in place before 1978 to find out if it is a legally nonconforming use. Discussion followed on what defines an additional unit and potential minimum lot size for the units. The issue was then tabled.

Commissioner Saied asked where the twenty-five foot wide lots are concentrated. Mrs. Bramblee stated that the majority of the lots are located in the Residence "B" and "C" zones. She noted that most of the lots in the Residence "A" don't meet the minimum lot size of 10,000 square feet. Commissioner O'Hara suggested a 6,000 square foot minimum for Residence "A" and a smaller minimum lot size in the "B" and "C" zones. Discussion followed on the purpose of minimum lot sizes and whether they are necessary. The reasons for having minimum lot sizes given by the Commissioners included controlling density, maintaining property values, and determining the type of neighborhood.

Commissioner Monahan asked when the City started allowing twenty-five foot wide lots to be built on separately. Mr. Herrington explained that a decision was made by the City that it had to allow building on any platted lot. However, he believes the decision was wrong and case law supports the enforcement of minimum lot sizes. In the past, people have placed single-wide trailers on the twenty-five foot wide lots. It has only been in the past five or six years that the City has received building permit applications to have stick built homes on those narrow lots. Mr. Herrington instructed the Commission to take into consideration Mr. Yanocha's point that by enforcing minimum lot sizes the City may be taking potential assets. He suggested the City allow a reduction in lot size on the basis of Conditional Use Permits if something is provided in terms of the character of the house.

Chairman Lockwood asked if there was a time period during which the City did not permit houses to be built on the twenty-five foot lots. Mrs. Bramblee noted that those lots would not

even have met the minimum lot size that was in effect from 1949 to 1980. Commissioner Saied asked why the twenty-five foot lots were created in the first place. Chairman Lockwood noted that he had heard two reasons; one was for the loggers to stake their tents on and the other was to allow flexibility in total lot size. Commissioner O'Hara asserted that the City needs different standards and minimum lot sizes for each zone.

The Commissioners deliberated on how they should proceed and at what point the public should be involved. Mr. Herrington stated that Staff needs to have a feeling for what the Commission thinks is right for the community. He encouraged the Commissioners to look at the narrow lots that have been built on throughout the City. The Commission discussed lot sizes, lot coverage ratios, and the whether a professional should be consulted to determine what is appropriate. Chairman Lockwood asserted that there should not be any land within City limits that is zoned Rural. The importance of increasing density while maintaining the character of Sandpoint was taken into account. Mr. Herrington stated that staff would draft an ordinance that sets forth the standards listed in Resolution No. 03-40. He also indicated that the housekeeping changes should be completed by the end of the year. Chairman Lockwood expressed interest in finding out how other communities determine the appropriate minimum lot sizes. The Commission decided to hold a workshop for staff and the Commissioners to further discuss these issues.

MATTERS FROM STAFF: None.

MATTERS FROM COMMISSION: None.

Chairman Lockwood adjourned the meeting at 9:50 p.m.

/s/
Steve Lockwood, Chairperson