

**SANDPOINT PLANNING COMMISSION MEETING
5:30 P.M. CITY HALL COUNCIL CHAMBERS
AMENDED MINUTES OF JANUARY 16, 2018**

COMMISSION MEMBERS PRESENT: Tom Riggs, Collin Beggs, Mark Remmetter, Danny Strauss, Cate Huisman, Tom Russell

COMMISSION MEMBERS ABSENT:

STAFF MEMBERS PRESENT: Planning & Community Economic Director Aaron Qualls, City Attorney Scot Campbell, Planner Ryan Shea (minutes)

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

Matters from the Public: None.

Approval of the Consent:

Commissioner Huisman moved and Commissioner Remmetter seconded to approve the minutes of November 14, 2017. **Motion passes unanimously.**

Agenda Item A: Public Hearing for Application #CUP17-01: A request by Seventh Day Adventist Church for a Conditional Use Permit to allow for renovation and additions to the existing church. The site is located at 2235 Pine Street in the Residential Single Family "RS" zone and described as Blk L less N 10 Ft of Ohadi Acres.

Staff Presentation:

Shea explained that the Seventh Day Adventist Church was looking to expand their building by approximately 6,800 square feet and their parking lot northward by approximately 4,200 square feet. The building would be about 30' closer to neighboring residential properties on the eastern parcel boundary at about 14'. The setback along Chuck Slough would remain at about 90'. Shea clarified that all the proposed setbacks and improvements to the parking lot meet current code.

Applicant's Presentation:

The applicant's representative, Brent Featherstone, gave the applicant's presentation by providing some history and background of this church. Featherstone stated that the church was constructed in 1975 and the church-subsidized school on the north end of the property in late 1950s. Featherstone said that the church has reached its functional lifespan and must be expanded to meet the growing needs of the church. Featherstone said that he has contacted adjacent neighbors to explore potentially planting vegetative buffers on the east side of the property.

Beggs asked about where the existing and proposed lighting are located and how often they would be turned on and how they would be potentially affecting neighbors with light pollution. Featherstone said that exterior lighting would be attached to the

building near the entrance and that they would make sure that new lighting is down lit and shielded as necessary to help eliminate light pollution.

Beggs asked about potential vegetative buffers and fencing. Featherstone said that there is a cedar fence that travels almost the entire length of the east boundary. Featherstone said that historically there were trees between the driveway and property but some property owners have requested to have them remove. Featherstone said that they work with the nearby neighbors to determine what they would like between the church property and theirs. He clarified that there would be no additional lighting for the driveway. Riggs pointed out that condition #5 requires that lighting be directed away from nearby properties. Featherstone said that in regards to planting trees the church would prefer to work with property owners as some may want them and some may not due to viewshed issues.

Chairman Riggs opened the public hearing

Public Comment:

In Favor: None.

Neutral:

Craig Johnson of 1503 Northshore Drive owns property 2104 Browning Way. Mr. Johnson said that he is concerned about the lighting in the parking lot creating glare for the surrounding area. Mr. Johnson is concerned about new types of bright lights like LEDs and about the time that the lights would be turned on. Mr. Johnson is also concerned about the hours of operation and increase in types of activities that will be done at the church. Mr. Johnson said that the church has not been a problem in the past and have been good neighbors. Mr. Johnson said that he prefers that there are no trees adjacent to his property that would hang over into his backyard and block views and sunlight. Mr. Johnson is also concerned about time-frames for construction so that it wouldn't be too noisy in the morning or night.

Russell asked Mr. Johnson if he was approached by the church informally to address any concerns he may have. Mr. Johnson said he was not.

Shea told the commissioners that he had received another neutral comment earlier today from Mrs. Donna Johnson of the same address stating the same concerns that Mr. Craig Johnson just raised.

Against: None.

Applicant rebuttal:

Mr. Featherstone said that he would want to work with Mr. Johnson to address any additional concerns they may have. Mr. Featherstone also stated that possibly relocating the nearby parking lot light.

Beggs asked what the general hours of operation for the church would be. Mr. Featherstone said that the church typically meets weekly on Saturday from 9am-1pm with special events sometimes occurring in the evening on Saturdays or during the week. He clarified that meetings/events do not extend past 10pm.

Qualls said that Mr. Johnson raised the issue of LEDs and asked the commission if they would like to consider the option to use lighter temperature lights to help mitigate issues with blue-light LEDs. Mr. Featherstone said that the applicant would be willing to have additional conversations with neighbors regarding their lighting concerns to find acceptable combinations of lighting types.

Russell asked if the applicant would be amenable to imposing a 10pm time limit for church events. Mr. Featherstone that imposing such a restriction would be very difficult to monitor and control and that the church can instead conform to the city's noise ordinance. Mr. Featherstone said that it would be an excessive restriction in regards to what is trying to be mitigated in relation to Mr. Johnson's concerns about construction times. Construction times are expected to start in the spring and be completed as soon as possible.

Chairman Riggs closed the public hearing.

Discussion:

Remmetter said that he is not supportive of the idea of adding more conditions in relation to light temperature and lumens due to the technical skills necessary.

Beggs said that once the construction project is done only then neighbors will know the exact impacts of the project. Beggs sees the noise issue being more about cars leaving along the driveway more so than noise within the church buildings.

Huisman said she agrees with Remmetter and hesitates to add additional conditions. Huisman said that adding a condition that the church work with their neighbors might be appropriate.

Strauss said he is in agreement that additional conditions of trees and lighting would be unnecessary as the church seems to have been a good neighbor historically and sees no problem with this proposal.

Russell agrees that the church seems to be showing good faith efforts in working with adjacent neighbors and his only concern are potential noise issues in the evening. He is OK with this proposal.

Riggs suggested that lighting condition apply to lights to lights on buildings as well as lights in the parking lot. Qualls said that existing ordinances address this already.

Beggs is primarily concerned about the lights on the eastern portion of the project closest to the adjacent residential neighbors.

Motion:

Commissioner Huisman moved that the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, APPROVE the request by Seventh Day Adventist Church for a Conditional Use Permit to allow for facility expansion for religious teachings in the Residential Single Family Zone. Based on evidence, records, and testimony, the reasons for approving this request are:

- 1) Staff has followed the notice procedures applicable to Conditional Use Permits contained in Idaho Code 67-6512 and Sandpoint City Code Title 9, Chapter 9.
- 2) Based on information presented at the hearing and the placement of limitations through conditions, the application is in compliance with the nine criteria for Conditional Use Permits as outlined in Sandpoint City Code §9-9-6 A.3.h.
- 3) The requested Conditional Use Permit is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan. Subject to Conditions [1-13] as recommended by staff.

Seconded by Commissioner Strauss. ***Motion passes with 5 vote in favor and Commissioner Beggs abstaining.***

Planning:

- 1) Parking lot landscaping shall consist of, but not be limited to, a mix of deciduous and evergreen trees, shrubs, and ground cover comprised of acceptable cultivars as determined by the city arborist. Tree species shall be of the types listed on the "city of Sandpoint approved street tree list" (as adopted by resolution), or approved by the city arborist. Street trees shall be a minimum 2.0 inch dbh. Interior landscaping shall be provided and shall include trees of at least 1.5 inch dbh every thirty (30) spaces.
- 2) If frontage improvements are required along Pine Street, please make sure that any trees to be removed are reviewed with City Forester and that all new plantings meet the spacing and approved street tree requirements.
- 3) City of Sandpoint Code §9-5-14.A. states that "a minimum of ten percent (10%) of gross paved areas used for parking lots within the city of Sandpoint shall be landscaped." Only the newly added parking lot square footage (4,288 square feet) will be used in calculating this requirement. Applicant shall dedicate at least 428.8 square feet to landscaping within the parking lot.

- 4) City of Sandpoint Code §9-5-14.F. states that parking lots exceeding thirty spaces “[require] shade trees shall be of such species and canopy to provide a predicted twenty five percent (25%) canopy cover of the parking area after a ten (10) year growth period.” Only the newly added parking lot square footage (4,288 square feet) will be used in calculating this requirement. Applicant shall plant tree canopy to cover at least 1,072 square feet of the parking lot.
- 5) City of Sandpoint Code §9-5-10 states that “any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.”

Public Works:

- 6) Standard frontage improvements for curb, gutter and sidewalks will be required and the five foot wide sidewalk will need to include connection to the existing pedestrian ramp that is west of the existing driveway approach. Detailed plans of the proposed improvements will need to be submitted for review and approval by the Public Works Department along with the applicable fees. The Applicant shall be required to obtain an encroachment permit from the Public Works Department prior to the commencement of any work in the right-of-way.
- 7) A grading permit is required prior to any land disturbance activities.
- 8) A stormwater management and construction period erosion control plan prepared by an Idaho licensed professional and meeting the City’s stormwater ordinance is required prior to issuance of a building permit. The applicant will be required to pay review fees and obtain any permits necessary for construction and/or the piping of stormwater outflow into the nearby surface water.
- 9) The application does not appear to propose any changes to the existing water service. If changes are required, a fire line is requested or a larger meter is determined to be needed, fees will apply.
- 10) Lighting for the parking lot shall meet the requirements of the City’s lighting ordinance.
- 11) The following is an estimate of fees that will be required at building permit issuance:
 - a) Water – fees may apply, per ordinance if the domestic water line requires upgrade (3/4” existing) and/or if a fire line is necessary.

When the City receives more information and drawings, the below list of fees will be determined:

- b) Building Permit – based on total construction value (not including land value)
- c) Plan Check – 65% of building permit
- d) Encroachment Permit – \$150 for commercial encroachment permit for work in the right-of-way

- e) Stormwater/Erosion Control - \$100/acre and \$500 maximum + time/materials = \$500
- f) Grading – based on amount of excavation and fill
- g) Impact Fee – to be determined at building permit review

Police:

- 12) Reviewed but no comment.

Fire:

- 13) 2015 International Fire Code applies.

Agenda Item C: Request for modification of roof design and height for Seasons at Sandpoint – Building 8

Staff Presentation:

Qualls gave the staff presentation and said that the project was originally approved in 2005. There are two pads yet to be developed, pad 1 and 8. The request tonight is to modify the development requirements for the height of pad 8 from 45' to 62'9" and it is the commission's job to determine if this is not in the public interest. Qualls said that condition #6 allows stairways and similar appurtenances to extend beyond the currently allowed 45' but does not specify how high. Additionally, the current zoning for this zone allows building heights of 65'. Qualls said that in September, 2015 a similar request came before the commission requesting a height increase to 53' along with a pitched roof which was approved by the commission at the time and determined it was not in conflict with the public interest.

Riggs asked what the current height limitation is; Qualls said it is currently 53' with a pitched roof.

Applicant Presentation:

Applicant presentation by Mr. Cliff Mort. Mr. Mort gave a presentation on the details of the proposed height increase by comparing it to the currently constructed unit to the south of it. Mr. Mort pointed out that only the center portion of the building would be the portion of the building going beyond the 55' mark. The commission asked Mr. Mort about the details of the proposed extension and how it would look like from both the city and the lake side of the building. Qualls helped illustrate this by using Google Streetview to show the view from the bypass looking East.

Chairman Riggs open and closed the public hearing.

Discussion:

Beggs stated he had no issue with the proposal. Huisman and Riggs agreed.

Russell said he is opposed to this application and that it is an adverse visual impact and not in the public interest.

Remetter said that he thinks the proposed application looks good and breaks up the monotony of the other buildings looking the same.

Commissioner Remmeter moved that the Sandpoint Planning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **AGREE** the request by Clifford E. Mort for a modification to The Seasons Development Agreement to allow for an increase in the total height of Building 8 from 45' to 62'9" is a minor modification to the Planned Unit Development approved on May 15, 2002.

The reasons for approving this request are:

1. The request is not in conflict with the public interest.
2. The requested modification is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

Subject to Conditions 1 and 2 as recommended by Staff.

Seconded by Commissioner Strauss, motion passes 5-1 with Commissioner Russell voting against.

Agenda Item D: Short Term Rental of Dwelling Units Review

Qualls stated that the Council has made a number of modifications and considering the breadth of changes, Council thought it appropriate to remand it back to the Planning Commission. Qualls said that Planning Staff would like feedback on potential changes to the buffer regulations. Qualls said that changing the requirements for owner-occupied units might be appropriate and treating residents that live on site or rent their unit out only for weeks or months at a time versus investors who buy their properties only to use them as STRs (Short Term Rentals) may be appropriate.

Huisman asked how many applicants have been denied are waiting for an opportunity to apply. Qualls said that the number is significant but cannot give a solid number. Huisman asked how STRs in general affect neighborhood affordability. Strauss agreed and said that if you do not allow STRs in a neighborhood you are taking the investor class of buyers off of the market so that they are no longer competing against local buyers. Huisman wondered if allowing owners to rent out rooms or their property for weeks or months helps increase affordability. Riggs asked why the Council gave it back to the Planning Commission. Campbell said that the 300' buffer has been difficult to manage and alternatives might be appropriate to identify in order to make the code more fair and equitable to homeowners wishing to obtain a permit.

Huisman is worried that if we simply limit the total numbers of rentals in Sandpoint that STRs could be concentrated in certain areas.

The commission agreed that owner occupied STRs should be treated differently from non-owner occupied STRs. Beggs also requested if staff could somehow find out what the impact would be on a neighborhood over a long term period.

The commission agreed that they want to limit investment properties because they jeopardize neighborhood integrity and feel like they should be treated differently. Russell suggested having an overall limit and also a more focused geographic dispersion requirement of some kind like a per block requirement. The commission asked that staff bring back some feedback back to the commission.

Matters from Staff:

Qualls told the commission that the mayor has recently appointed a new Planning Commissioner to fill the vacant seat. Qualls also mentioned that the city has contracted with Studio Cascade to complete public outreach and implementation strategy for University of Idaho property. For this project the first meeting in February will be used for an open house.

ADJOURNMENT: The meeting adjourned at 8:00 p.m.