

**SANDPOINT PLANNING COMMISSION MEETING  
5:30 P.M. CITY HALL COUNCIL CHAMBERS  
MINUTES OF December 10, 2019**

**COMMISSION MEMBERS PRESENT:** Slate Kamp, Cate Huisman, Forrest Schuck, Tom Riggs, John Hastings, Mose Dunkel, Jason Welker

**COMMISSION MEMBERS ABSENT:**

**STAFF MEMBERS PRESENT:** Planner Ryan Shea (minutes), City Attorney Fonda Jovick, Infrastructure and Development Services Director Amanda Wilson

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

**Matters from the Public:** None.

**Approval of the Consent:** None.

**New Business:**

**Agenda Item B and C: Public Hearing (CP19-01) – Public Airport Component and Future Land Use Map Amendment and Public Hearing (OA19-01) – Title 9, Chapter 12 Airport Overlay Zone District Amendments**

Wilson said that tonight the Planning Commission's task is to consider recommending to the City Council CP19-01 & OA19-01 which will be brought to Council at the December 18<sup>th</sup> meeting which will be a final decision.

Comprehensive Plan (CP19-01): McGilvray said this is a culmination of about 3 months' work of technical analysis and public involvement. As proposed, this Comprehensive Plan amendment would meet the Idaho requirements for the inclusion of a Public Airport Facilities comprehensive plan component. This component closely aligns with the Idaho Transportation Department recommended Land Use Guidelines for use around airports. An additional requirement is to identify specific actions to implement this which has been provided.

Additionally, parts of the Comp Plan Land Use map have been targeted for changes. The changes are primarily happening around the ends of the runway – at the north and south side of airport. These areas would ideally be developed with clustered residential with an emphasis on open space. These changes were made with the Idaho code requirements in mind. The future land use map will be looked at in its entirety throughout the rest of the Comp Plan update.

Riggs asked if the blue hashed area marked Airport Overlay Zone was kept in as a remnant of the old code. McGilvray said that this was a remnant from the old zone.

Wilson clarified that this land use map matches the proposed ordinance.

McGilvray proceeded to go over the proposed changes to Chapter 12: Airport Overlay Zone District. This zone currently meets very closely FAA regulations. McGilvray said that 3 subzones are being created in the suggested changes. Additionally, there are limitations on requests for rezones within the inner critical and lateral safety zones. There is also a requirement a disclosure statement for properties within the lateral safety zone and inner critical zones to ensure that prospective buyers and property owners understand the risks and hazards of living near an airport.

Huisman asked if this provides what is needed to lift the moratorium. Wilson said yes.

Hastings asked where the disclosure statement was required. Wilson said that it would be required in the inner critical zone and the lateral safety zone.

Welker pointed out that the letter from the airport users they recommended an inner critical zone of 3,000 feet. In this proposal this zone is 5,000 feet, why 5,000 instead of 3,000? Staff responded that a more conservative approach is being put forth to better address health/safety concerns.

Wilson clarified that 9.5.12.D. in the proposed code is not changing any zoning it just doesn't allow up-zoning.

Dunkel said that the change from 3,000' to 5,000' is a significant change. This change could cover a lot of area that could be developed into higher density housing. McGilvray said that the inner critical zones are statistically more hazardous. Taking a more conservative approach would offer more of a buffer. This could be looked at again to see if this is too conservative of an approach for Sandpoint.

Hastings asked if the 5,000' critical zone is required for commercial service at the airport. McGilvray said that 5,000 is suggested regardless of the airport service – commercial service would not affect the safety zone.

**Riggs opened the public hearing.**

Jennifer Anderson wondered if there are plans for Farmin school and if it should be moved.

Wilson said that a parcel by parcel analysis will be done in Phases 2 and 3 and this framework will set the City up for those kinds of discussions.

Mrs. Anderson said that she agrees with the option of Transfer of Development Rights (TDRs). Jovick said that TDRs are allowed through Idaho Code. When staff begins to look at any changes in base zoning in a parcel by parcel analysis, this is when TDRs will

become more relevant. Conversations and perhaps identifications of areas where it will be useful will be held in the next 6-7 months.

Andrew Berrey, an owner of a business at the airport and one of the signers on the letter in the packet. The airport employs around 400 people with \$50,000,000 in payroll. These jobs are good jobs that pay well. Some of the zones around the airport are not zoned in accordance with the ITD standards. Mr. Berrey encouraged the Planning Commission to take a hard look at the parcels on the north side of the runway that are very close to the runway. This first step is supported by the airport users.

James Wandler, owns 4 acres within the red boundary along with 3 other homes they rent out. Moon Ridge subdivision was also constructed on the east side of Boyer. Their intent was to develop something similar on the west side of Boyer until this airport process started. Mr. Wandler is wondering how this affects his home, he has lived here for 40 years. Jovick said that the intention in Phase 1 is to not change base zoning. The amended ordinance will discourage/prohibit any requests for upzoning in the safety zone area. Riggs encouraged Wandler to keep in close contact with staff. Jovick said that if there are any individual land owners that would like to meet with herself and staff members they are open to doing so. Wilson clarified that if you're currently zoned multifamily you may continue to use the parcel as this but single-family zoning would not be able to rezoned to multi-family.

Welker wondered if these changes would create an incentive for developers to rush in and develop before any rezoning occurs, which could put the city in a worse situation. Wilson said that all of this is part of the next steps and a parcel-by-parcel analysis must be made prior to having any rezoning conversations.

**Public hearing closed.**

Hastings asked if these comp plan/code changes would have any bearing on the land outside the city. Wilson said that the other jurisdictions would have to adopt code as well.

Dunkel asked if the 5,000' language is a sticking point. Could the Planning Commission move forward with a 3,000' critical zone? Wilson said that this is up to the Commission tonight and a different recommendation could be made.

Kamp asked if the 5,000' mark was not followed, would this pose grant funding issues for the airport? McGilvray said that having the longer critical zone provides the groundwork to have the flexibility to implement different tools in the future.

Huisman asked if the south end opens up potential housing opportunities if the zone is limited to 3,000' instead of 5,000'. Staff showed the zoning map and aerial imagery of the area in the southern critical zone between 3,000 and 5,000'. Huisman said it

appeared that there were not a significant amount of parcels that would be impacted by being within this area.

Jovick recommended that the Planning Commission think about the liability aspect of the airport overlay zone. The ITD Aero recommendation is the one being presented to the Commission (5,000' option).

Dunkel asked staff to clarify the liability of keeping 5,000' instead of 3,000'. McGilvray said that the ITD recommendations are minimizing density as much as possible within the safety zones and prioritizing open space, industrial, and even low density commercial that are not gathering places. Wilson summarized that the consequences are greater if density is increased in these areas.

Dunkel asked if there is a FAA recommendation for the size of this zone. McGilvray said she doesn't believe there are recommendations for the size of the zone. FAA provides standards for the immediate airport vicinity.

Dunkel said he has concerns about how we would be affecting someone 20 years down the road, primarily on the south end. If it is currently single family, even if its surrounded by multi-family, the possibility of it becoming single family is being removed.

Welker said he is not concerned much about the difference between the 3,000 and 5,000 safety zones due to most all the lots being developed. He is also concerned about how enacting this may have unintended consequences of causing a rush of development of higher density housing.

Hastings said that he prefers the plan as proposed.

Huisman believes that the 5,000' safety zone and proposed changes are appropriate. Huisman asked about density allowances in the Mixed Use Residential zone (MUR), which can be found near the north side of the runway. Shea said that MUR allows multi-family development per Residential Multi-family code and mixed-use type development at 1 unit per 1,000 square feet of lot area.

Hastings asked if not lifting the moratorium was an alternative. Wilson said that the moratorium is for not allowing more rezones in the airport overlay zone. Properties that are already rezoned MUR are not affected.

Huisman moved that the Planning Commission recommend to the City Council to approve the amendment to the Comprehensive Plan entitled Public Airport Component and Future Land Use Map Amendment (CP19-01), as outlined in the staff report.

***Seconded by Schuck, motion passes unanimously.***

Huisman moved that the Planning Commission recommend to the City Council to accept the amendments to Title 9, Chapter 12: Airport Overlay Zone District (OA19-01), as outlined in the staff report. ***Seconded by Hastings, motion passes unanimously.***

**Old Business:** None.

**MATTERS FROM STAFF:** None.

**ADJOURNMENT:** The meeting adjourned at 6:43 p.m.

DRAFT