



Staff Report

To: Planning & Zoning Commission
 From: Planning Staff
 Report: September 11, 2020 – **AMENDED 9/14 & 9/15 WITH ADDITIONAL PUBLIC COMMENTS ATTACHED**
 Meeting: September 15, 2020
 Item: PS20-0003: University Park Subdivision

General Information

Applicant:	Tim McDonnell K-M Enterprises of Idaho LLC & Derek Mulgrew M & W Holdings LLC
Requested Action:	Take Public Testimony and recommend approval/denial to the City Council
Purpose:	To subdivide a site totaling 75-acres into 152 lots.
Location:	Existing structure on northern parcel: 1904 N Boyer Ave. Parcel No. RPS00000150751A & RPS00000151250A. Site bounded by E. Mountain View to the north, N. Boyer Ave. to the west, Sand Creek and 5th Ave to the east, and BNSF Railway tracks to the south.
Size:	Total is approximately 75 acres Lots proposed: 152 total. Lots range from 5,100 sf to 12.3 acres in size.
Existing Zoning & Context Area:	Zone: Residential Single-family (RS) and Commercial B (CB) Context Area: CA-3, CA-3B, CA-4, Park
Surrounding Land Use and Zoning:	<u>North:</u> Single family homes (RS) <u>South:</u> Industrial/Commercial uses (IBP, IG, and CB) <u>East:</u> Railroad right-of-way, Sand Creek, City Limits <u>West:</u> Single family homes, churches (RS, RM, ITP)
Included in Staff Report:	<ol style="list-style-type: none"> 1. Staff Overview 2. Sandpoint Comprehensive Plan 3. Potential Conditions / Development Requirements 4. Public Hearing Procedure 5. Motion for Proposed Subdivision Recommendation
Attached:	<ol style="list-style-type: none"> 1. Subdivision Application with Supporting Documents 2. Preliminary Plat and Phasing Plan 3. Traffic Impact Analysis – Preliminary Documents 4. Traffic Impact Analysis – Final Submission 5. Traffic Impact Analysis Evaluation Memo 6. Stormwater and Wetland Documents 7. Preliminary Utility Plans 8. Public Hearing Notices 9. Written Comments Received at Time of Posting 9A. Additional Comments Received – added 9/14 9B. Additional Comments Received – added 9/15 10. Draft Development Agreement

1. Staff Overview

The applicant is proposing to subdivide an approximately 75-acre predominantly Residential Single-Family zoned site (Figure 1) into 152 lots (Figure 2). That portion of the site east of the railroad tracks is zoned Commercial B which is retained as a single lot. The resulting lots to the west meet the Residential-Single Family (RS) zoning minimum lot size standards (5000 square feet) and frontage standards (50' along public road) as required by City Code §9-4-1-3.



Figure 1 – Site Location

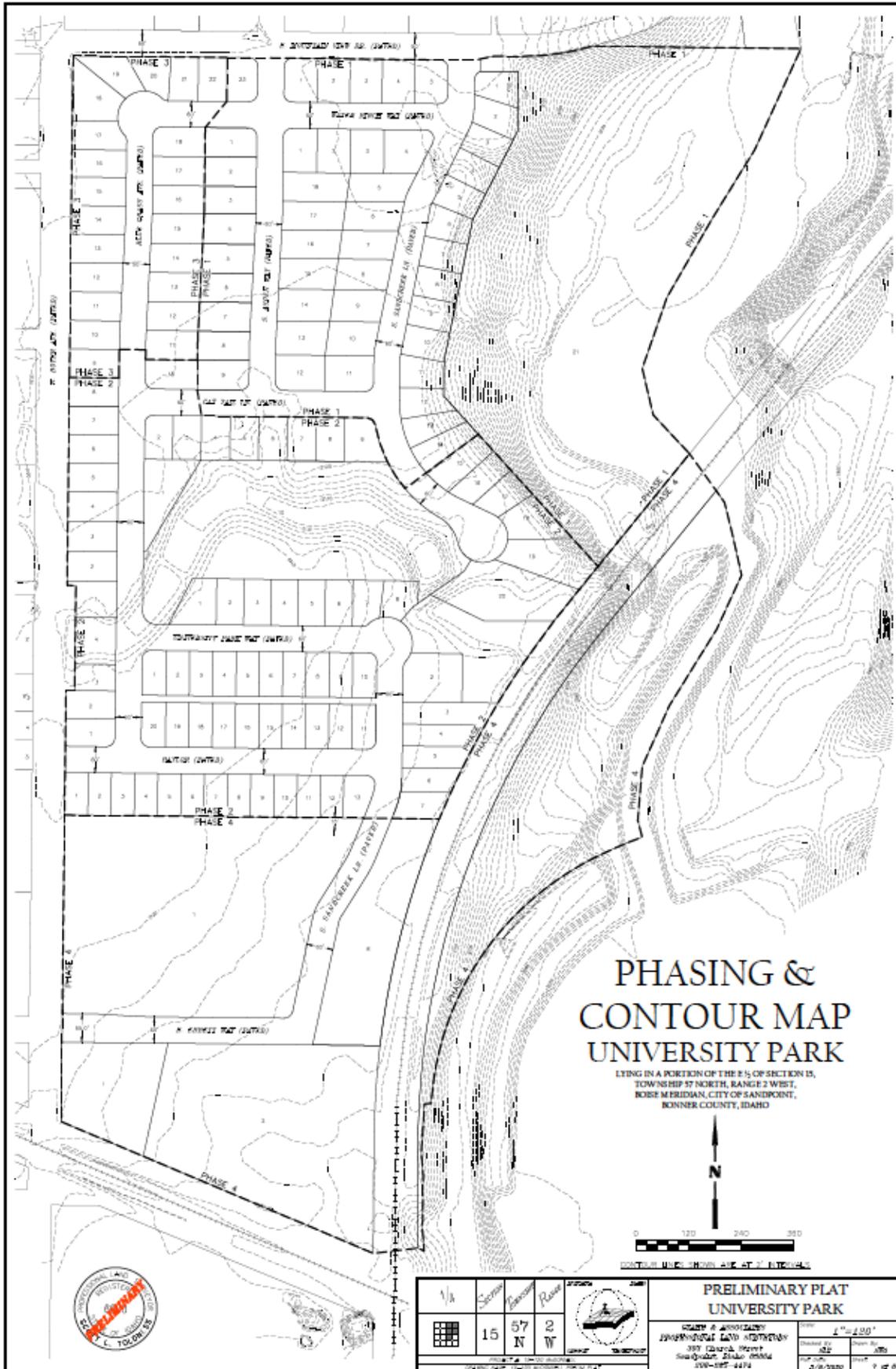


Figure 2 – Proposed Lot Configuration

Site History and Existing Physical Characteristics

This site was formerly owned by the University of Idaho. Established in 1912, the Sandpoint Research and Extension Center was gifted to the University of Idaho for agricultural education and research purposes by T.J. Humbird of the Humbird Lumber Company. Budget cuts caused the Sandpoint Research and Extension Center to be discontinued in 2010. At the September 6, 2017 City Council meeting, the University announced plans to release interest in the parcel. The site has since been acquired by a private party (applicant).

Two-thirds (approximately 47 acres) of the site along Boyer Avenue is relatively flat. Heading east to Sand Creek, the site descends at slopes greater than 15%. Elevations range from 2,110 feet above sea level to the creek-side height of 2,065, a 45-foot change. The site currently contains natural wetlands, drainages, and wooded areas.

Phasing and Lot Layout

Included within the application files is a build out phasing plan which breaks the project up into four distinct phases. A final development agreement approved by the City Council shall be executed and specify the required schedule of public improvements for each final recordable plat of each phase. Per the application narrative and Traffic Impact Analysis, Blocks 10, 12 and 13 of phase 4 in the southern portion of the preliminary plat are intended to be re-platted and rezoned as multifamily and commercial through an independent subdivision and rezone application at a later date. The application narrative and traffic impact analysis also indicate that the larger lots predominantly to the east (lot 20 and 21 of Block 3, Lot 2 of Block 10, and Lot 1 of Block 14) are intended as private open space. See Figure 3 for a site plan showing future uses and lot configuration considered within the Traffic impact Analysis (TIA).



Figure 3 – Traffic Impact Analysis Site Plan

Double Frontage Lots

All lots within Block 1 of the preliminary subdivision contain double frontage lots which are lots that have frontage on two streets, excluding corner lots. Per Sandpoint City Code §10-1-6(A)(7):

“Double frontage lots are those created by either public or private streets, but not by driveways or alleys. Double frontage lots shall be prohibited except where unusual topography, a more integrated street plan, or other conditions make it undesirable to meet this prohibition...”

North Boyer Ave. is classified as an Arterial 3 (minor arterial) with a typical 35mph speed limit. As such, the proposed integrated street plan has been designed to orient driveways and home frontages within Block 1 away from N. Boyer in order to limit conflict points and avoid obstructing traffic.

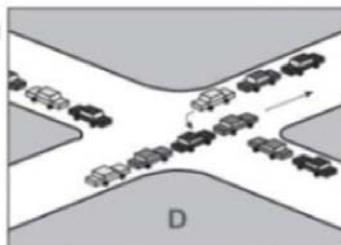
Transportation

A Trip Generation and Distribution Letter (TGDL) and subsequently required Traffic Impact Analysis (TIA) was provided in accordance with Appendix H of the UATP (Urban Area Transportation Plan) and Sandpoint City Code §10-1-6(A)(18). Both documents were reviewed by an independent engineering firm contracted by the City with required changes incorporated. The resulting analysis accounts for buildout of all 4 phases and assumes a successful rezone for the allowance of the proposed commercial and multi-family residential uses within the southern area of the site. In total, the resulting TGDL and TIA submitted considers the potential for 133 single-family dwelling units, 150 multi-family dwelling units, a 45,000 SF self-storage facility and a 10,000 SF commercial shopping center. The number of vehicle trips the project is predicted to generate are as follows:

- Weekday AM Peak Hour: 331 trips (141 entering, 190 exiting)
- Weekday PM Peak Hour: 292 trips (174 entering, 118 exiting)
- Weekday Daily Total: 3,769 trips (1,884 entering, 1,885 exiting)
- Weekend Day (Saturday) Peak Hour: 347 trips (186 entering, 161 exiting)
- Weekend Day (Saturday) Daily Total: 5,089 trips (2,544 entering, 2,545 exiting)

Given the existing intersection configurations and the projected distribution of trips detailed in the TIA, traffic impacts on the surrounding roadway network are expected at opening year (2025) as well as five years beyond (2030) during peak travel times. Mitigation will therefore be required in order to maintain the minimum acceptable level of service (LOS D – Figure 4) per City of Sandpoint standards:

D Delays at intersections may become extensive, but enough cycles with lower demand occur to permit periodic clearance, preventing excessive backups.



S: 35 to 55 seconds
U: 25 to 35 seconds

Figure 4 – LOS D (S=Signalized Intersection / U=Unsignalized Intersection)

North Boyer Avenue and Baldy Mountain Road

This intersection is projected to fall below LOS D to LOS E in 2025 and projects a LOS of F (gridlock) in 2030 absent any mitigation. Based on the TIS and supplemental analysis by the City transportation consultant, the preferred mitigation at this intersection is a traffic signal by year 2030. Alternatives including a roundabout, all-way stop and overpass were also given consideration. However, due to the presence of the BNSF train tracks, the most viable and cost-effective alternative has been deemed to be a signalized intersection. A cost share analysis was included in the applicant provided TIS which estimated that the proposed development would be responsible for 17.35% towards a mitigated traffic signal at this intersection. However, per the city's contracted transportation engineering firm, the method used in the TIA to calculate the fair share contribution does not appear to be consistent with the Urban Area Transportation Plan or standard industry practice. A fair share contribution by the development of 21.84% has been calculated by the City's transportation consultant.

N. Boyer Avenue

Frontage improvements along N. Boyer Ave. will be required along the length of the development consistent with City of Sandpoint Code. The TIA provides N. Boyer as an Arterial 3 (minor arterial). As such, an additional two-way left turn lane is recommended and consistent with findings within the TIA. Maintaining a separated multi-use path on the east side of the road is also consistent with the UATP road classification. The 70 feet of proposed right-of-way on N. Boyer for the length of the development is sufficient to accommodate this configuration. An additional utility easement may also be necessary. A final engineered design for N. Boyer shall be submitted and approved prior to final plat approval.

Mountain View Drive

The preliminary plat shows 10 additional feet of right-of-way for Mountain View, bringing the total width to 60 feet which is in accordance with City local street standards. Frontage improvements will also be required along Mountain View Dr. consistent with City of Sandpoint Code. Accommodating a total width of approximately 42' on Mountain View Dr. (from Aspen Way to N. Boyer) may be warranted based on overall functionality and to prevent northbound cut-through traffic on Aspen Way.

Additionally, a curb ramp and crosswalk at the intersection of Mountain View Road and N. Boyer would also provide for pedestrian access across Mountain View on the east side of N. Boyer.

Highway 2 (Fifth Ave.) and Larch Street

Although the applicant provided TIA shows this intersection as remaining at LOS D or better, the independent analysis conducted by the City's transportation consultant shows that the intersection currently operates at LOS E. As such, the intersection will continue to operate at unacceptable levels in the future absent any mitigation. Mitigation may include the addition of dedicated turn lanes in order to eliminate "split phasing" by the signal which is less efficient. Existing right-of-way appears to be sufficient to accommodate the recommended mitigation strategies. By calculating the total projected additional trips from the development through

this intersection in year 2025, the fair-share cost of improvements have been calculated to be 2.45%. The Idaho Transportation Department (ITD) will need to be engaged and ultimately approve any changes to this intersection.

Proposed Internal Streets

Vehicular access to the internal street network is proposed at four locations: E. Ebbett Way at N. Boyer, Baylor Rd. at N. Boyer, S. Aspen Way at Mountain View, and S. Sandcreek Ln. at Mountain View. At the proposed E. Ebbett way, a northbound right turn lane on N. Boyer Ave. is warranted, per the TIA, at 2025 project conditions. Although a crosswalk across N. Boyer at Ebbett Way may be warranted in the future, this could be considered at a later date, pending assessed conditions at a later date.

Block Lengths:

Per Sandpoint City Code §10-1-6(A)(5), "Block lengths shall be between three hundred feet and six hundred feet (300' - 600'). The city engineer may approve a longer block if topography limits side street development. Blocks over eight hundred feet (800') in length may be required to have one crosswalk not less than ten feet (10') in width, situated near the center of the block."

All Block lengths within the proposed subdivision for phases 1-3 meet this standard with the exception of Block 1 and Block 3. Block 3 contains topography to the east which would limit side street development. The UATP specifies "approaches shall be located so as not to create undue interference with, or hazard to, the free movement of normal street or pedestrian traffic or, cause areas of congestion." The limiting factor for a connecting street of Block 1 (just under approximately 2000 feet in length) onto N. Boyer is related to capacity and traffic flow of N. Boyer—potentially creating a net negative impact without a justifiable cause for more vehicular connectivity in this particular case.

In order to maintain walkability with respect to this block and access to N. Boyer including, but not limited to, potential future uses and densities to the west, a dedicated and paved pedestrian path connecting N. Boyer Ave. with Blue Grass Ave. mid-block may satisfy the block length code standard.

S. Sand Creek Lane is shown both on the northern and southern ends of the development. Prior to final plat approval, an alternative street name will need to be accommodated in accordance with Bonner County road naming standards to better serve the development for emergency response should they remain disconnected. City of Sandpoint Code §10-1-6(A)(20) requires that streets connect with other streets wherever possible. Absent a connecting street, a dedicated 12' minimum paved pedestrian pathway may accommodate this requirement while also insuring consistency with the City's Comprehensive Plan (Goal H-3, Policy A). The preliminary plat (sheet 4 of 8) shows a 20' wide utility and emergency exit easement only. If final utility plans necessitate access for maintenance, the access will need to be capable of accommodating City maintenance vehicles.

Wetlands & Stormwater Management

The applicant provided wetland delineation shows a total of 2.05 acres of wetlands in a total of five areas (Figure 5). Should any development occur within the delineated wetlands, permit approval would be contingent upon proper permitting through the Army Corps of Engineers.

A preliminary stormwater management and erosion control plan has been provided. Typical right-of-way street sections include swales for stormwater collection. Catch basins and underground piping has been designed to discharge stormwater utilizing existing natural drainage patterns on the property and existing drainage ponds.



Figure 5 - Wetland Map

Surrounding Zoning and Land Use

The surrounding land use is predominantly large lot single-family homes and vacant land with two churches to the west of the property. Residential-Single Family (RS) zoning exists to the north and predominantly to the west across N. Boyer. Also to the west exists a portion of Mix-Use Residential (MUR) and Industrial zoned property (ITP). Directly to the South of the site across the railroad tracks the area is zoned Industrial Business Park (IBP). The site is outside of designated Airport Safety zones (Figure 6).

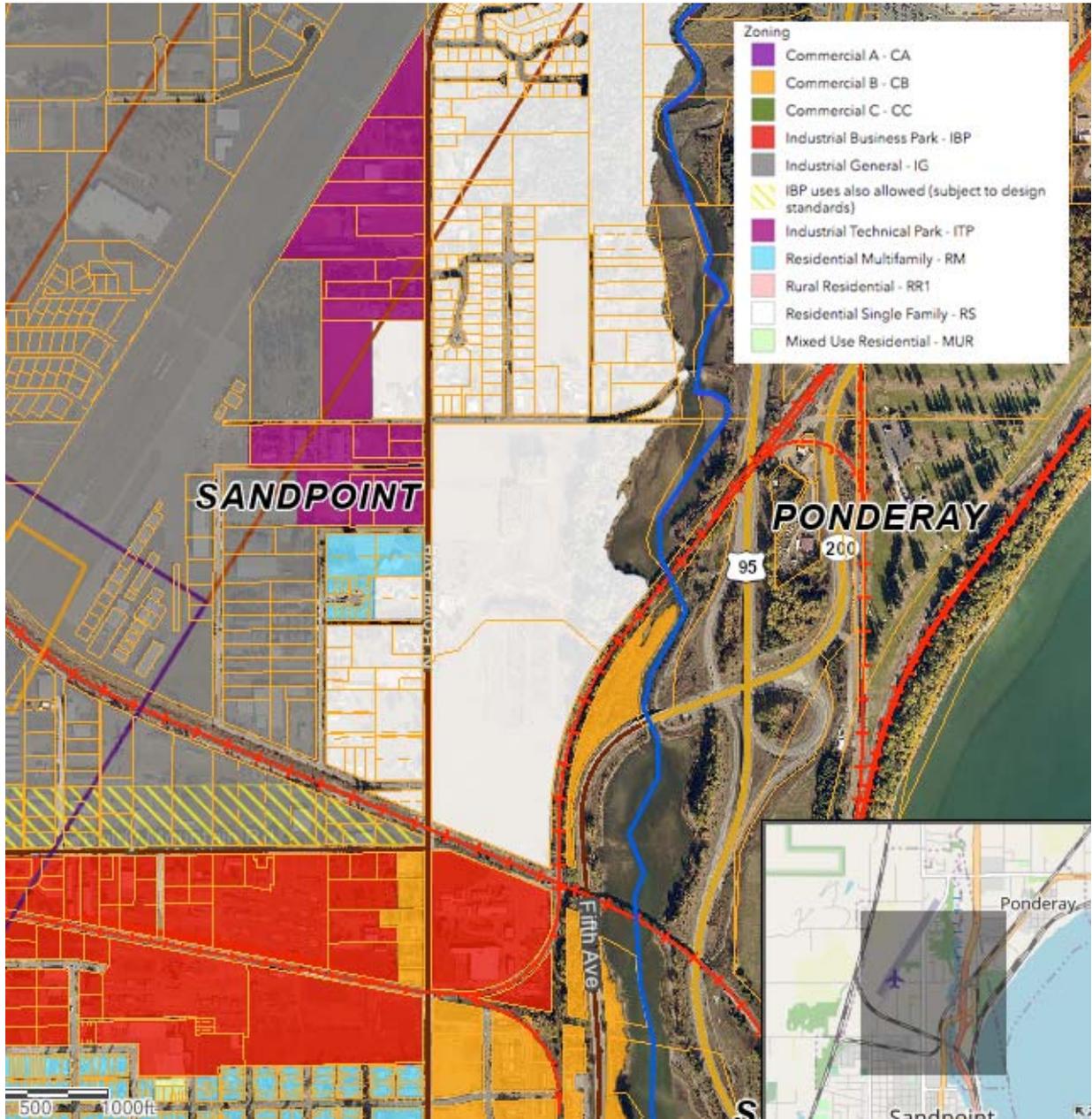


Figure 6 – Area Zoning

2. Sandpoint Comprehensive Plan

The site in question contains several future land use map designations, including a mix of housing types, commercial uses as well as parks & open space. The following land use context areas are referenced for the site in the future land use map (Figure 7):

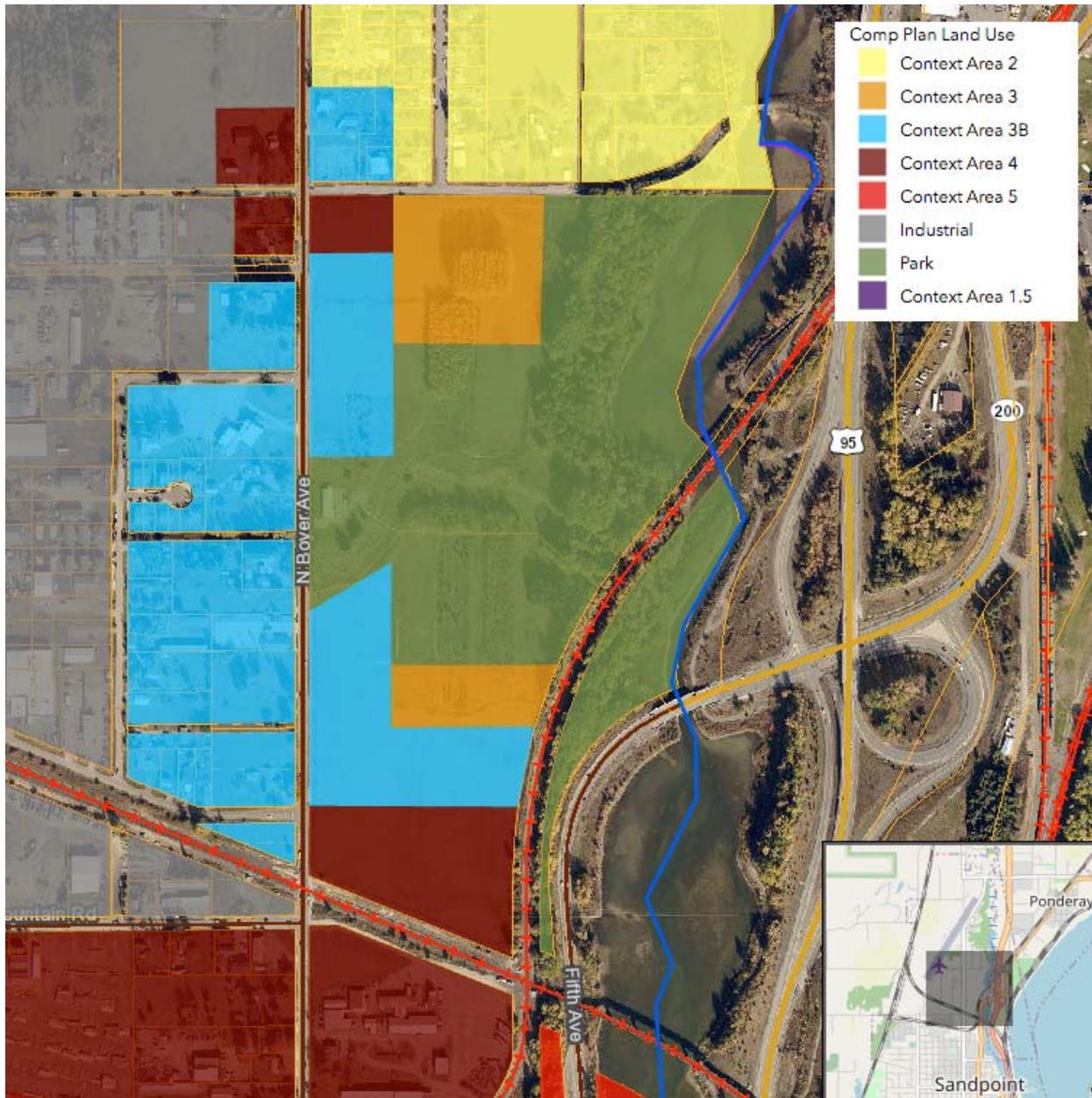


Figure 7 – Comprehensive Plan Future Land Use Map

CA-3 development patterns increase the density of housing through the use of smaller lot sizes, smaller setbacks, options for shared open space and the inclusion of attached and detached multi-family units. CA-3 supports the traditional street grid pattern, sidewalks and walkable proximity to services exemplified by many of Sandpoint’s traditional neighborhoods. CA-3 is limited to residential uses only. The bulk, mass and architecture of multi-family and single-family units should seamlessly integrate with one another, encouraging a balanced streetscape where no one structure or development dominates. This pattern exists or is designated primarily in the area bounded by Boyer,

Lincoln, Lake and Spruce Streets, and serves to buffer CA-2 neighborhoods and CA-4 centers. Within city limits, this designation reflects the on-the-ground densities and uses including collections of duplexes, and high-density housing along Main and Division.

CA-3B (Business Overlay) development patterns are identical to CA-3 patterns, but envision mixed-use, neighborhood-compatible retail. These areas are typified by pedestrian focused activities such as, salons, coffee shops, and residentially scaled professional or institutional offices. All commercial structures should have a residential component to prevent these areas from becoming vacant islands of inactivity after the close of business hours. CA-3B designations are established on the comprehensive plan map where such patterns already exist or may aid to buffer or provide continuity between future higher-intensity areas, such as along Division north and south of Highway 2.

CA-4 pattern areas generally match those of CA-3B but increase density by emphasizing two and three-story mixed-use and attached townhome-style residences. CA-4 areas are intended as vibrant secondary centers of commercial, office, and residential development, serving as neighborhood hubs for residents in neighboring CA-3 and CA-2 districts. The comprehensive plan map establishes CA-4 districts along Highway 2, between downtown and the southwestern edge of the City, and along Baldy Mountain Road between Boyer and Division. In the ACI, no CA-4 areas are envisioned.

Parks & Open Space

Due to matters of scale, most park areas are either not included on the comprehensive plan map with the exception of City Beach Park. This plan's Recreation Chapter includes a map of existing Sandpoint parks lands. Due to strong support for parks, open space areas and the protection of view corridors, the setting aside of open space areas are encouraged throughout the City in the form of future "pocket parks" and common areas within neighborhoods and developments.

Below are certain select chapter goals as it may relate to evaluation of the application but are not indented to be all-inclusive as the Sandpoint Comprehensive Plan as a whole applies:

Chapter 3: Community Design

Goal CD-1: Historic Town - *Retain Sandpoint's position and image as an historic town.*

Policies:

- A: Ensure that all commercial, single and multi-family development respect the town's unique historic character, in architecture, density and in site planning.
- B: Facilitate reinvestment in and adaptive reuse of historic structures, districts and neighborhoods.
- C: Publicize the community's heritage through interpretive trails, historic plaques, art and other public displays.
- D: Encourage civic efforts to celebrate the community's history and continue historic community events.
- E: Focus civic, social, and commercial activity in the downtown.

Goal CD-2: Resource Conservation - *Facilitate resource conservation and community development in Sandpoint's design.*

Policies:

- A: Locate population intensity in and near the downtown and where urban services are readily available.
- B: Encourage development of architecturally designed townhomes and apartments that reflect the architectural character of the neighborhood to increase residential densities in CA-3, CA-3B, CA-4 and CA-5 districts.
- C: Encourage mixed use in CA-4 and CA-5 areas.
- D: Design public transportation services linking residential, industrial and commercial districts.
- E: Deny extension of urban service in ACI for low density development.
- F: Encourage small accessory dwelling units throughout Sandpoint.

Chapter Four: Land Use

Goal LU-1: Efficient Land Use

Achieve an efficient use of land in and around Sandpoint, reducing pressure to expand into the Area of City Impact to accommodate population growth.

Policies:

- A: Encourage increased density in CA-3 and CA-4 areas while requiring multi-family housing to respect neighborhood character.
- B: Encourage provision of housing above ground floor retail in CA-3B, CA-4 and CA-5 districts.
- C: Preserve open space in ACI by clustering development.
- D: Consider changes to building heights in CA-5 districts through "TDR's" when accommodating multi-story residential development above ground floor retail.
- E: Create or retain parks and open space areas to complement areas of increased development intensity.
- F: Support provision of structured parking in CA-5 districts and encourage in CA-4 districts as activities there intensify over time.
- G: Consider and possibly implement programs facilitating purchase or retention of existing open-space lands, such as Transfer of Development Rights (TDR) or Purchase of Development Rights (PDR) programs.
- H: Encourage small, conforming, ADU's throughout the City.

Chapter Five: Housing

Goal H-1: Housing Variety

Provide a variety of housing types across income levels in Sandpoint

Policies:

A: Encourage diversity in housing types by permitting detached, duplex, townhouse, stacked flats, ADUs and other types as appropriate in land use districts.

B: Encourage low to moderate-income housing with development incentives (like density bonuses) or other similar strategies.

C: Help reduce household transportation costs by locating housing near daily needs.

D: Blend mixed densities in neighborhoods to provide for income diversity among neighborhood residents while ensuring that the bulk, mass or scale of any individual development does not dominate a street.

E: Strongly encourage housing above retail in CA-3B, CA-4 and CA-5 districts.

Goal H-2: Existing Neighborhoods

Protect and enhance the charm and comfort of Sandpoint's existing neighborhoods.

Policies:

A: Implement appropriate controls in consideration of transition areas between existing neighborhoods and adjoining CA-3B, CA-4 and CA-5 districts.

B: Create street environments that would be appropriate for historic single-family neighborhoods.

C: Encourage small accessory dwelling units throughout Sandpoint.

D: Encourage the formation of active neighborhood organizations and advocate their participation in the public process.

Goal H-3: New Neighborhoods

Ensure that new neighborhoods provide the same charm and comfort of Sandpoint's historic neighborhoods.

Policies:

A: Cul-de-sacs and other dead-end streets are discouraged, with a preference instead for traditional grid street patterns. Where cul-de-sacs are allowed, they must provide for continuous, non-motorized connections between streets.

B: Neighborhood services, public open space and parks shall be connected with multimodal paths.

C: Development shall occur with a safe, appropriate street system in a network that provides easy access but does not allow rapid or high-volume traffic to disrupt the neighborhood.

D: Encourage a variety of housing sizes within a block.

Chapter Six: Transportation

Goal T-1: Walkability

Make Sandpoint a walkable community.

Policies:

A: Locate housing in CA-4 and CA-5 areas.

B: Develop parking requirements that reduce the visual prominence of automobiles.

C: Develop storefront and building massing requirements to make streetscapes more inviting to pedestrians.

D: Emphasize linkages between prominent activity areas along walking corridors.

E: Plan for increased pedestrian and bicycle use, both for recreation and as an important, viable transportation alternative.

F: Prioritize schools, parks, downtown, libraries and other civic destinations as non-motorized routes for the transportation network.

G: Ensure that pedestrians, bicyclists and the physically handicapped are taken into account when developing signalized intersections.

Goal T-2: Transportation Balance

Reconcile the conflicting demands of mobility and access, providing for efficient movement of people and goods while still providing convenient access to neighborhoods and commercial districts.

Policies:

A: Encourage creation of gateway's using hardscapes, landscapes, and signage.

B: Disperse traffic throughout commercial districts rather than concentrating it on a single arterial.

C: Designate Truck Routes to protect neighborhoods from commercial traffic.

D: Facilitate multimodal transportation options.

E: Facilitate freight movement between industrial districts and the highways.

3. Potential Conditions / Development Requirements

- a. Development of the lots will be subject to all current requirements in place at the time of permit application.
- b. The 20' wide utility and emergency exit easement shown on the preliminary plat (sheet 4) shall also contain a publicly dedicated pedestrian easement which shall include a minimum 12' paved path to provide connection between what is shown to be both legs of S. Sand Creek Lane. If final utility plans necessitate access for maintenance, the access shall be capable of accommodating City maintenance vehicles.
- c. DEVELOPERS shall provide a publicly dedicated pedestrian easement which shall include the construction of a minimum 12' paved path to provide connection between North Boyer Avenue and Blue Grass Avenue.
- d. The DEVELOPERS shall adequately maintain all stormwater conveyance and treatment systems, in accordance with the Stormwater Permit issued by the CITY, in perpetuity, and shall transfer such maintenance to future, individual property owners and/or another entity by executing subdivision covenants, conditions, and restrictions, as further described in Appendix C of the Agreement.
- e. The DEVELOPERS shall maintain compliance with the United States Environmental Protection Agency's Construction General Permit (CGP) throughout development. Failure to comply with the terms of the CGP may result in orders to stop work by the CITY or others.
- f. DEVELOPERS and/or owners of individual lots shall be required to pay impact fees prior to issuance of a building permit(s) at the current rate adopted by City Council at the time of building permit issuance.
- g. In the event the DEVELOPERS do not proceed with the Final Plat, the DEVELOPERS shall provide the CITY a 30-foot wide utility easement(s), as the CITY deems necessary to access, operate and maintain any functionally complete and accepted Required Public Infrastructure.
- h. DEVELOPERS shall make full improvements to urban standards to North Boyer Avenue as defined by CITY as specified below:
Prior to a certificate of occupancy being issued on Phase II, but no later than 2025, the Developer is to reconstruct the eastern portion of the North Boyer Avenue right-of-way along the property frontage. The total right-of-way width shall be the proposed 70-feet. The Developer shall submit a completed engineered roadway design for the City's approval to

confirm layout, specifications, and details, prior to construction of frontage improvements along North Boyer Avenue. Generally, the design shall be consistent with the UATP, Figure 7-HH (excluding the utility easement) and provide a roadway section that provides for an approximate total of 42' between inside face of curbs to include a center turn lane. Final striping configuration and limits of roadway widening to be determined during design review. The Developer is responsible for right-of-way improvements totaling approximately 38' east of the new centerline of roadway; the existing western portion of the right-of-way shall remain as-is with the new roadway accommodating existing grades and transitions as necessary. Any and all utility relocations required as a result of these improvements is the responsibility of the Developer. Frontage improvements at this location shall be in accordance with City Code and standards.

- i. DEVELOPERS shall make full improvements to urban standards to East Mountain View Road as defined by CITY as specified below:

Prior to a certificate of occupancy being issued on Phase I, Developer to reconstruct the southern portion of the E Mountain View right-of-way along the property frontage. The total right-of-way width shall be the proposed 60-feet. The Developer shall submit a completed engineered roadway design for the City's approval to confirm layout, specifications, and details, prior to construction of frontage improvements along E. Mountain View. The design shall provide a roadway section that provides for a total of approximately 42' between inside face of curbs between North Boyer Avenue and Aspen Way to include a dedicated left turn lane. The design shall provide a roadway section that provides for a total of approximately 32' between inside face of curbs between Aspen Way and Sandcreek Lane. Final striping configuration to be determined during design review. The existing northern portion (approximately 25' in width) of the right-of-way shall be remain as-is with the new roadway accommodating existing grades and transitions as necessary. North/south crosswalk shall be provided on E Mountain View at North Boyer Avenue (east side of intersection). Frontage improvements at this location shall be in accordance with City Code and standards.

- j. DEVELOPERS shall pay their "Fair Share" allocation of the cost of signalization of North Boyer Avenue and Bald Mountain Road as specified below:

Prior to issuance of any permit for construction, the Developer shall pay a lump sum amount of [as determined by City Council] as an extraordinary impact fee (City Code 12-1-12), for system improvements at the intersection of North Boyer Ave/Baldy Mountain Road, specifically to provide signalization. This amount represents development's fair share contribution of 21.84% at this location, resulting from the development, calculated in accordance with the methodology described in the adopted Urban Area Transportation Plan (UATP). The total calculated system improvements at this location include engineering and public infrastructure, and exclude possible right-of-acquisition and railroad improvements due to the lack of a preliminary design validating the necessity of either.

- k. DEVELOPERS shall pay their "Fair Share" allocation of the cost of signalization of US 2 and Larch Street as specified below:

Prior to issuance of any permit for construction, the Developer shall pay a lump sum amount of [as determined by the City Council] as an extraordinary impact fee (City Code 12-1-12), for system improvements at the intersection of US-2/Larch Street, specifically, to provide additional and dedicated turn lanes for eastbound and westbound motorists. This amount represents the development's fair share contribution of 2.45% at this location, resulting from the development, calculated in accordance with the methodology described in the adopted Urban Area Transportation Plan (UATP). The total calculated system improvements at this location include engineering and public infrastructure; sufficient right-of-way exists for necessary system improvements. *[This condition is pending agency comments from ITD that may provide new or relevant information].*

- l. DEVELOPER shall provide a northbound right turn lane on North Boyer Avenue at the project driveway at Ebbett Way, prior to 2025.

- m. DEVELOPERS shall confirm capacity of existing sewer lift station and upgrade as specified below:

Based upon the submitted report, the City does not anticipate that upsizing will be required. However, depending upon the results of an approved report, the Developer shall be responsible for the project costs associated with upsizing and/or other necessary upgrades, as determined by the City Engineer.

- n. DEVELOPERS shall demonstrate compliance with wetland requirements.
- o. Prior to issuance of any permit for construction impacting wetlands, the Developer shall provide evidence of authorization issued by the United States Army Corps of Engineers and including, receipt of payment for any required wetland credits.

4. Public Hearing Procedure

Per Sandpoint City Code §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 has also been posted at the site 7 days in advance of the hearing and a summary has been provided in the official newspaper of general circulation 21 days prior to the hearing date. Per Idaho Code and Sandpoint City Code, all applicable jurisdictions and agencies have been notified of the proposal including, but not limited to:

- Army Corps of Engineers
- Avista utilities
- Northern Lights
- Bonner County
- Cities of Dover and Ponderay
- Lake Pend Oreille School District
- Idaho Department of Water Quality
- Panhandle Health District
- Idaho Department of Environmental Quality
- Idaho Department of Lands
- Independent Highway District

Order of Public Hearing:

1. Explanation of subject of the hearing by city staff.
2. Presentation by applicant. Commission members should address their questions to the applicant at this time.
3. Opening of the public hearing in which the public may provide testimony. Questions should be asked of the person testifying before leaving the podium. Those wishing to testify are required to fill a signup sheet, which will be provided by the City. The order for those providing testimony should be as follows:
 - a. In favor
 - b. Neutral
 - c. Opposed
4. Rebuttal testimony from applicant. Final questions may be asked of the applicant at this time. If new facts are elicited, however, the public must be given an opportunity to comment on new facts.
5. Close the public hearing.
6. Commission deliberates (no new information may be provided at this time and questions may be directed only to city staff during deliberations).

5. Motion for Proposed Subdivision Recommendation

If Approving:

"I move 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 Tim McDonnell K-M Enterprises of Idaho LLC & Derek Mulgrew M & W Holdings LLC for the University Park 152-Lot proposed subdivision located at 1904 N Boyer Ave. with parcel ID numbers of RPS00000150751A & RPS00000151250A and bounded by E. Mountain View to the north, N. Boyer Ave. to the west, Sand Creek and 5th Ave to the east, and BNSF Railway tracks to the south. Approval is subject to the following conditions:

- 1) _____
- 2) _____
- 3) _____

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* per the following justification(s):
 - a. _____
 - b. _____
3. The proposed subdivision is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

If Denying:

“I move the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, recommend the City Council **DENY** the request by Tim McDonnell K-M Enterprises of Idaho LLC & Derek Mulgrew M & W Holdings LLC for the University Park 152-Lot proposed subdivision located at 1904 N Boyer Ave. with parcel ID numbers of RPS00000150751A & RPS00000151250A and bounded by E. Mountain View to the north, N. Boyer Ave. to the west, Sand Creek and 5th Ave to the east, and BNSF Railway tracks to the south. Based on evidence, records, and testimony, the reasons for denying 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 the application is not in compliance with the subdivision and zoning requirements of City Code per the following justification(s):
 - a. _____
 - b. _____
3. The proposed subdivision is not consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.