

MINUTES
REGULAR MEETING OF THE SANDPOINT CITY COUNCIL
June 19, 2019

OPENING Mayor Rognstad called the regular meeting of the City Council to order at 5:30 p.m. on Wednesday, June 19, 2019, in the Council chambers at City Hall, 1123 Lake Street.

ROLL CALL Council members Ruehle, Aitken, Darling, Williamson and Eddy were present. Councilwoman Williamson attended remotely. Councilman Aispuro was absent.

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

PUBLIC FORUM

Several members of the public spoke during the public forum portion of the meeting, conveying their concern about and opposition to the City's adopted Goose Management Plan, which seeks, at City Beach, to manage and reduce the population of resident geese and attempt to eliminate the goose feces. Below is a list of those who spoke in opposition to the Plan:

Marilyn Robertson, not a Sandpoint resident
Evie Leucht, Sandpoint resident
Adriana de Amorim-Miller, Sandpoint resident
Jessica L. Chapple, Sandpoint resident
Margarete Fallat, not a Sandpoint resident
Jane Fritz, not a Sandpoint resident
Lance Miller, Sandpoint resident
Michael Carter, not a Sandpoint resident
Heidi Hempe, not a Sandpoint resident
Steve Berenson, Sandpoint resident
Charlotte Wright, Sandpoint resident

There were also members of the public who spoke or submitted written comments in support of the Plan. They are listed below:

Helen Newton, Sandpoint resident
Iris Harrison, Sandpoint resident
Jane Davis, not a Sandpoint resident
Lynne Urfer, not a Sandpoint resident
Luanne Urfer, not a Sandpoint resident
David Mann, not a Sandpoint resident

Shakura Young, Sandpoint resident, suggested that those sentenced to community service could help with goose poop cleanup, which would make good fertilizer for community gardens.

Marci Darling, Sandpoint resident, suggested a depredation hunt at City Beach to help control the goose population, as was already done at the Airport when the deer would not stay off the runway.

Ms. Fritz also submitted a petition with several pages of signatures from people who oppose the City's geese management plan and ask that the City stop the plan. A copy of the petition and accompanying letter will be provided to City Council.

ANNOUNCEMENTS

Parks and Recreation Director Kim Woodruff reported that part of the Goose Management Plan includes continuing with deterrents, after the initial capture and relocation, such as use of the dog handler and his dogs and the coyote decoys. He researched the Away With Geese option, speaking with one of the owners of the company, who confirmed that, due to the geographic challenges at City Beach, this option would not be effective.

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Mayor Rognstad proclaimed June 2019 as LGBTQ+ Pride Month in Sandpoint.

CONSENT CALENDAR

- A. MEETING MINUTES (*approval of City Council minutes; acknowledgment of all others*)
 - 1. City Council, June 5, 2019 (Regular Meeting)
 - 2. Urban Renewal Board, May 7, 2019

- B. BILLS in the amount of \$1,328,191.55 (\$813,406.60 for regular payables and \$514,784.95 for payroll).

- C. TREASURER'S MONTHLY REPORT ON CASH AND INVESTMENT TRANSACTIONS – APRIL 30, 2019

Councilman Darling moved that items A-1 through C be approved. **Councilwoman Ruehle seconded the motion.**

A roll call vote resulted as follows:

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

The motion passed by a unanimous vote of Council present.

OLD BUSINESS

D. PUBLIC HEARING – ZONE CHANGE PROPOSAL

Mayor Rognstad announced that the purpose of this public hearing will be to take public comment on a request to change the zoning of an approximate 8.52-acre parcel, located at 2205 North Boyer Avenue, which is the northwest corner of Boyer Avenue and Mountain View Drive, legally described as the East Half of Lot 13 in Section 10, Township 57 North, Range 2 West, Less Tax 3 and 107. The change from Industrial Technology Park to Residential Single-Family zoning would allow low density residential development with a minimum of 5,000 square feet per lot. ITP generally allows for a variety of commercial and lower intensity industrial uses. The Planning and Zoning Commission held a public hearing and recommended denial of this proposal. City Council's public hearing on this matter was opened at their May 15, 2019, at which time it was tabled and continued to this evening.

Councilwoman Ruehle moved that this item be removed from the table. **Councilman Darling seconded the motion.**

A roll call vote resulted as follows:

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

The motion passed by a unanimous vote of Council present.

Mayor Rognstad announced that, 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 was also 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.

He then announced that the following will be the Order of the Public Hearing:

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- 1) Explanation of the subject of the hearing by City staff.
- 2) Presentation by the applicant or his representative. Council members should address their questions to the applicant at that time.
- 3) 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
- 4) Rebuttal testimony from the applicant or his representative. Final questions may be asked of the applicant at this time. However, if new facts are elicited, the public will be given an opportunity to comment on new facts.
- 5) I will then close the public hearing, and Council will deliberate. No new information may be provided at this time and questions may be directed only to City staff during Council deliberation.

City Planning and Community Development Director Aaron Qualls reported that this property was rezoned in 2011 from Light Industrial ER to Industrial Technology Park (ITP). It is unknown whether it was ever zoned otherwise. Prior to annex into city limits, it was most likely agricultural. The Sandpoint Comprehensive Plan (Comp Plan) land use map was recently amended, designating a portion of this property as industrial and the portion in the southeast corner of the property as Context Area 4 (CA4). The portion of this property envisioned as industrial is consistent with its current zoning, dating back to 2009 and possibly earlier. CA4 patterns generally match those of CA3B but increase density by emphasizing two and three-story mixed-use and attached townhome-style residences. CA4 areas, as described in the Comp Plan, are intended as vibrant secondary centers of commercial, office, and residential development, serving as neighborhood hubs for residents in neighboring CA3 and CA2 districts. Industrial zoning is envisioned in the Comp Plan as areas for job-creating businesses and maintaining the tax base. The updated staff report includes information about cost of services relative to tax base. Overall, industrial and commercial areas within a city essentially help to subsidize many of the services to residential.

The subject property is within the Airport Overlay Zone. Guidelines from the Idaho Transportation Department (ITD) Division of Aeronautics are also included in the staff report. The Guidelines speak to land use compatibility. One of the goals in the Comp Plan is to ensure that land uses around the Airport are compatible. Included in the Guidelines are recommended overlay zones. The Airport Overlay Zone has been adopted in Sandpoint. The other types of overlay zones described in the ITD Guidelines, including the lateral safety zone, have not been adopted; as it stands now, they are simply guidelines. Even though these zones not been adopted, the Guidelines are useful in determining what is and is not compatible land use around the Airport. Zoning decisions are local decisions; they are not made by State or Federal agencies.

Also included in the staff report are airport growth projections, land-use compatibility references from the 2015 Airport Master Plan, and crash statistics. The crash statistics are not specific to the Sandpoint Airport but are statistics from a variety of airports. It should be noted that, within the graphic representing crash statistics, one end of the runway is takeoffs and the other is landings; at the Sandpoint Airport, takeoffs and landings occur at both ends of the runway.

Mr. Qualls responded to **Mayor Rognstad** that Council does have the option of applying conditions to a rezone decision. For instance, Council could allow for rezone of just a portion of the property. Shown as a yellow rectangle on the map displayed was a portion, approximately one-third, of the property that lies outside what would be considered the lateral safety zone.

Mr. Qualls responded to **Councilman Darling** that the Sandpoint Planning and Zoning Commission has not reviewed this potential rezone alternative for this particular property.

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Mr. Qualls responded to **Councilwoman Ruehle** that it is unusual to rezone just a portion of a parcel, but, per the City Attorney, it is an option.

Marty Taylor, certified land use planner with James A. Sewell & Associates, testified on behalf of the applicant, Don Eickhoff. His comments tonight are in response to the questions posed by Council during the public hearing on this rezone request at Council's May 15 meeting. In response to Councilman Darling's question about prior zoning at this property, the copy of the zoning map Mr. Taylor had in his possession indicated that this property was formerly zoned Residential C, a multi-family zone. In fact, the map actually shows that the property was formerly zoned Light Industrial ER, as staff has reported. Mr. Taylor is not aware whether Mr. Eickhoff was personally notified when zoning changed on this property. He did note that, per Sandpoint City Code, when 200 or more properties are affected by broad zoning changes, the City is not required to notify each and every property owner by mail.

He also responded to Councilwoman Williamson's question about affordable housing, stating that affordable housing is achieved by either subsidy or density.

Neither the Sandpoint Airport Board, via the Bonner County Commissioners, nor the Federal Aviation Administration (FAA) commented on this specific project.

The Airport Overlay Zone regulates the proposed activity, and the purpose of that zone is the prevention of hazards to air navigation, which is done simply by limiting height, as outlined in Sandpoint City Code 9-9-12-1. The activity must also be in accord with the Comp Plan itself and not simply the vision of the Comp Plan's land use map. The existing ITP zoning on this parcel permits a 45-foot height limit. The zone that is requested, Residential Single-Family (RS), permits only a 35-foot height limit. The zone that is requested is more restrictive, as pertains to height and hazards to navigation, than the current zone.

This project is not subject to future studies. He finds it extremely problematic that information is being submitted from, for instance, the ITD Guidelines, which are not applicable. This project is governed by Sandpoint City Code, the Sandpoint Airport Overlay Zone, the Sandpoint Comprehensive Plan, and the Sandpoint Airport Master Plan. Referring to the ITD Guidelines or the Idaho Airport Land Use Guidelines is appropriate when considering a future Comp Plan amendment, a Zoning Code revision, or a Master Plan update. However, using tomorrow's standards to make a decision about today's project is not appropriate. It's today's codes that govern.

The public hearings for this request have been duly noticed, with ample opportunity for comment. There were no adverse agency comments. There were some public comments, most overwhelmingly in favor of the proposal.

All would agree with Mayor Rognstad's prior comments regarding critical economic engines and the Airport's critical role, but housing starts also contribute significantly to Sandpoint's economy, which is an important economic indicator, and this rezone is a prerequisite toward that indicator.

The property is not currently zoned for heavy industry or heavy manufacturing; it is zoned for a tech park, a lighter type of occupation. This rezone is in accord with the Comp Plan and is not in conflict with the airport hazard overlay standards. His client respectfully requests that the City simply follow due process and approve this zone change.

If Council is considering a split zone, approving the rezone on only a portion of the property, such decision would be based on standards not adopted by the City, and he would question the propriety of such a decision.

Mayor Rognstad announced that the hearing will be conducted in compliance with the following rules of procedure: Before persons testify at public hearings, they are to fill out

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the signup sheet available at the front of Council chambers and hand to staff.

If you desire, you may note your objection, support or comment on the form provided. If you wish to comment during the public hearing, please come to the podium and state your name and whether you reside within the City limits. Please limit your comments to no more than 3 minutes. Testimony shall directly address the subject at hand and shall not be personally derogatory toward any individual, organization or business. Members of the Council may ask questions of persons who testify. If they do so, it will be only for the purpose of clarifying information.

Once the public hearing is closed, there will be no further opportunity for public input on the proposal. The Council will then discuss amongst themselves the testimony they have heard and what, if anything, they may propose as a result of the hearing. For those testifying, you should clearly state your name and whether you reside within City limits. You are not required to state your address.

Mayor Rognstad opened the public hearing.

There were no comments in favor or from anyone neutral to the proposal.

David Schuck, Sandpoint Airport Manager, spoke in opposition, stating that this parcel is surrounded by industrial, with railroads to the south and the east, the Airport to the west, and an asphalt plant to the south. Airport management believes that the current ITP zoning is the correct designation for this parcel. It does fall partially under the Airport Overlay Zone and also the lateral safety zone, as defined by the State Guidelines, which, as previously discussed, have not been adopted, but they are considered best practice standards. None of the guidelines, whether adopted or not, draw a bright line, where there is safety and quiet on one side and hazards and noise on the other; it's simply an area. There are guidelines pertaining to the distance from the runway centerline, but they are guidelines; the best practice is to understand the noise and hazards in those areas and adopt zoning accordingly.

Mr. Taylor provided rebuttal testimony on behalf of the applicant, stating that the concern regarding hazards in the Airport Overlay Zone are related to height. As previously mentioned, the height limit allowed under the proposed zone is shorter than that which is allowed under the zone currently in place on this property. Also, as provided within the application, this project is not within the 65-decibel noise contour, so both the height limit and the noise issues have been addressed. Absent any evidence to the contrary, the project complies with the Sandpoint Airport Overlay Zone, as well as the Comp Plan.

Mayor Rognstad closed the public hearing.

Mr. Qualls replied to **Councilwoman Ruehle** that, of the City's currently adopted zones, the one that would most closely match CA3B, shown in blue on the map displayed, is Mixed-Use Residential (MUR). The currently-adopted zone that would most closely match CA4, shown in dark red on the map displayed, in the southeast corner of the subject property, is Commercial B, which allows for a variety of commercial uses and mixed-use development, as well as townhouses. It does not allow for multi-family without a commercial component. He confirmed that it may be similar, somewhat, to portions of the development behind Super 1 Foods at Larch and Boyer.

Mr. Qualls clarified that heavy industrial is not allowed anywhere in city limits. The ITP zone, as with the Industrial General (IG) zone, allow for both light and medium manufacturing and Industrial uses. In the ITP Zone, a Conditional Use Permit (CUP) is required for medium manufacturing.

Councilwoman Williamson stated that she wants to respect the Planning and Zoning Commission's recommendation to deny this request, and she understands their concerns with a rezone of this property and how it would align with the Comp Plan land use map, but she is also keenly aware of and concerned about the need for housing in

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Sandpoint and suggested the possibility of rezoning only that the portion of the property not in the lateral safety zone as RS.

Councilwoman Williamson moved that Sandpoint City Council, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, approve the request by Don Eickhoff for a zone change from Industrial Technology Park (ITP) to Residential Single-Family (RS) for one parcel totaling 8.52 acres, which is legally described as: 10-57N-2W E2 LOT 13 LESS TAX 3 & 37.

The reasons for this decision are:

1. Particular consideration has been given to the effects of this proposed zone change upon the delivery of services by any political subdivision providing public services within the planning jurisdiction.
2. Staff has followed the notice procedures applicable to zone changes contained in Idaho Code § 67-6511 and Sandpoint City Code Title 9, Chapter 9.
3. The proposed Residential Single-Family zoning designation is consistent with the existing land use patterns and is in accordance with the goals and policies of the Sandpoint Comprehensive Plan.”

Councilwoman Ruehle seconded the motion.

Councilwoman Williamson moved to amend her motion to approve, adding a condition that the portion of the parcel lying within the potential lateral safety zone will retain the ITP zoning designation.

Mayor Rognstad clarified for **Councilman Darling** that the motion to amend would rezone any portion of the parcel not in the lateral safety zone, shown in purple on the map displayed, which would include a portion larger than that which staff had suggested, which was shown on the map as a rectangular section in yellow.

Mr. Qualls suggested dividing the parcel in half, allowing for rezone to RS on the eastern half of the parcel, which would provide for a much easier and cleaner legal description modification.

Mr. Qualls confirmed to **Councilwoman Ruehle** that the applicant was seeking a zone change to RS, as opposed to MUR.

Councilwoman Williamson replied to **Councilman Darling** that she understands and appreciates the Planning and Zoning Commission's due diligence in their evaluation of the property and its surrounding uses in context of the Comp Plan. Although they recommended denial of this request, Sandpoint is pressed for areas that can be made amenable for residential development. She is taking a holistic view of the situation, recognizing both the potential health and safety issues and the fact that a critical community need could be met with a portion of the property used to build homes and hopes that her amendment strikes a balance. **Councilman Darling** wondered, if the Commission would have had the opportunity to consider this option, whether they would have made this recommendation. Mr. Qualls commented that he did not believe, under City Code, that this matter could be remanded back to the Planning and Zoning Commission at this juncture and cautioned Council to ensure that their decision is defensible.

Mayor Rognstad commented that he is sensitive to the point made by the applicant that the City has not adopted the ITD lateral safety zone. However, it is the duty of City officials to make decisions that help to ensure the health and safety of the public. Therefore, any and all information at our disposal is worthy and should be used and considered in order to safeguard public safety and assist in making an informed decision. With the City planning codes and the Comp Plan lacking guidance on development in the area of the Airport, staff responded to Council's request for additional information that would allow them to make more informed decisions. As a

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result, we are presented with the ITD Guidelines, which includes the potential lateral safety zone and provides guidance throughout the State of Idaho.

Mr. Qualls confirmed for **Councilman Darling** that, in approximation, with the exception of a small corner, the east half of the parcel lies beyond 1,000 feet from runway centerline and mentioned that, as a reminder, Council's recent decision to approve another rezone on a different parcel near the Airport that will also allow for residential included a small portion that will exist within the potential lateral safety zone.

Councilwoman Williamson's motion to amend died for lack of a second.

Councilwoman Williamson moved to amend her motion to approve, adding a condition that only the east half of the parcel will be zoned RS, with the west half retaining the ITP zoning designation. **Councilwoman Ruehle seconded the motion.**

A roll call vote on the amendment resulted as follows:

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

The motion passed by a vote of Council present, with Councilman Darling dissenting.

A roll call vote on the main motion to approve resulted as follows:

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

The motion passed by a vote of Council present, with Councilman Darling dissenting.

E. ORDINANCE NO. 1362 – COOKMAN REZONE

Mayor Rognstad read the title of the Ordinance as follows:

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN SECTION 1, FROM INDUSTRIAL GENERAL (IG) TO MIXED USE RESIDENTIAL (MUR); FINDING THAT THE NEW ZONE IS IN ACCORD WITH THE SANDPOINT COMPREHENSIVE PLAN; PROVIDING THAT ALL PRIOR ZONES APPLICABLE TO LANDS DESCRIBED IN SECTION 1 ARE HEREBY SUPERSEDED; PROVIDING FOR AMENDMENT TO THE OFFICIAL ZONING MAP TO REFLECT THIS CHANGE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Councilman Aitken moved that the proposed ordinance pass its first reading by Title only. **Councilman Darling seconded the motion.**

A roll call vote resulted as follows:

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

The motion passed by a unanimous vote of Council present and the proposed ordinance pass its first reading by Title only.

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Councilman Aitken moved that the rules requiring three separate readings, once in the ordinance's entirety be suspended and that the proposed ordinance pass its second and third readings under suspension of the rules. **Councilwoman Ruehle seconded the motion.**

A roll call vote resulted as follows:

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

The motion passed by a unanimous vote of Council present and the Ordinance, No. 1362, is considered read, passed, and adopted under suspension of the rules.

F. RESOLUTION NO. 19-30 – HIGH FIVE COMMUNITY TRANSFORMATION GRANT SUBAWARD AGREEMENTS

Mayor Rognstad announced that these subawards will go to: 1) Selkirk Outdoor Leadership & Education, 2) Lake Pend Oreille School District - Farmin Stidwell Elementary School, and 3) Lake Pend Oreille School District - 21st Century Community Learning Center.

Councilman Aitken moved for approval of the proposed resolution, High Five Community Transformation Grant Subaward Agreements. **Councilwoman Ruehle seconded the motion.**

A roll call vote resulted as follows:

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

The motion passed by a unanimous vote of Council present.

NEW BUSINESS

G. AIRPORT LAND USE PRESENTATION

Mr. Qualls commented that he has just distributed a report in paper form that was withheld from the meeting packet in respect for the applicant whose request was the subject of this evening's public hearing, to ensure that the information he will be conveying during his presentation did not have any bearing on the decision made on that request.

The challenge in determining compatible land use in the area of the Airport comes down to ensuring: 1) safe and efficient Airport operations and 2) that people living or working nearby are not exposed to unacceptable levels of noise or hazards. Related to noise, the goal is to limit noise-sensitive land uses for the purpose of avoiding issues such as annoyance and disturbance of persons on the ground. As for safety, the goals are, essentially, to protect aircraft and to protect people. Hazards to airspace and overflights include tall structures and visual obstructions, such as smoke, glare, steam, dust, and lights. Wildlife and bird attractants, such as wetlands, crops, and open water, can be hazardous to navigation. Risks on the ground include high concentrations of people, schools, churches, arenas, and high-density multi-family housing in proximity to certain areas of the airport, and there are risk-sensitive uses, such as hospitals, nursing homes, and flammables. Open land around an airport would be one way to mitigate risk.

Land use regulations are the exclusive domain of the local jurisdiction, regardless of the airport sponsor. There are many airports that incorporate several different jurisdictions.

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Mr. Qualls' report examines ten different airports in four states, with as much detail as possible in the time allotted, but it is a working draft. In addition to local jurisdiction, the FAA weighs in with grant assurances and 14 CFR 77, which is, essentially, the airport overlay zone which, like other communities, Sandpoint has adopted. The airport overlay zone is a conical zone that primarily governs height. As for grant assurances, the most relevant is Grant Assurance 21, directing the airport sponsor, which, in Sandpoint, is Bonner County, to take appropriate actions, to the extent reasonable, that will ensure compatible land use around the airport. In Idaho, the only statutory requirement is the inclusion of an element of the airport in the City's Comprehensive Plan, specifically an analysis prepared with the assistance of the Idaho Transportation Department, Division of Aeronautics, if requested by the Planning and Zoning Commission, and the manager of the local public airport identifying, but not limited to, facility locations, scope and type of airport operations, existing and future planned airport development and infrastructure needs, and the economic impact to the community. Although not listed but implied, he would add: best practice in consideration of land use adjacent or in close proximity to the airport.

Guiding documents include the ITD Division of Aeronautics Land Use Guidelines and the Sandpoint Airport Master Plan, adopted in 2015. There are several types of zones recommended for consideration by the ITD Guidelines, with those recommendations intended as a starting place and the needs and composition of zones ultimately determined by the planning goals of the local jurisdiction and the issues that face every airport around land use compatibility. Measures that can be taken include adopting the recommended zones and defining placement and working with the Airport and the Division of Aeronautics. Preceding those activities would be amendment of the Comp Plan in order to provide the legal basis for considering restrictions around the Airport. In addition to examining other airports in Idaho, the report also provides information on guidelines from other states, which vary quite dramatically.

The City has initiated a Comp Plan update, and the hope is to address the land use issues surrounding the Airport sooner rather than later, with a dedicated chapter in the new draft Plan by the end of this year. In the meantime, Council has the option of putting a moratorium on any new rezone requests for properties that lie within a defined area, such as the Airport Overlay Zone.

Mr. Schuck reported that the Sandpoint Airport was built about 75 years ago, in the 1940s. It's classed as a B2 Regional Business Airport. The "B" category addresses approach speeds during landing of between 91 and 121 knots. The "2" classification is for the wingspan. Those two components address the size of the land and the protection zones around the Airport that are needed for safe operation. The faster the approach speeds, the more likely the plane will run off the end of the runway, so a larger runway protection zone is needed. The wingspan component addresses separation needed between the runway centerline, taxiway centerline and any adjacent property lines. Our airport is extremely constrained. The minimum size for our class B2 airport is 500 feet, which is 250 feet from either side of the runway centerline; that is where the property lines are. Boyer Avenue is 260 feet from the runway centerline. Where our airport is located, it could not be any more constrained and still be legal. Our runway is 5,500 feet long and 75 feet wide.

The annual airport budget for this year is \$687,000, and that has been the amount of the budget, approximately, for the past several years, depending on pavement maintenance, rehabilitation, and mitigation, which is about \$250,000 per year. Because it was not maintained in years past, much of the runway pavement is now in need of replacement. This is a \$3 - \$5 million program, scheduled for 2021. Land use compatibility figures prominently into the Airport's grant funding applications. Revenue streams at the Airport include land leases, a percentage of fuel sales and tiedown fees. The economic impact of the Airport, according to a study in 2008 is \$33 million per year. New figures will be released next month.

In the 1940s, the Airport was sited and constructed away from the City. Since that time, the City has grown up around the Airport. Airports are for everyone; they provide access

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to the sky, much like boat ramps provide access to the lake. Many airplanes cost less than a late model pickup, so air travel is not just for the wealthy. The goal is not to protect the Airport from the community, but to protect the community from the Airport. The Airport is an industrial zone, with noises, fumes, and hazards all hours of the day and night; it operates 24/7. Of airplane accidents, 83% happen around airports. At the Sandpoint Airport, there was an accident in 2008 and one in 2012. Both were fairly small airplanes and were mostly contained within the airport property, but they very easily could have occurred outside the confines of the airport.

Sandpoint is a resort destination. People come here to enhance their quality of life. It's generally a rural area, so, aside from the trains, it's fairly quiet. Infrastructure should not be noticeable. Airports are necessary infrastructure, but it's best if they're not noticeable and have no impact on the community. Aside from accidents, noise is the most common complaint. In the springtime, with neighbors outside and more flights, complaints rise.

65 DNL is day/night average sound level. Many hours of the day at the Sandpoint Airport, it's very still and quiet - maybe 30 decibels. But, if the average is 65, then there are noise events in the range of 100. Mr. Schuck reported that one of his offices is midfield, about 380 feet from runway centerline, and he routinely sees readings of 80 - 90 decibels during airplane takeoff. For instance, 90 decibels is four times as loud as 70 decibels. Sounds in the upper 70s are annoyingly loud to some people. A freeway, 50 feet from the pavement, is 70 decibels. A prop plane flyover at 1,000 feet is 80 decibels, which is two times as loud as 70 decibels. A quiet, rural area is 30 decibels, or 1/16th as loud as 70 decibels. A turbofan aircraft at takeoff power at 200 feet registers 118 decibels, 16 times as loud as 70 decibels.

Theodore Schultz developed DNL in the late 70s. He said:

It should be emphasized that criteria in the NEF 30 range must be regarded as provisional. In each of the national studies in which these limits were developed, these levels of noise showed up as "maximum tolerable" and were regarded as turning points above which annoyance increased very rapidly; but sizable portions of the population were seriously disturbed at much lower levels. These turning points, however, were seized by the authorities and treated as acceptable levels such that special precautions and noise abatement measures are required *only for more severe exposure*. [Mr. Schultz's emphasis] The situation is even more extreme in the U.S., since the criteria are based on overt action in terms of complaints or legal action. It is well known that serious public annoyance is prevalent long before official complaints are lodged. It is therefore obvious that these criteria are not adequate for aircraft noise abatement in the long run, since they are deliberately permissive.

Mr. Schuck added that, at 80 decibels, outside his office, it interrupts conversation.

As for land use issues, we are not unique, thousands of cities and airports are dealing with this around the country; it is one of many growth-related challenges in small towns. The FAA and ITD have decades of experience to draw on, as well as the Comp Plan and the Airport Overlay Zone. As mentioned previously, the Overlay Zone addresses only height restrictions. He recommends, as the Comp Plan is being reviewed, that additional criteria be added to the Overlay Zone or, if adopted, perhaps the lateral safety zone.

The Airport Improvement Plan is a grant structure used by the FAA to help fund improvements at airports. The Sandpoint Airport is eligible, with grants received for a number of years, including \$3 million over the past several years. The Airport Improvement Plan is funded by user fees, in the form of passenger fees when you buy an airline ticket, and aviation fuel taxes. The Sandpoint Airport is scheduled for another \$6 million in grants in the next three years, including the runway repair. There are grant funds currently awarded in the amount of \$1.3 million to purchase property in the runway protection zones on either end of the runway, with plans to make those

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purchases this year. There are many jobs that rely on a functional airport, as indicated by the economic impact study. The granting agency, the FAA, has many requirements and guidelines for grant assurances that involve land use compatibility. This is discretionary funding. They do not have to award it to Sandpoint; there are many communities and airports vying for these funds. The strongest applicants are chosen. Failing to adhere to land use guidelines weakens our position. The Silverwing project several years ago is an example of a land use compatibility issue that resulted in the loss of grant funding.

Councilman Darling observed that there is property at the end of the runway currently for sale, and, as Mr. Schuck has reported, the Airport has \$1.3 million in grant funds currently available to purchase property at the ends of the runway for the purpose of runway protection. Mr. Schuck replied that the Airport has been approaching property owners and asking them to consider selling their properties to the Airport, both fee-simple acquisitions and navigation easements, where the Airport buys the air space over the top of the property.

Councilwoman Williamson stated that she would be interested in exercising Council's option to put a moratorium on any new rezone requests seeking residential uses for properties that lie within the Airport Overlay Zone until sufficient guidance has been incorporated into the Comp Plan. **Councilman Eddy** and **Councilwoman Ruehle** concurred. Mr. Qualls suggested a moratorium set to expire at a time certain. 180 days is typical for a moratorium of this nature. If a public hearing must be held, it might not be possible to accomplish the moratorium by the date of the next meeting, due to notice requirements. **Mayor Rognstad** stated that the necessary time would be taken to research this option and consult with staff and legal counsel.

H. RESOLUTION NO. 19-31 – BID AWARD FOR ONTARIO AND FLORENCE SIDEWALK CONNECTIVITY PROJECT

Councilwoman Ruehle moved to approve the proposed resolution, Bid Award for Ontario and Florence Connectivity Project. **Councilman Darling** seconded the motion.

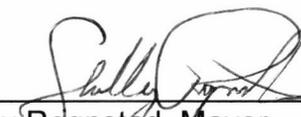
A roll call vote resulted as follows:

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

The motion passed by a unanimous vote of Council present.

ADJOURNMENT

Mayor Rognstad adjourned the regular meeting at 7:29 p.m.



Shelby Rognstad, Mayor

ATTEST:



Melissa Ward, City Clerk