

CITY COUNCIL AGENDA REQUEST FORM

Today's date: 7 / 1 / 19

Date of meeting 7 / 17 / 19

(City Council meetings are held the 1st and 3rd Wednesday of each month.)

Name of Citizen, Organization, Elected Official, or Department Head making request:

Aaron Qualls, Planning & Community Development Director

Address: 1123 Lake Street, Sandpoint, ID 83864

Phone number and email address: aqualls@sandpointidaho.gov

Authorized by: Amanda Wilson



name of City official

City official's signature

(Department Heads, City Council members, and the Mayor are City officials.)

Subject: Public Hearing/ Proposed Ordinance on Moratorium, new zone changes within Airport Overlay

Summary of what is being requested: take Public Testimony and consider adoption of staff prepared ordinance for a temporary (up to one year) moratorium on new zone change requests within the

Airport Overlay Zoning District.

The following information MUST be completed before submitting your request to the City Clerk:

1. Would there be any financial impact to the city? Yes No

If yes, in what way? _____

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Have they been contacted? **Yes or No**

Notice requirements met per ID Code

Title 67, Chapter 65

3. Is there a need for a general public information or public involvement plan? **Yes or No**

If yes, please specify and suggest a method to accomplish the plan: Yes No

Open public and stakeholder meetings too be scheduled. See additional info here:

<https://stories.opengov.com/sandpointid/published/EpmYcfvPn>

4. Is an enforcement plan needed? **Yes or No** Additional funds needed? **Yes or No**

Yes No

Yes No

5. Have all the affected departments been informed about this agenda item? **Yes or No**

Yes No

This form must be submitted no later than 5 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.

ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM

**CITY OF SANDPOINT
AGENDA REPORT**

DATE: 7/1/19

TO: MAYOR AND CITY COUNCIL

FROM: Aaron Qualls, Planning & Community Development Director

SUBJECT: Public Hearing and Proposed Ordinance for a Temporary Moratorium on New Zone Change Requests within the Airport Overlay Zone

DESCRIPTION/BACKGROUND:

Following a presentation by the Airport and Staff at the June 19, 2019 Regular Council Meeting, Council requested that consideration for a moratorium on any new rezone requests seeking residential uses for properties that lie within the Airport Overlay Zone until sufficient guidance has been incorporated into the Comprehensive Plan.

Idaho code Title 67, Chapter 65 allows for municipalities to adopt a temporary moratorium on certain classes of permits when a municipal plan is being created or amended. The Sandpoint Planning and Zoning Commission has initiated an update to the Comprehensive Plan and intends to involve the Airport, Airport stakeholders, the FAA, ITD, surrounding property owners and the broader community in developing a component of the Comprehensive Plan specific to the Airport, as required by Idaho code, by December 2019.

The attached ordinance would place a moratorium on new zone change requests for properties within the current Airport Overlay Zone District. The moratorium is intended as an interim solution to protect the health, safety and welfare of citizens within proximity to the Sandpoint Airport. The ordinance has been drafted to provide a one-year duration on the moratorium to allow adequate time for completing the associated component of the Comprehensive Plan, public notifications, and formal amendment.

More information about land use and public airports can be found here:

<https://sandpointidaho.gov/airportplanning>

STAFF RECOMMENDATION: Adoption of attached Ordinance

ACTION: Motion to adopt attached Ordinance

WILL THERE BE ANY FINANCIAL IMPACT? No HAS THIS ITEM BEEN BUDGETED? N/A

ATTACHMENT(S):

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, IMPOSING AN IMMEDIATE MORATORIUM ON THE ACCEPTANCE OF ZONE CHANGE APPLICATIONS WITHIN THE AIRPORT OVERLAY ZONE DISTRICT; STATING THE PURPOSE OF THE MORATORIUM; STATING THAT THE DURATION OF THE MORATORIUM SHALL BE ONE (1) YEAR; PROVIDING THAT THESE PROVISIONS SHALL BE DEEMED SEVERABLE AND THAT REMAINING SECTIONS OF SANDPOINT CITY CODE SHALL NOT BE AFFECTED BY A FINDING THAT THESE PROVISIONS ARE UNLAWFUL OR UNENFORCEABLE; AND PROVIDED FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, Chapter 65 of Title 67 of Idaho Code allows a governing board to adopt a moratorium on selected classes of permits when it is found that a plan, a plan component, or an amendment to a plan is being prepared for its jurisdiction;

WHEREAS, since the adoption of the Comprehensive Plan in 2009, The Idaho Legislature has amended Title 67, Chapter 65 to require component (q) “Public Airport Facilities” within a jurisdiction’s Comprehensive Plan;

WHEREAS, the City of Sandpoint Planning and Zoning Commission has initiated an update to the 2009 Comprehensive Plan;

WHEREAS, Bonner County has adopted a Master Plan for the Sandpoint Airport and the Idaho Transportation Department Division of Aeronautics provides for Idaho Airport Land Use Guidelines;

WHEREAS, while Sandpoint City Code Title 9, Chapter 12 “Airport Overlay Zone District” protects hazards to air navigation, the Sandpoint City Council finds that this zone may be insufficient to protect the health, safety and welfare of citizens within proximity to the Sandpoint Airport and that high concentrations of people in proximity to Airports has been found to pose a significant threat to health and safety;

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying its adoption of this ordinance; and

WHEREAS, the City Council finds that the moratorium imposed by this ordinance is necessary for the protection of the public health, safety, or welfare.

NOW THEREFORE, the Mayor and City Council of the City of Sandpoint does ordain as follows:

Section 1: Moratorium Imposed. A moratorium is imposed on the acceptance of new zone change applications within the City of Sandpoint Airport Overlay Zone District as defined in Sandpoint City Code Title 9, Chapter 12. During the term of this moratorium, the City will not accept or process zone change applications found to be within the Airport Overlay Zone District which will be subject to ordinance provisions as may be revised during the moratorium. Provided, however, that this moratorium shall not apply to any complete applications received prior to the adoption of this ordinance.

ORDINANCE NO. _____

Section 2: Purpose. The purpose of this moratorium is to allow the City adequate time to review and amend its Comprehensive Plan as well as land use regulations to adequately address issues relating to compatible land uses in proximity to the Sandpoint Airport.

Section 3: Duration of Moratorium. The moratorium imposed by this Ordinance shall be in effect for a period of one (1) year, beginning on the date of the adoption of this Ordinance. During this period, the Planning and Zoning Commission is directed to develop a work plan to adequately incorporate a section specific to Public Airport Facilities in the Sandpoint Comprehensive Pan and to consider standards and/or restrictions pertaining to compatible land uses in proximity to the Sandpoint Airport. The Planning and Zoning Commission is further directed to engage with the Sandpoint Airport Director, airport stakeholders, the Idaho Transportation Department, property owners within the airport overlay as well as other agencies, stakeholders and the community in the comprehensive plan update process as well as any subsequently proposed land use regulations. Public notice and participation in accordance with the City’s standard practices shall be followed.

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

Section 5. Effective Date. This ordinance, passed by a majority of the Sandpoint City Council as an interim ordinance necessary for the protection of the public health, safety, or welfare, shall be effective immediately upon its passage. Without an immediate moratorium on the City’s acceptance of permit applications for new zone change requests, processing of such applications by the City could occur under regulations that are inconsistent with resulting City polices associated with ensuring compatible land uses in proximity to the Sandpoint Airport. Therefore, the City’s moratorium must be imposed immediately to prevent any development rights from vesting and preserve the City’s ability to process applications under valid codes and planning documents. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL as an ordinance of the City of Sandpoint on this ____ day of _____, 2019.

Shelby Rognstad, Mayor

Attest:

Melissa Ward, City Clerk

SUMMARY OF ORDINANCE NO. _____

Moratorium on Zone Change Applications within the Airport Overlay Zone District

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, IMPOSING AN IMMEDIATE MORATORIUM ON THE ACCEPTANCE OF ZONE CHANGE APPLICATIONS WITHIN THE AIRPORT OVERLAY ZONE DISTRICT; STATING THE PURPOSE OF THE MORATORIUM; STATING THAT THE DURATION OF THE MORATORIUM SHALL BE ONE (1) YEAR; PROVIDING THAT THESE PROVISIONS SHALL BE DEEMED SEVERABLE AND THAT REMAINING SECTIONS OF SANDPOINT CITY CODE SHALL NOT BE AFFECTED BY A FINDING THAT THESE PROVISIONS ARE UNLAWFUL OR UNENFORCEABLE; AND PROVIDED FOR PUBLICATION AND AN EFFECTIVE DATE.

This full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular hours to any citizens on personal request.

Publication Date: _____

Melissa Ward, City Clerk

STATEMENT OF LEGAL ADVISOR

I, William L. Herrington, legal advisor for the City of Sandpoint, Idaho, have examined the foregoing summary of Sandpoint Ordinance No. _____ and find it to be a true and complete summary of said ordinance, which provides adequate notice to the public of the contents thereof.

William L. Herrington, City Attorney