

**SANDPOINT PLANNING COMMISSION MEETING
5:30 P.M. CITY HALL COUNCIL CHAMBERS
MINUTES OF October 1, 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, Associate Planner Ryan Shea (minutes), City Attorney Will Herrington, City Engineer Dan Tadic

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

Matters from the Public: None.

Approval of the Consent:

Commissioner Schuck moved to approve and Commissioner Hasting seconded to approve the minutes of September 3rd as amended. **Motion passes unanimously.**

Agenda Item B: None.

Riggs briefly summarized the order of the public hearing.

Agenda Item C: Continued Deliberations (CUP19-01)

Qualls clarified that this is a continuation of deliberation and that the public hearing from the previous meeting was closed and that the Commission cannot accept additional public hearing. The Commission may direct questions to staff. Qualls said that staff have done additional work on the review process and included minutes from the public hearing, signup sheets, comments from the public, and provided an additional menu of options – Section #4. Qualls included more comprehensive plan goals/policies as well. Qualls asked that the Commission's actions tonight are given a significant amount of justification and findings of facts.

Herrington said that the most significant restriction that the Planning Commission could enact would be the most severe.

Herrington said that the Planning Commission's job is to ensure that projects fit in with the city. If a project is not in conformance with City Code, then a project should be mitigated. He does not want to put the City in the position where the property owner could say that their property rights have been taken.

Riggs asked Qualls if he could expand on 4A and 4C. Qualls said the 4A condition would allow the staff to work with the architect on creating a structure that is properly

stepped back from adjacent properties per code. Adjacency is unclear in the code. Qualls said that [what now?]

Riggs asked about the other options that are laid out. Qualls said that these were [???]. Qualls clarified that staff put in the condition of a masonry wall to help mitigate issues to adjacent properties.

Herrington said that the reason he prefers 4A he hates to see a Planning Commission or City Council get into designating a project. There were some projects that were designed by City Councils that were much less attractive than what was originally submitted. By giving staff the power to work with the architect there tends to be better results that come out of the process for the applicant and perhaps for the neighborhood. Herrington said that an argument could be made that the entire project could be argued to be adjacent to the entire neighborhood and the entire project may be no taller than 1 ½ story. Herrington said that [clarify this].

Riggs clarified that it sounds like the Commission does not have the legal power to deny the project and to either allow the project as proposed or allow it with conditions. It sounds like the preferable condition would be to allow staff to work with the applicant to reduce the height and mass somewhat to be more compatible with the surrounding neighborhood. Finally, staff would also be recommending the masonry wall around the east and southern boundaries.

Hastings said that he has serious concerns that the 3 story building is not necessarily harmonious with the surrounding neighborhood. He sees the 4D option as the better solution. Hastings said that the other concern that came up from testimony was the adequacy of the street to handle the additional traffic. Hastings said that it would be good to know when the plans would be to improve the streets.

Qualls said that in regards to limiting the entire development to two stories, this condition would be taking away the rights of the property owner to a degree with room to make some adjustments.

Hastings asked if the stepping standards was specifically pointed out in code. Qualls said yes – in 9-4-2-3.H. Qualls said that there is some wiggle room to require two stories on say Cedar St. to better respect the neighborhood development pattern.

Sherman asked with the any of the conditions it seems that it would restrict the number of units. Qualls said that yes, potentially it could.

Kamp asked about the Comprehensive Plans relationship to City Code. Staff said that the Comprehensive Plan is the general guide for the Commission to follow and what the community should look like. The zoning ordinance is the actual implementation of the plan. For instance, if someone wanted to build a commercial building and it was across

the street from a multi-family zone. The case law would say [clarify]. Generally, zoning should be close to the comp plan but if you vary from it case law would support this.

Qualls said that the traffic counts included in the original staff report were on the high side as they were for single family units while multifamily units can be much less. The future plans for the roads here will be looked at this area in great detail.

Tadic said that since the previous meeting “no parking” signs have been installed on one side of Cedar to help alleviate with how narrow the road is. Further, a four-way stop has been installed at Pine and Division to help alleviate the traffic issues both at Division and on Cedar.

Kamp moved that the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **APPROVE** the request by Cedar Street Investments, LLC. for a Conditional Use Permit to allow for a 15-unit multifamily development in the Residential Multi-Family Zone subject to the following conditions:

- 1) 4A. Limit height in accordance with Sandpoint City Code §9-4-2-3.H.6.a to be administered and negotiated by city staff through the site plan review process and subsequent building permit issuance (as recommended by the City Attorney). The rationale for this condition is that the scale and mass of the proposed building is somewhat not in accordance with scale and height of buildings in the neighborhood.
- 2) 4F. A six-foot (6') masonry wall shall be constructed at the east and south borders of the property in order to mitigate potential noise and light pollution from vehicle parking. The wall shall be in accordance with City Code §9-4-2-3.H.10 (Walls and Fences).

Based on evidence, records, and testimony, the reasons for approving this request are:

- 1) Staff has followed the notice procedures applicable to Conditional Use Permits contained in Idaho Code 67-6512 and 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 nine criteria for Conditional Use Permits as outlined in Sandpoint City Code §9-9-6 A.3.H per the following justification(s):
 - a. The property owner’s rights are being legally exercised and has followed the due process.
- 3) The requested Conditional Use Permit is not inconsistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

Motion seconded by Sherman. Motion passes unanimously 5-0.

Agenda Item D: Comprehensive Plan Process Update

Qualls gave a presentation on the upcoming Comprehensive Plan update. The presentation is located at

<https://stories.opengov.com/sandpointid/published/aN8xd7IZr>.

Riggs asked if separate action would be taken on the Airport element of the Comprehensive Plan. Qualls said yes it would. Due to the enacted moratorium on zone changes in the Airport Overlay the Airport element needs to come quickly to not unduly hold up development in and around the airport. Qualls said if tweaks need to occur later on in the process based on information from other chapters when they are completed, that could happen.

MATTERS FROM STAFF: None.

ADJOURNMENT: The meeting adjourned at 6:15 p.m.