

MINUTES
REGULAR MEETING OF THE SANDPOINT CITY COUNCIL
December 4, 2019

I. OPENING

Mayor Rognstad called the regular meeting of the City Council to order at 5:30 p.m. on Wednesday, December 4, 2019, in Council chambers at City Hall, 1123 West Lake Street, Sandpoint, Idaho.

ROLL CALL: Council members Ruehle, Aispuro, Darling, and Eddy were present. Councilman Aitken was absent at roll call but arrived at 6:52 p.m. Councilwoman Williamson was absent.

PLEDGE OF ALLEGIANCE: **Mayor Rognstad** led Council and the public in the pledge of allegiance to the flag.

ANNOUNCEMENTS: None

II. CONSENT CALENDAR

A. MEETING MINUTES – *approval of Council minutes; informational review of all others*

1. City Council – November 20, 2019, Regular Meeting
2. Planning and Zoning Commission – November 5, 2019
3. Historic Preservation Commission – October 15, 2019
4. Tree Committee – July 15 and September 16, 2019

B. BILLS in the amount of \$716,288.57 for regular payables

C. REQUEST FOR SEWER CHARGE REDUCTION AT 227 S FIRST AVE

D. CONFIRMATION OF APPOINTMENTS TO CITY COMMISSIONS, ADVISORY COMMITTEES, AND BOARDS

1. Jason Welker, Planning and Zoning Commission, with term to expire April 30, 2022
2. Mose Dunkel, Planning and Zoning Commission, with term to expire December 21, 2020

E. RESOLUTION NO. 19-64 PURCHASE OF BUDGETED SANDER TRUCK

Mayor Rognstad thanked Jason Welker and Mose Dunkel for their willingness to serve on the Planning and Zoning Commission, and urged Council to confirm these appointments.

Councilman Darling moved to approve the Consent Calendar, items A through E. **Councilman Aispuro seconded the motion.**

A roll call vote resulted as follows:

Councilwoman Ruehle Yes

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Councilman Eddy	Yes
Councilman Aitken	Absent
Councilwoman Williamson	Absent
Councilman Aispuro	Yes
Councilman Darling	Yes

The motion passed by a unanimous vote of Council present.

III. **5:40–6:40 p.m. CITY COUNCIL / SANDPOINT PLANNING AND ZONING COMMISSION JOINT WORKSHOP:** Comprehensive Plan – Airport Component and Update to City Code Title 9, Chapter 12, Airport Overlay Zone District

Mayor Rognstad recessed the regular meeting for the workshop at 5:33 p.m.

Planning and Zoning Commission Roll Call: All commissioners, Chairman Riggs, Vice Chairwoman Huisman, Commissioner Schuck, Commissioner Kamp, Commissioner Hastings, Commissioner Welker, and Commissioner Dunkel, were present.

The City’s Planning and Zoning Legal Counsel, Fonda Jovick, encouraged anyone with specific questions or concerns as to how these changes might affect them to reach out to Planning and Community Development Director Aaron Qualls. She and Mr. Qualls will be happy to meet one-on-one.

Infrastructure and Development Services Manager Amanda Wilson introduced Bruce Meighen from the City’s Comprehensive Plan (Comp Plan) consultant Logan Simpson, who facilitated the workshop, providing a presentation with informational slides displayed on the large TV monitors in chambers for those participating and the public. (The slides from the presentation can be found in the packet for this meeting.)

Ms. Jovick replied to a question regarding enforcement of the required disclosure statement for homes in the vicinity of the Airport, stating that it would be the responsibility of the title company.

Mr. Meighen replied to Sandpoint resident Hal Gates that noise abatement could be addressed during Phase 3.

Mr. Meighen replied to Andrew Berrey with Granite Aviation, the fixed-base operator (FBO) at the Sandpoint Airport, that the ability to consider a long-term vision is one benefit of updating both the Comp Plan and City Code.

Ms. Jovick replied to **Councilman Eddy** regarding current land use that there are no proposed changes to base zoning. Mr. Meighen added that, on the proposed land use map, there are two areas proposed for cluster development and the creation of open space. He continued, replying to **Chairwoman Huisman** that this area is shown in purple

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on the displayed map. This is a proposed future land use change, not effected by ordinance. It may be possible to change current residential zoning to other types of zones and allow for residential in outlying areas. A transfer of development rights (TDR) program may provide incentives to encourage developers to develop in those areas.

Mr. Meighen replied to **Councilman Eddy** that the Comp Plan includes an action plan, which provides for the potential of agreements with Bonner County to adopt common regulations for parcels that are not within city limits. This type of consistent and collaborative regulation makes it easier for property owners, developers, residents and the airport. **Mayor Rognstad** added that the City has already started down that path, with the Area of City Impact (ACI) review underway.

The workshop concluded, and **Mayor Rognstad** reconvened the regular meeting at 6:14 p.m.

Councilwoman Ruehle moved to consider agenda item G, REVIEW AND ACCEPTANCE OF BONNER COUNTY'S CANVASS OF 2019 CITY OF SANDPOINT ELECTION RESULTS, directly after Public Forum. **Councilman Darling seconded the motion.**

A roll call vote resulted as follows:

Councilman Darling	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aispuro	Yes
Councilwoman Williamson	Absent
Councilman Aitken	Absent

The motion passed by a unanimous vote of Council present.

IV. PUBLIC FORUM

John Wilson, home address not provided, proprietor of Pine Street Dental at 2005 Pine Street in Sandpoint, stated that the change of Sandpoint West Drive to a one-way street is creating problems for his patients, and he requests reversion of the street back to two-way with no street parking allowed.

Ann Neal, Sandpoint resident, reiterated the need for additional signage at Division Avenue and Pine Street to alert drivers of the new 4-way stop at this intersection. Ms. Wilson reported that the City follows the Manual of Uniform Traffic Devices, which provides for national standards that must be followed. The word "STOP" was painted on the pavement at both the northbound and southbound lanes on Division at this intersection. In addition, flags are attached to the stop signs, and large electronic message boards were in place for a month after the 4-way stop was implemented. However, with all of these measures, some drivers still fail to stop. Based on these

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observations and feedback from citizens, the City has recently purchased solar-powered red flashing lights that will encircle the stop signs for drivers on Division. They should arrive and be in place soon.

Jeremy Grimm, Sandpoint resident, contends that the City may be out of compliance with the requirements of its Development Impact Fees program under Idaho Code § 67-8205.

VII. NEW BUSINESS

G. REVIEW AND ACCEPTANCE OF BONNER COUNTY'S CANVASS OF 2019 CITY OF SANDPOINT ELECTION RESULTS PURSUANT TO IDAHO CODE § 50-412

Mayor Rognstad reported that, following the November 5, 2019, City election, the Bonner County Commissioners met and canvassed the results of the election, determining the following: Shelby Rognstad has been elected Mayor, and Kate McAlister, Deb Ruehle and Andy Groat have been elected to City Council. All will serve a four-year term to commence upon their oath of office, which will be administered during the first Council meeting in January, scheduled for Thursday, January 2, 2020, at 5:30 p.m. in Council chambers.

Councilman Eddy moved to approve and accept Bonner County's canvass of the results of the November 5, 2019, City of Sandpoint election. **Councilman Darling seconded the motion.**

A roll call vote resulted as follows:

Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilwoman Williamson	Absent
Councilman Aitken	Absent
Councilman Aispuro	Yes
Councilman Darling	Yes

The motion passed by a unanimous vote of Council present.

Mayor Rognstad recessed the meeting at 6:29 p.m.

Mayor Rognstad reconvened the meeting at 6:40 p.m.

V. PUBLIC HEARING AND DECISION ON CONDITIONAL USE PERMIT CUP19-01.

Mayor Rognstad reported that, per Sandpoint City Code Section 9-9-5, notice has been provided to property owners within 300 feet of the parcel boundaries on which the proposal is being considered. Notice was also been posted at the site 7 days in advance of the hearing, and a summary has been provided in the Bonner County Daily Bee, the official newspaper of general circulation, at least 15 days prior to the hearing date.

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The following will be the Order of the Public Hearing:

- 1) Explanation of the subject of the hearing by City legal counsel and City staff.
- 2) Presentation by the appellant.
- 3) Presentation by the applicant. Council members should address their questions to the applicant at that time.
- 4) Opening of the public hearing, at which time the public may provide testimony. Questions should be asked of the person testifying before leaving the podium. Those wishing to testify are required to complete a sign-up sheet. The order of those providing testimony will be as follows:
 - I. In favor
 - II. Neutral
 - III. Opposed
- 5) Rebuttal testimony from the applicant or appellant or their representative. Final questions may be asked of the applicant or appellant at that time. However, if new facts are elicited, the public will be given an opportunity to comment on new facts.
- 6) The Mayor will close the public hearing, and Council will deliberate. No new information may be provided at that time, and questions may be directed only to City staff during Council deliberation.

Ms. Jovick explained that Council has been asked to hear evidence during a public hearing that is the result of an appeal of a Planning and Zoning (P&Z) Commission decision to approve CUP19-01. This differs from consideration of a recommendation from the P&Z Commission and is a de novo review, with an opportunity to see and consider evidence from the prior P&Z public hearings (provided in the meeting packet) and this evening's public testimony. After deliberations, Council will be asked to render a decision either:

- 1) Affirming the P&Z Commission's approval of CUP19-01; or
- 2) Remanding the decision back to the P&Z Commission; or
- 3) Reversing the P&Z decision, effectively denying the application.

Councilwoman Ruehle disclosed that, before the first P&Z public hearing, a co-worker who lives in the subject neighborhood approached her about this matter, and she suggested to her co-worker that, if she was interested in weighing in, she should attend the public hearing.

No other Council members disclosed any conflicts of interest or ex parte contact.

Ms. Wilson went over the staff report, provided in the meeting packet, with a history of the application, as well as information regarding the application review process, applicable development and conditional use permit standards, relevant portions of the Comprehensive Plan and other regulations, surrounding land use, transportation

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considerations, water and sewer service, units proposed, parking requirements, and potential conditions and development requirements for this project.

Appellant Jean Allen, city resident who resides at 1709 Cedar Street, directly east and adjacent to the subject property, stated that she appealed the P&Z Commission decision on behalf of herself and at the urging of many of her neighbors. They are all shocked at the completely incompatible nature of the design of this development. It was submitted to the City as a three-story maximum height and density rental apartment building, and they were surprised that it could be approved at such an incompatible scale and density in their single-story neighborhood. Last year, she moved here from Arizona to be closer to her children. When she purchased her home, it was her understanding that the remaining six plotted lots would be developed as single story homes. She now knows that her property, as well as nearly half the City was zoned for multi-family development. She is disturbed that something with this kind of negative impact would be permitted right next door to her. Fortunately, she also learned that a conditional use, which this is, would require conditions placed on it that would allow it to blend seamlessly into the neighborhood. The first hearing resulted in a vote for only one condition: a six-foot wall. At the next meeting with continued deliberation, the only condition added by the P&Z Commission was the requirement to go through the site plan review process, the results of which did not address that which is mandated by City Code. It would still be bulky, dominate the streetscape, and appear out of character in the context of an established single-story neighborhood. The appeal condition, as amended, would incorporate manageable density increases seamlessly into this area, respecting investments made by existing homeowners and preserve the charm, character, and comfort of the neighborhood for both new and longtime residents. She would also like to see a condition added, requiring the designer to work with the three property owners bordering the subject property as to the placement of coniferous trees to mitigate the views that will be altered. She is also concerned about the placement and type of parking lot lights, as her bedroom window faces the proposed parking lot. It is her hope that Council will adopt all of these conditions.

Mayor Rognstad observed that the original development called for three stories, but the latest rendition is a two-story building. The rendering of the building was shown, and it was pointed out that there is a portion in the middle of the structure that is still three stories tall, although it was difficult to see in the drawing. There was additional discussion regarding whether there was really a need for additional trees, with the six-foot wall that is already required. A map was displayed, showing the location of the appellant's property and the subject property.

Ms. Wilson clarified for **Councilman Aispuro** that the development is somewhat incompatible, with room for interpretation within the Code, which is the basis for this hearing and request for Council ruling.

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Francis Ogilvie, city resident who resides in the subject neighborhood and who has been appointed by the Appellant as her representative, replied to **Councilman Aispuro** and **Councilman Darling** that the three-story portion in the middle of the development is out of scale with the surrounding homes. They appreciate that the building is now, for the most part, proposed as a two-story structure. It is the middle third-story portion that is the concern. What would blend in with the neighborhood is if the entire project is two stories. In terms of the building itself, it is the third-story portion in the middle that is the concern.

Ms. Allen replied to **Councilwoman Ruehle** that shifting the placement of the parking lot, with the building closer to her property, would not alleviate her concerns, as then the upper story windows of the structure would be peering down into her home/property. Mr. Ogilvie added that the headlights of the cars exiting the proposed parking lot will shine into the windows of the homes across the street. If the configuration of building and parking lot was flipped, then headlights of cars exiting the parking lot would be directed down Willow Drive, which wouldn't be a problem, but flipping the configuration would not address the appellant's concerns.

Ms. Jovick clarified that Ms. Allen and Mr. Ogilvie are the only two named Appellants, so they spoke first, as the named Appellants. Next, we will hear from the Applicant, then the Appellants can continue with their community presentation as part of the public hearing.

Todd Butler with Forté Architecture & Planning, Inc., from Coeur d'Alene, Idaho, spoke on behalf of the Applicant. His clients purchased the four lots in question and now have a fifth lot south of this property and have recently purchased the last lot, so they have six contiguous lots. They approached him, seeking a design for a multifamily development, after they had done their due diligence to confirm zoning and determined it would be a good investment. On their behalf, he has navigated the entire process in Sandpoint, which he commented was one of the more detailed processes he's experienced in four states and which he appreciated. They followed all of the requirements of the planning and zoning codes, including application for a conditional use permit for which they seek approval this evening. The P&Z Commission added two conditions when approving their CUP, and they have met those conditions with a revised plan. The planning and design of the subject development seeks to mitigate the concerns that have been brought forth. Many of the terms used in the Comprehensive Plan are open to interpretation. City Code goes into detail as to how these items should be addressed in order to achieve compatibility, including Section 9-4-2-3-H-6, Neighborhood Scale, which states that "[t]he scale of those buildings developed within an existing neighborhood shall conform to the established scale. Appropriate scale multi-family development shall be achieved through the adherence of the following..." This section goes on to detail how that conformance shall be achieved. He displayed exhibits in support of his argument in favor of approval of the CUP, including one with photographs of other nearby multi-story buildings, seeking to demonstrate that the development is not out of scale with the neighborhood, and another showing examples of buildings that could be developed and built right now, under the Code, with no additional permitting or permissions required, including a three-story

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building 35 feet tall. They planned their development to provide as much of a buffer as possible to the existing homes. An entire lot separates their structure from the adjacent structure. To the north, there are no homes directly adjacent to their proposed building; there is a street, separating the property from the opposite side of the street. To the west is vacant land. To the south, his clients own the two lots adjacent. At this point, there are no existing structures adjacent to their proposed building. That was by design, seeking to create a buffer and to not dominate neighborhood. Also by design is the fact that, as was pointed out during Appellants' presentation, the three-story portion in the middle of the building does not stand out. His rendering was created as if someone across the street was looking at the structure from a five-foot eye level. The three-story portion is set about 50 feet back, off of Cedar Street, and the buffer of the two stories attempts to bring that scale down. It was already required to provide buffering where there is parking next to residential, and their buffer to the east, next to the Appellant's home, was planned to be a landscape buffer. The six-foot wall that has been required adds an additional level of buffering for light pollution, etc. He believes that it comes down to Code vs. desires. They are striving to limit the impact while working within the rules that have been outlined.

Mayor Rognstad opened the public hearing. The following, all City residents who reside in the subject neighborhood, spoke in support of the appeal:

Sarah Schmidt, 1707 Cedar Street
Heather Lien, 510 Willow Drive
Shawn Martin, 418 Willow Drive
Connie Watson, 429 N. Madison Ave.
Janenne Russell, 424 Willow Drive
Francis Ogilvie, 417 Madison Ave.
Tom Russell, 424 Willow Drive

Bruce Johnson also spoke in support of the appeal. He owns 1724 Cedar Street, which he rents out to tenants.

Mayor Rognstad read a comment from Leticia Mullen, who resides at 417 Cedar Street, in support of the appeal.

Jennifer Anderson, 411 Willow Drive, spoke in opposition to the appeal.

Brad Jordan of Coeur d'Alene did not speak but indicated his opposition to the appeal.

Kaitlyn Jordan, home address not provided, did not speak but indicated her opposition to the appeal.

Mr. Butler rebutted, pointing out that, according to the City, the safety concerns regarding Cedar Street will be addressed in the future. Their design seeks to keep parking from spilling over into the neighborhood. He responded to one of the exhibits provided by the

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Appellant, stating that it shows a home at the rear of their proposed building that does not exist. His clients own that property, and it is currently bare land; also, there is probably 80-90 feet from the proposed building to the back of the house that exists to the south. Even though not required, they are striving to provide as much of a buffer as possible. The addition of trees is going to be a great equalizer in helping this development to blend seamlessly into the community.

Mr. Butler responded to **Councilman Eddy** that it's not his decision whether the third story could be reduced to two story, as he is not the developer. This development is still in the infancy of the design process. The original design was three stories and produced within the parameters provided. It was a much more detailed submittal. They've already made concessions, stepping the front and southwest corner down to two stories. He's been able to devise a way to still achieve the number of units allowed by Code, but it's a challenge. They would like to proceed with what is allowed in the Code.

Mr. Butler replied to **Councilman Darling** that the east side provides access to the parking behind the development. It helps mask the parking and the garbage, with the intent to lessen the impact on the neighborhood. A decision has not yet been made as to the plan for the lots to the west owned by his clients, but there are opportunities there; perhaps a connection to Oak Street to help alleviate traffic.

Mr. Butler replied to **Councilman Aispuro** that the Code does not require the six-foot tall wall that will be constructed along the east and south property lines; the conditions from the P&Z Commission include this requirement. Additionally, P&Z conditions require that the structure on Cedar Street, as well as the southwest corner, will be limited to two stories.

Mr. Butler replied to **Councilman Darling** that a three-story single-family dwelling would be allowed on those lots. The maximum height allowed for a single-family dwelling is 35 feet. For multifamily, the maximum height is 40 feet.

Mr. Ogilvie rebutted Mr. Butler's testimony, stating that, where the applicant proposes to relieve traffic, he would be unable to do so, as there is a building in that location. The existing multifamily buildings the applicant showed as examples were built a long time ago and do not reflect the current Comprehensive Plan.

Mr. Ogilvie replied to **Councilman Aispuro** that they would absolutely not oppose the development if it was all two-story. The requirements for multifamily are different than other development in that zone. Half the City is zoned multifamily. There's no buffer zone, no medium density. Most cities offer something between single family and multifamily, but there is no such graduated or stepped density/zones in Sandpoint – it goes from single family to multifamily.

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Ms. Wilson clarified that the design includes 24 parking spaces, with three reserved in the wintertime for snow storage.

Mr. Butler stated that he did not present any new evidence for the Appellant to rebut.

Mayor Rognstad closed the public hearing.

Ms. Jovick explained that the options for Council at this point were to deliberate or to entertain a motion to table a decision until the next public meeting or, after deliberation, they can make a motion on a decision. She clarified for **Mayor Rognstad** that no motion is necessary in order to deliberate.

Mayor Rognstad made a statement: This is the first of many examples of growth pressures in Sandpoint. Affordable housing is an issue for residents, employers and an issue for the economic vitality and overall livability of our City. Projects like this go a long way to help address this issue. He is sensitive to the neighborhoods affected by these proposed developments; it can be impactful and change the neighborhood. This is an inherent conflict we face in the City. Sandpoint is growing fast. He appreciates the work of the Planning and Zoning Commission. He appreciates the developer's concession, willing to take the front of the development on Cedar Street down to two stories. He is sensitive to the concerns regarding traffic impacts on Cedar Street. The City is in the midst of a multimodal plan, which will address the issues on Cedar. The developer has exceeded the off-street parking requirements. He appreciates the overall design and character of the project. The developer has gone a long way to address neighborhood concerns. He hopes the neighbors can appreciate that the City is trying to accommodate a multitude of perspectives and a variety of competing needs. This project goes a long way to find that middle ground and will be beneficial for housing in Sandpoint and a nice addition to the neighborhood.

Councilman Aispuro stated that this property owner has no obligation to make this development affordable housing; that's the owner's prerogative. He concurred with the Mayor's comments.

Councilwoman Ruehle stated that, on the campaign trail, she frequently heard about the need for more housing. With increased density, the hope is that affordability will be improved. Change is hard, but it's coming. There are many new houses in this neighborhood. This developer could scrap these plans and build something the neighborhood would like even less. Luther Park Retirement Community is massive and built directly across from a number of single-family residences. It does not seem impactful and has many more units than the proposed project. That lot was just a big, grassy field when she moved into the neighborhood, and it changed. Sometimes we just have to accept these changes.

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Associate Planner Ryan Shea responded to **Councilman Eddy** that, no, required setbacks do not change from multi-family to single-family development. Front setback is 15 feet. With a front porch, it can go down to 10 feet. Side yard setbacks are 5 feet. A single-family dwelling, any structure in in general, could be as tall as 40 feet.

Councilman Eddy commented that the developer has done significant legwork and has been willing to make modifications.

Ms. Jovick responded to **Councilman Eddy** with advice on how Council could remand the application back to the Planning and Zoning Commission.

Councilman Eddy moved to remand the application from Cedar Street Investments, LLC, for a Conditional Use Permit to allow for a 15-unit multi-family development on a 26,458 square foot site located at 1723, 1721, 1717, and 1715 Cedar Street in the Residential Multi-family (RM) zone and legally described as Lots 1A, 1B, 2A, and 2B of the Replat of Centennial Place Subdivision, Sandpoint Idaho, as shown on the plat thereof, located in Section 21, Township 57 North, Range 2 West, back to the Planning and Zoning Commission for approval, adopting the Commission's findings and recommendations, with the exception that the site plan review process include a requirement that all structures within the development be limited to two (2) stories. **Councilman Aitken seconded the motion.**

Councilman Eddy commented that he does agree with the impacts of the third story and doesn't feel comfortable allowing it to be built in this area.

Ms. Wilson responded to **Councilman Aispuro** that the height difference between two stories and three stories is 10-12 feet. As for compatibility, there is room for interpretation within the Code. The P&Z Commission passed on that interpretation for staff to determine, and staff negotiated what would be compatible and allowable. That is how the requirements, A. that structures fronting Cedar Street be limited to two (2) stories and B. that the southern-most portion of the development be limited to two (2) stories, came about.

A roll call vote resulted as follows:

Councilman Aitken	Yes
Councilman Darling	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	No
Councilman Aispuro	No
Councilwoman Williamson	Absent

The motion passed by a majority vote of Council present.

Mayor Rognstad recessed the meeting at 8:37 p.m.

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Mayor Rognstad reconvened the meeting at 8:42 p.m.

F. UPDATE ON THE PROPOSED REPLACEMENT OF CITY CODE 7-3-10, NEW SIDEWALK CONSTRUCTION

Ms. Wilson provided a presentation on the proposed Sidewalk Code Update. (The presentation is available in the meeting packet.)

Ms. Wilson replied to **Councilman Eddy** that, currently, as it stands, new sidewalk would be required even if the building permit is pulled for the purpose of rebuilding after fire/flood/disaster, but an exemption could be included for a building permit pulled due to casualty loss.

Ms. Wilson replied to **Councilman Darling** that a typical Capital Improvement Plan (CIP) should be a five-year outlook.

Ms. Wilson replied to **Councilman Aitken** that the uncertainty of funding that comes with the City taking on more of the responsibility for sidewalk funding is one downside of the City taking on more of that responsibility from property owners.

Ms. Wilson replied to **Councilwoman Ruehle** that most of the comments have revolved around sidewalk in residential zones, but the proposed new code will apply, regardless of zone.

Ms. Wilson replied to City Attorney Andy Doman that, if the City declares a hazard, it will need to be determined how/when the hazard will be mitigated, and Council would have the authority to require hazard mitigation.

Ms. Wilson replied to **Councilwoman Ruehle** that it's possible someone with a more expensive home could be exempt from the requirement to install sidewalk when a building permit is pulled because the value of their project does not equal or exceed 25% of the value of their home, where someone with a less expensive home would be required to install sidewalk for a project with the same value, but it's unlikely, as the value of projects typically tend to be relative. This type of percentage system is used in other jurisdictions. However, in most cities, the percentage is 50%; we have decreased it to 25%. Using a dollar amount, as is provided in the current code, is an option. Another option would be a percentage that increases as square footage increases, but square footage doesn't always apply in every situation.

Ms. Wilson replied to **Councilman Eddy** that the fee in lieu of sidewalk construction is proposed at \$125 per linear foot of frontage. Staff analyzed what the City typically pays for a total sidewalk project, and it averages about \$94 per linear foot, but there are other

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associated costs that must be considered. Even with those associated costs, \$125 is still a fairly low number.

Ms. Wilson replied to **Councilman Aitken** that expenditure of funds collected under the fee in lieu program would be based on the multimodal plan. A CIP with a five-year outlook will be adopted, and it will prioritize projects. As that money is collected, it can be spent within the bounds of that quarter section of town, and those funds can also help serve as grant matching. Funds collected under the fee in lieu program in a particular part of town must be spent in that part of town.

Ms. Stapleton added that funds collected under the fee in lieu program alone may not be enough, and grant funding alone may not be enough, but those funds could be combined in order to build out an entire block of sidewalk at one time instead of building it one lot at a time.

Ms. Wilson replied to **Councilman Eddy** that not every block will cost the same, but a typical lot frontage is 50 feet across. There are many variables as to how much sidewalk construction actually costs. We can revisit the fee in the future and increase if necessary. A yard of concrete costs \$70.

City Engineer Dan Tadic stated that, from an engineer's perspective, it would be preferable to develop blocks of sidewalk, as opposed to one lot at a time. He would prefer to see the fee in lieu option used. With the adjacency clause, we will be creating more gaps over time; it creates maintenance and code enforcement issues. The code, as written, with the adjacency clause, would create more gaps; the fee in lieu would not.

Mayor Rognstad commented that he prefers the fee in lieu. It's a better strategy.

Councilwoman Ruehle is in favor of whichever strategy triggers the buildout of more sidewalks. If the City takes on more responsibility for sidewalk buildout, it needs to be consistently reflected in the budget as a specific line item every year.

Ms. Stapleton stated that this matter will also be on the agenda for the next meeting. At that time, there will be an opportunity for the public to comment and an opportunity for further Council discussion. Everything provided in the meeting packet, including the proposed new code, along with the presentation and chart provided this evening, will be provided on the City website and linked on Facebook before the end of this week.

Mr. Gates suggested basing the calculation on the value of an average property in town.

Ms. Anderson commented that she prefers the idea of building swaths of sidewalk at a time under the fee in lieu program.

ADJOURNMENT

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Mayor Rognstad adjourned the regular meeting at 9:26 p.m.

Shelby Rognstad, Mayor

ATTEST:

Melissa Ward, City Clerk

DRAFT

**SANDPOINT PLANNING COMMISSION MEETING
5:30 P.M. CITY HALL COUNCIL CHAMBERS
MINUTES OF November 19, 2019**

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

COMMISSION MEMBERS ABSENT: Jason Meyer

STAFF MEMBERS PRESENT: Planning & Community Development Director Aaron Qualls, Planner Ryan Shea (minutes), City Attorney Fonda Jovick

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

Matters from the Public: None.

Approval of the Consent:

Huisman said that the City Attorney, Fonda Jovick, needed to be added to “Staff Members Present” for the minutes of November 5.

Commissioner Schuck moved to as approve and Commissioner Huisman seconded to approve the minutes of November 5 as amended. **Motion passes unanimously.**

Agenda Item B: Comprehensive Plan Update

Miriam McGilvray joined the meeting via phone.

McGilvray gave an update on the comprehensive plan process. Last week there was a visioning event on the rest of the elements of the comp plan.

Recap of Phase 1 events:

- Kickoff meeting (about 65 attendees).
- Airport technical meeting
- Airport Board Kickoff
- Online questionnaire which currently has only 41 responses. This is most likely attributed to the fact that you must register to comment. This will be kept open for another week or two.
- Ongoing stakeholder interviews

Phase 2 events:

- There were about 60 attendees at the airport drop in open house and there were some very good conversations here.
- Community visioning event (30 attendees). Less well attended but many engaged participants.
- Questionnaire #2. This is going to mirror the visioning event pretty closely and will be open well through the holidays to allow ample time for the public to participate.

What was heard at the airport drop in meetings:

Participants were asked to rank priorities and this is what they heard:

Top priorities for the Airport's future:

1. Aerospace industry related employment
2. Emergency Service
3. Wildfire fighting
4. Regional access to airport hubs
5. Aerospace education
6. Tourism
7. Recreation

McGilvray spoke about some things they heard at the airport meeting. Lots of good information was talked about but this is a high level view of the conversations:

- Plan for future growth and commercial flights
- Safety considerations are most important for zoning changes, then economic development.
- Need Noise Abatement Plan
- Limit/eliminate residential in airport zones
- Rezone all vacant land in lateral and inner critical zones as new Airport Zoning
- Larger RPZs may become necessary in the future

Additional items heard were:

- Protect viability of airport
- Triple pane windows for residential in area
- Implement a private jet and frequent flier tax
- Move airport outside of Sandpoint
- Identify and recruit complimentary businesses/business clusters
- Special considerations to allow residential in industrial (outside of critical zones)
- Plan for space travel

McGilvray next went into a draft for the airport section of the plan: these sections will follow the current comp plan layout and will tailor the ITD recommendations to fit this mold. The conditions section of the airport will cover its physical characteristics and economic impacts.

The needs section element will look at land use compatibility, intergovernmental coordination and partnerships, and the airport master plan.

The vision statement was suggested as: Continue the viability of the Sandpoint Airport and protect health and safety of those living and working in the area.

ITD recommends broad, overarching goals for airport planning, which were pulled in and tailored to the Sandpoint Airport:

1. Public Health and Safety
2. Economic Benefits of the Airport
3. Compatibility of Land Uses
4. Hazard Prevention
5. Operations

McGilvray went through each of the policies proposed for the above goals.

1. Public Health and Safety: Protect the public health, safety, and general welfare of both airport users and the communities around the airport.
 - a. Work with Bonner County to be aware of airport activity and respond to needs if appropriate.
 - b. Aid in the reduction of noise impact from aircraft.
 - c. Coordinate with the City of Ponderay and Bonner County, as well as ITD Aero, to establish and maintain consistent development guidelines and regulations that utilize local, state, and FAA guidelines, standards, rules, regulations, and other best management practices to encourage compatible development adjacent to the Airport.
2. Economic Benefits: Promote economic growth with community benefits related to the Airport.
 - a. Encourage commercial and industrial uses in the proximity of the Airport that benefit from and do not conflict with aircraft operations.
 - b. Allow uses that promote the efficient mobility of goods and services consistent with regional economic development and transportation goals.
 - c. Encourage aviation-related economic development opportunities in appropriate locations surrounding the Airport.
3. Compatibility of Land Uses: Plan for compatible land uses around the Airport while keeping in mind property owner's rights and concerns.
 - a. Ensure surrounding land uses are compatible with continued aircraft operations.

- b. Promote appropriate land uses adjacent to the airport which would be both compatible and beneficial to the Airport and the community.
- c. Specify compatible and permitted land uses in zones around the airport.
- d. Prevent encroachment of incompatible development.
- e. Require aviation easement and/or disclosure notification for new or substantial redevelopment of lots, buildings, structures, and activities near the airport.
- f. Adopt and maintain a combination of criteria, standards, and zoning techniques that will protect the airports and aviation uses from incompatible development.

Riggs asked McGilvray to elaborate the difference between a. and f. McGilvray said that these policies are trying to reach the same goal and that there could be some consolidation on these.

Huisman asked when they would be getting a draft to review. Qualls said that the draft will be sent to them next Friday. Huisman said that some of the elements could be combined as they seem to overlap.

Hastings asked about the disclosure requirement. Qualls said that this is one tool requiring disclosure statements for certain types of permit applications like building permits, plats that would need to be signed by the applicant. McGilvray said that if this tool were to be chosen, the zone could be defined.

- 4. Hazard Prevention: Prevent the creation or establishment of airport hazards, such as physical obstructions, emissions that obscure visibility, and/or land uses that expose people to safety risks.
 - a. Regulate and restrict the height of structures and objects of natural growth around the airport.
 - b. Prohibit uses in airport areas, which attract birds, create visual hazards, and emit transmissions that may interfere with aviation communications, or otherwise obstruct or conflict with airport operations.
 - c. Encourage open space and clear areas within key safety areas adjacent to the airport to protect the airport and to reduce safety risk exposure of people on the ground and in the air.

- 5. Airport Operations: Coordinate with the Airport and account for existing and future development, economic activity, and transportation infrastructure.
 - a. Provide for safe air navigation by approving appropriate safeguards to ensure that airport operations are conducted in a safe efficient manner.
 - b. Provide steps to evaluate and approve public airport construction and expansion.
 - c. Adhere to guidelines provided in the Airport Master Plan and associate drawings of the airport when evaluating land use compatibility issues

associated with new development in areas near or influenced by operations at the airport.

McGilvray asked if there is anything missing from these goals and policies. The Commissioners had none.

McGilvray next went onto the Implementation Action Plan.

Implementation Action Plan:

- Tune up existing Airport Overlay
 - Make boundaries match the Inner Critical Zone and Lateral Safety Zone
 - Restrict additional densities beyond existing allowances
 - Double check that the code matches the FAA Part 77 surfaces for height restrictions
 - Restrict expansion and development of public and quasi-public facilities (i.e. schools, churches, etc.)
 - Restrict uses that produce visual obstructions and/or are wildlife/bird attractants
 - Downward/full-cutoff outdoor lighting

Huisman asked about the action plan “restrict additional densities beyond existing allowances.” McGilvray said that this could mean no Accessory Dwelling Units or a zoning change to a higher density zone. Hastings asked if forested land, so long as trees were below a certain height, were desirable for the airport. Qualls said yes.

McGilvray said that the implementation strategies here can be viewed as a type of toolbox. There will be additional options for the Commission to consider in the future.

There are additional considerations:

- Update regulations on solar facilities
- Transferable development rights (TDRs)
- Design guidelines (clustered housing, siting etc.)
- Potential land acquisition
- Capital projects (gateway features, trails, street treatments, etc.)
- Disclosure notification for new or substantial redevelopment near the airport
- Noise Abatement Plan

Riggs asked if noise abatement within the airport operations, this would be required of the County would it not? Qualls said yes, but including this as a potential tool does no harm.

McGilvray and Qualls next showed proposed maps.

Huisman said that there is a significant amount of residential in the southern end of the airport overlay. Should this area be rezoned to lower density? Qualls said that there would not be anything too drastic recommended initially.

Kamp asked if the County is anywhere near expansion of the airport and adding commercial service. Qualls said that currently the airport is experiencing higher amounts of air traffic and larger aircraft. The priority at this point is reconfiguring the east taxiway, providing a full-length taxiway on the west side, and repaving the runway. Lastly, in order to add commercial service, the airport requires a 3-minute response time by a fire station and a terminal.

Qualls said that staff has been asked to incorporate some controls with a light touch and went over what could be included in an interim zoning ordinance:

- Disclosure statements
- Stop-gap for increased density of incompatible uses

Riggs asked if a moratorium would be part of the ordinance. Jovick said that initially something in ordinance form should be enacted now. The City has a responsibility to not infringe on existing property rights. The intent is to not put an ordinance in front of the Commission that appears to be infringing on resident's property rights or preventing them from expanding their property rights.

Riggs said that according to state law an applicant has the right to apply for all manner land use applications/permits. He does not understand how the City could prevent people from applying for zone changes.

Qualls next went over the next steps:

- December 3rd, PZ Meeting – Regular scheduled meeting agenda
- December 4th, PZ/CC Joint Workshop – Review draft for airport component update and ordinance (few changes to existing Title 9, Chapter 12: Airport Overlay Zoning Districts)
- December 10th, PZ Public Hearing – Airport Component, Ordinance (Potential recommendation action)
- December 18th, CC Action/Resolution – Airport Component, Ordinance & Moratorium Lift

Jovick said that these dates were very specifically selected to ensure that the City could meet the noticing requirements for public hearing.

All of the commissioners were available for the meetings except Chairman Riggs who would be gone for the Dec. 18th meeting.

McGilvray said that there may be some targeted Future Land Use Map (Context Areas) revisions as well as part of this process. There are a few critical changes that will be made right around the airport.

MATTERS FROM STAFF: Qualls gave a brief update on filling the vacant Assistant Planner position and hoped to have the position filled in the next couple of weeks.

ADJOURNMENT: The meeting adjourned at 7:00 p.m.