

**SANDPOINT PLANNING COMMISSION MEETING  
5:30 P.M. CITY HALL COUNCIL CHAMBERS  
MINUTES OF SEPTEMBER 3, 2019**

**COMMISSION MEMBERS PRESENT:** Slate Kamp, Travis Sherman, Forrest Schuck, Tom Riggs, John Hastings

**COMMISSION MEMBERS ABSENT:** Jason Meyer, Cate Huisman

**STAFF MEMBERS PRESENT:** Planning & Community Development Director Aaron Qualls, Planner Ryan Shea (minutes); City Engineer Dan Tadic

Chairman Riggs called the meeting to order at 5:35 p.m.

**Matters from the Public:** None.

**Approval of the Consent:**

Commissioner Kamp moved to approve and Commissioner Schuck seconded to approve the minutes of August 20 as amended. **Motion passes unanimously.**

**Agenda Item B: Public Hearing (CUP19-01)**

Riggs briefly summarized the order of the public hearing.

**Staff Presentation:**

Qualls asked the Commission if they had any conflicts of interest or ex-parte contact. The Commissioners said they had none.

Qualls read a comment by Lorie Gaines into the record:

*My name is Linda Jorie Gaines and this summer I bought property at 1716 Oak St. Sandpoint Idaho. I was recently informed by several neighbors that a 15 unit facility is proposed near my home.*

*I did not receive any information from the city of Sandpoint regarding this proposal, and I am uncomfortable that something so huge could be built immediately behind my home without my knowledge.*

*As a semi retired person, I like to walk my dogs and take my young granddaughter with us as we explore our neighborhood. I have worked all my life, and the thought of slowing down to smell the roses is a long held dream. However, frequently I take my family somewhere else to walk due to the constant surge of traffic and corresponding safety issues. I watch children in my neighborhood narrowly escape being hit by vehicles that screech down Oak street only to necessary STOP. Due to an inadvertent road between Oak St. and*

*Cedar people drive through this area regardless of children riding bicycles, scooters and skateboards.*

*Beyond any doubt, I am against this proposed building and I will be attending the meeting this evening to voice my feelings.*

Qualls gave a description of the application. The applicant is proposing to construct a 15 unit multi-family development on 4 lots of the Centennial Place subdivision totaling 26,458 square feet. Qualls showed what the current site plan looks like overlaid onto aerial photography and showed materials from the application. Qualls said that 4 single family homes are located to the south and multi-family development to the south of these homes. The proposed parking lot meets the requirements of the minimum number of spaces and dimensional standards required. Qualls asked if the Commissioners had any questions for staff, there were none.

**Applicant Presentation:**

Todd Butler introduced himself as the applicant's representative, an architect for Forte Architecture and Planning in Coeur d'Alene and has lived in the area for 30 years. Butler said that when first starting these projects he looks at the underlying zoning and is bound by these requirements. Butler noted that the entire area is zoned multi-family. He said that he did what he typically tried to maximize the use for his client. Butler said that initially he felt that parking would allow at most 18 units but went for 15 due to city restrictions.

Butler said that he designed it in such a way that there is roughly a lot and a half between the buildings and neighboring structures. Butler said they were initially planning on constructing a fence along the parking lot and neighboring properties, which he noted the Planning Division has recommended. Butler said that the City requires a significant amount of landscaping per code: roughly 15 trees and 150 shrubs. Butler said that the code wants to avoid large box-like structures. The fenestrations and design elements he incorporated help it blend into the neighborhood better. Additionally, the entries that face Cedar St help make a connection to Cedar St instead of turning its back on the neighborhood and also worked to mask the parking and garbage collection. Butler said he feels that this proposal has met all the guidelines of the Planning Division and asked if there were any questions or comments.

Kamp asked about the configurations of the units. Butler said that the building that faces Cedar St are all 2-bed, 2-bath units and the building behind is a mix: 1 stack is a 2 bed, 2 bath with the other a 3-bed, 2-bath. Out of the 15 units, 12 of them are 2-bed, 2-bath and 3 of them are 3-bed, 2-bath.

Qualls clarified that the Staff recommends a condition of requiring a masonry wall on the east and south sides of the project to mitigate vehicle noise and headlights affecting adjoining property owners. The application generally meets code and that this is a

conditional use which is allowed through code. Conditional Use Permits allows the Planning Commission to attach additional conditions to the application to help mitigate concerns that neighbors may have. Qualls clarified that the trips generated per day was the more robust standard attached to single-family homes (10 trips per day) and multi-family is typically measured at about 5 trips per day. Riggs asked the applicant if there is any issue with the masonry wall recommended by staff. Butler said he had no issue with the requirement of the masonry wall.

**Riggs opened the public hearing at 5:54.**

**Riggs read into the record those who do not wish to speak:**

**In Favor:**

Bill Delm, no additional comments.

Kaitlyn Jordan, of Hayden, ID, PO Box 3510. No additional comments.

**Opposed:**

Josh Robinson, of 423 Willow Dr. I hear no plans to upgrade infrastructure and was not notified by the City. 300 yards is the boundary to inform so then this will not impact anyone outside of this. The whole thing seems like a bush league money grab.

Latisha Mullen, 417 Willow Dr. Current state of roads and sidewalks in our neighborhood are not suitable for such a high density development. It will lead to parking along both sides of Cedar and Willow and increase traffic on Cedar and Willow. Not safe for driving or kids. Not wide enough and no sidewalks.

Nayla Morton, 429 Willow. No additional comments.

Amanda Cerise, 117 Jerrys Way, Sagle (rep. for 1710 Oak St). Max height of 2-story to preserve surrounding area.

Katrina Hooper, 1618 Mosshart St. Cedar busy enough.

**In Favor:**

Brad Jordan of Coeur d'Alene, an associate of the applicants. Jordan said that they want this project to be an asset for Sandpoint. Jordan said that they feel that this does fit the neighborhood as there is existing multi-family in the neighborhood to the south and they don't want this to be a basic multi-family project. Jordan says they want this to be a smaller-scale unique multi-family complex. They tried to give it a Northwest lodge/craftsman look so it fits in with the character of Sandpoint. Jordan said that the design is mean to better fit into the neighborhood. In regards to traffic, 150 trips per day, being the high side, is not a significant addition to a neighborhood spread over the

course of a day. Jordan feels that if there are traffic issues in the area this should be aided by additional law enforcement patrol.

Jennifer Anderson, 411 Willow Dr. Jennifer said that her mother purchased this property in 1981 and development continues to happen. Anderson said that she is in favor of higher density development which helps make the community more accessible for people who want to live and work here. In general Anderson tries to avoid exclusionary attitudes and that in general she thinks letting people live in this area having great access to public transportation and walking/biking distance of retail centers is important. Anderson asked that the property owners consider the circulation patterns in order to circumnavigate this area and preserving wildlife and the existing trees.

**Opposed:**

Jean Allen, 1709 Cedar St. Allen said she is new to the area after relocating from Arizona. Allen is worried about what affect this project will have on property values. She said this project will negatively affect the area. She feels that the neighborhood largely consists of single-family homes and was not informed of this when she purchased the property. Allen is worried about the impact of traffic on the neighborhood and how it would affect walkers/bicyclers in the neighborhood.

Larry Sanborn, 625 Lincoln St. who is representing his son who lives at 1718 Cedar St. Sanborn said he is concerned about the lights in the parking lot. He said that the car lights coming out of the parking lot would affect his son's house which is directly across the street. If the project was flipped where the driveway was on the west side it would almost be lined up with Willow Dr. Sanborn said that he is concerned about on-street parking due to the minimal parking. Sanborn said that the street to the East of here is very narrow and is a one-way street and does not think it will change for 20 years. He said that the road should be improved prior to the project being approved. Sanborn said that he doesn't know if these are low or high income rentals. Sanborn said that a 3-story building is out of place in this location and snow plowing will be a challenge. Sanborn said fire hydrants are also a concern.

Bruce Johnson, 1724 Cedar. Johnson said that he lives just across the street at Willow and Cedar. Johnson said that Cedar cannot handle the traffic because it is basically a single-lane road and drivers must dodge pedestrians regularly. Johnson said that lights coming out of the parking lot will shine into his front windows. Johnson said that he hopes this project is not approved.

Patrick Beck, 405 Willow Dr. Beck lives across the street from the development. Beck said he thinks that what exists there should be what goes there next. Beck said that he thinks nobody here is against affordable housing. Beck said there is a bottleneck in Cedar St. and is definitely a one-lane road. Beck said he thinks 150 trips per day is on the low point. Beck said that this part of Sandpoint is ineligible for bus service and they

need to be driven to and from locations and should be considered. Beck said he thinks the Commissioners take into consideration how many people are at the meeting and the will of the people.

Connie Watson, has lived in the City limits for the last 41 years. Watson said that if this project meets the current standards and codes she thinks that codes need to be changed. As proposed, this development will have significant impact on the surrounding neighborhood. Watson asked the Commissioners to please consider changing code prior to the next proposal coming before them. Watson said that there is a subdivision that went in on Madison and she is concerned about this traffic and the traffic being generated by the library affecting the neighborhood. Watson said that 1.6 parking spaces per unit is not enough for families today – most have 2 cars. They will park on Cedar St and around the community. Watson said she does not hope for a 3-story multifamily building right next to them, especially considering the development of the nearby subdivision and thinks that code should be changed.

Francis Ogilvie, 417 Madison St. (Handout attached to comments in the file).

“I’d like to give you a sense of the conditions on Cedar Street, as well as the changes regarding development that our neighborhood has recently experienced.

Two years ago, construction began on Alexander Place, a high-density 27 small lot single-family home development which is now nearing completion. Contiguous to Alexander Place, the earlier Cedar Green development has only three residential lots left undeveloped. As the lots from these two developments have filled up, vehicle traffic has intensified and put a higher demand on Cedar Street.

Adding maximum density development as proposed would generate more pedestrian and vehicle traffic than Cedar Street can safely support. It would create an increasingly difficult situation for both current and future residents.

If the stated hope for more future high-density planning in the area comes to fruition, the number of vehicles using Cedar will increase exponentially. The level of congestion will increase, the impact will spread, and safety issues will mount.

Currently, Cedar Street heading east between Madison and Monroe streets is only eighteen feet wide and does not have sidewalks. More on-street parking is occurring, and it has become hard to navigate through to Division. When the last three Cedar Green lots along that stretch are developed, on-street parking will grow and safely passing other vehicles will become more difficult.

The thirty-three plus vehicles from this proposed development would be using that corridor and would generate up to 150 trips per day based on the number of units being proposed. Traffic flow would further suffer.

Avista on Lincoln continues to daily use Cedar Street for their trucks as they have for years. Drivers from nearby areas use that portion of Cedar to avoid navigating the

congested intersection at Pine and Division – an unaddressed problem identified 14 years ago by a traffic study.

The southwest corner of Cedar and Division is home to the Sandpoint Library. Most of their vehicle traffic exits the parking lot onto Cedar Street. The lot has recently been increased by 26 spaces to accommodate higher anticipated use.

The steadily increasing amount of child pedestrian traffic (both by foot and bicycle) from all these sources is also creating a dangerous walking environment through this corridor.

Infrastructure improvement is necessary on this section of Cedar now, and the need intensifies proportional to additional development.

We would ask that the Commission either table, deny, or impose the conditions necessary to mitigate these impacts.”

Tom Russell, 424 Willow. Russell said this proposal is extremely unpopular with the surrounding neighborhood. Russell said that the majority of west Sandpoint is zoned multi-family and said that a development like this could go in someone else’s backyard next. Russell said that a developer could purchase a block of homes and construct a complex that overshadows nearby single family homes. Russell said that most residents do not realize that this is possible. Russell said that he was extremely disappointed to hear that this development could be built here and change the character of the neighborhood significantly. Housing opportunities is clearly needed. Inevitable growth should be executed thoughtfully and in a quality way. Russell said that he is impressed by the design team creating a proposal that just squeaks through many of the code requirements. Russell said that this proposal is not proposed in a place where it integrates seamlessly with the neighborhood and will strain the infrastructure capacity and dominate the skyline. This proposal will be horribly out of context.

Allison Turcotte, 1718 Oak St. Turcotte said that she was not notified despite being one of the most impacted homeowners in the area. Turcotte said that she does not have any issue with multi-family development and assumed that nothing more than a duplex would be built in the adjacent lots. She said that there is a lot to the west of her also owned by Cedar Street Investments and believes a road will be constructed here. The estimated 150 car trips are too many trips for this neighborhood and Cedar St is not wide enough.

Mary Feldman, 1708 Oak St. Feldman stated that with the development of these units along with the existence of other nearby Section 8 multi-family will affect property values. Feldman said that she uses the property for short term rentals and her tag line for her rental is “Mountain View Home.” Feldman stated that her view of the mountains will be impacted by the proposed development. Feldman said that she would request the Commission limit this development.

Jeanine Russell, 424 Willow. Russell said that this development is not harmonious and in conflict with the Sandpoint City Code. This use will be disturbing to neighboring uses due to blocking of sunlight and increasing traffic. She said that this project does not seamlessly integrate itself with the surrounding neighborhood.

Heather Lien, 510 Willow. Lien said that this proposal is not in-line with the comprehensive plans goals and objectives. Lien went through different goals and objectives on how this development does not meet the requirements (entire handout attached to comment sheets as part of file).

John Clerique, 1701 Cedar St. Clerique said that he has concerns of the increased traffic and that the structure is out of character with the neighborhood. Clerique said that fire safety needs to be addressed. He said that Cedar is so narrow that not even two trucks can pass one another, especially when Avista trucks are driving by.

Sarah Schmidt, 1707 Cedar St. Schmidt said she is concerned about a decrease in property values, traffic, the parking lot, and access to sunlight and privacy. Dumpsters in the parking lot could attract rodents and the developer should respect the character of the neighborhood.

Linda Gaines. Gaines grew up in Sandpoint and during her career she has traveled all around the United States and can now work part time from her home. Gaines said that she is concerned about the impact of traffic on this neighborhood. Gaines said that there is a boat and van parked on Cedar which further narrows Cedar St. Gaines will not walk on Cedar St.

**Neutral:**

Jim DuBuisson, 412 Willow. Jim said that there is no emergency access on the west side of the building. Further, on the west side there is a wetland that is supposed to be protected and will be impacted by this development.

**Rebuttal by Applicant:**

Butler said that Cedar St. is obviously a challenge according to the comments. There are a lack of sidewalks along Cedar and this development would have to put in sidewalks which would help increase the safety in the neighborhood. Snow removal has been taken into account (1,000 square feet set aside) in addition to Stormwater which are things not typically done on single-family units. Butler said that with the height limit in this zone even single family homes could be developed at the 40' height limit which could be a larger impact than what the current development is proposing. Butler said that this is an alternative housing type geared towards market rent; there is no Section 8 or funds from other sources being used for this development. The objective is to create a nice project to meet the market rents.

Butler said that there is an additional lot to the south of the proposed project which would not be developed as part of this project and perhaps developed as a single family home or sold in the future.

**Public Hearing Closed at 6:48 pm.**

**Commission Deliberation:**

Schuck asked if there are any plans for improvement of Cedar St. Qualls said that the City is kicking off a transportation master and multi-modal plan. Tadic said that this stretch of Cedar St is a very likely candidate for improvements based on condition and average daily traffic counts. Schuck asked if there is a timeline for when this stretch would be improved. Tadic said the timing of the actual improvements is hard to tell at this point. Tadic said that the results of the plan would inform this area in approximately one year. Qualls said that the intersection at Pine and Division affects this stretch of Cedar as there are people who use Cedar to avoid the intersection.

Qualls clarified that the notification requirements were met by the applicant. Qualls asked if the Commission could specifically address the comments regarding neighborhood character and the stepped standards required in City Code. Qualls pointed out that the development is 3-story and that there is a full lot's width between the east end of the development and a nearby 1 story home. Does the Commission feel that the east end of the development meet the stepped standards in code?

Kamp said that most everyone brought up was the safety of pedestrians on Cedar St. He said that the development is potentially putting a lot more people into this space.

Hastings said that this proposal does not seem to be harmonious with the comprehensive plan. Further, the walk to the nearby park is not safe for nearby residents.

Sherman said that the timing of this project is in conflict with the street improvements that are needed.

Kamp asked about the cut-through within this subdivision. Qualls pointed out the car cuts cutting through from Oak to Cedar and stated that this is technically not a road.

Qualls clarified that a Conditional Use Permit that is an allowed use in zoning that can be mitigated with conditions. Qualls said that the Commission may impose additional conditions on the application based on what they've heard tonight. Riggs asked Qualls if the Planning Commission does not have authority to deny a Conditional Use Permit. Qualls said that since this meets code, he doesn't advise it. Legally, this is the appropriate course.



Riggs asked for clarity on the public hearing process and asked if the Planning Commission's decision is final unless appealed to City Council. Qualls said that is correct.

Riggs asked if anyone was prepared to make a motion. Qualls reminded the Commission that they may table the agenda item to a future meeting.

Hastings asked Staff what level of conditions may be imposed on this project – what kind of authority does the Planning Commission have? Qualls said that stepped standards may be applied and in particular the bulk, mass and scale of development may be changed by the Commission. Limiting stories adjacent to single story structures could be applied more rigorously to help mitigate this structure from dominating a neighborhood.

Riggs asked if the number of units and height could be restricted. Qualls said that the Commission should focus on the bulk, mass, and scale of the proposal and not on the number of units/density. Qualls said that legally doing so could put the taxpayers in jeopardy without a really strong findings of fact and conclusions of law to do so. The fact that it meets code, in terms of density and parking, should be considered.

Hastings said that one of the strong points made was the increase in hazard due to Cedar St traffic. Qualls said that this proposal does not require a traffic impact analysis and subsequent improvements will be informed by transportation master planning.

Qualls said that given the nature of the questions and deliberation he would prefer that he get the City Attorney on the phone to clarify denying a conditional use permit.

*Recess taken at 7:10 pm. Meeting reconvened at 7:22 pm.*

Riggs said that during the recess both Qualls and himself had a chance to speak with the City Attorney. The City Attorney advised that there are certain projects allowed by code, this being one. In this case, the project as proposed meets code for number of units, parking requirements, height. In the attorney's opinion the only condition that would be permissible would be a stepping standard. The Commission does not have the legal power to deny the project. The City Attorney suggested that if the Commission is uncomfortable with moving forward the hearing could be continued to a future meeting.

***Kamp made a motion to table the deliberation for further discussion to continue to October 1<sup>st</sup> at 5:30 pm. to meet with the city attorney. Motion seconded by Schuck. Motion passes unanimously.***

## **Agenda Item C: Public Hearing (S19-01)**

### **Staff Presentation:**

Qualls gave a brief presentation on the project. Qualls said that this subdivision is on an oddly shaped parcel and is proposing a flagpole lot as part of the subdivision. Flagpole lots require at least 26' lot frontage. Qualls said that the driveway proposed here must terminate in a parking lot and not have driveways branching off of a driveway thus classifying it as a street.

Qualls said that as a subdivision this proposal will go to City Council for preliminary approval of the plat. The final plat approval will then occur after public improvements are completed or bonded for and only goes before City Council.

Riggs asked if the driveways are accessing two lots and if a parking lot is being proposed. Qualls said that it may be, but things like this don't need to be on plats and he will let the applicant answer those questions.

### **Applicant Presentation:**

Jimmy Black, of Sandpoint, 417 Pine St., the applicant, introduced himself and said he acquired this about a year and a half ago. The family to the north used to own this parcel. Black said that the plat's complexity is due to planning for stormwater due to how flat the parcel is. Initially, they wanted to access Lot 5 off of Boyer but learned that it is better suited to access this lot elsewhere (the flagpole lot in this case). Black said that they are planning on moving the lot line of Lot 5 eastward making it even with the east side of Lot 3. This move would set up the parcels for a small parking area in that area accessed from the shared driveway. Black said this seems the best way to accomplish this subdivision without having a car backing out onto Boyer. Black said that through the Comprehensive Plan designation they could rezone this to higher density.

Hastings asked if the driveway was part of Lot 1. The Applicant said yes and part of the reasoning for including this here would be to accommodate the existing orchard.

Riggs asked staff if procedurally, is it OK to modify the lot sizes at this point. Qualls said that so long as the final plat is substantially in conformance with the preliminary plat then it would not be a problem.

Schuck asked if city sewer is located here. Black and staff said it was.

Kamp asked for clarification of the driveway situation. Black said that the driveway is planned to terminate into a parking area near the end of the flagpole portion of lot 1. Kamp asked if the driveway could be made longer. Shea said it was possible but they would have to accommodate a fire turnaround. Black said that a larger parking area could be created that could incorporate a turnaround area into it.

**Public hearing opened.**

Riggs asked if there was anyone present that wished to testify. There were none.

**Public hearing closed.**

**Deliberation:**

Kamp moved that the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, recommend the City Council **APPROVE** the request by James Black and Jacob Humble for the Mountain View Acres 5 Lot proposed subdivision at the corner of Mountain View Dr. and North Boyer Ave. subject to all conditions recommended by staff. Based on evidence, records, and testimony, the reasons for approving this request are:

1. Staff has followed the notice procedures applicable to Subdivisions contained in *Sandpoint City Code* Title 9, Chapter 9.
2. Based on information presented at the hearing and the placement of limitations through conditions, the application is in compliance with the subdivision and zoning requirements in *Sandpoint City Code*.
3. The proposed subdivision is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

***Seconded by Hastings. Motion passes unanimously.***

**Agenda Item D: Walnut St and Division Ave Substandard Original Lots of Record**

Qualls clarified that a review is triggered by 4 or more lots. Qualls introduced the project to the Commissioners. This project involves the construction of 8 homes on 8 substandard original lots of record and generally meet all code requirements including differentiating setbacks between the units and the different façade designs of the homes. Qualls said that there is one small detail, one of the facades – the “Temple Pattern”, has a porch that extends to 12’ within the front property line that is 19’ in height. Qualls asked for the Commission’s consideration for a design waiver on this porch.

Qualls clarified that staff is asking for the Commission’s review for larger substandard lot developments and potentially provide a waiver for the setback of the porch.

Schuck stated that he has a conflict of interest since a family member is involved in this project and recuses himself.

***Hastings moved to approve the substandard lots including the design waiver, seconded by Sherman. Motion passes 4-0, with Schuck abstaining.***

**Agenda Item E: Vice Chair Election**

***Hastings made a motion to appoint Kamp as vice chair, seconded by Sherman. Motion passes unanimously.***

**MATTERS FROM STAFF:** Qualls told the Commissioners that there is a book signing kickoff in Spokane for Chuck Marohn on September 10 for the new Strong Towns book.

**ADJOURNMENT:** The meeting adjourned at 7:58 p.m.