



Kayleigh Miller &lt;klmiller@ponderay.org&gt;

---

## File ZC18-017 Hearing Statement

---

**Amanda Mann** <amandamann724@gmail.com>  
To: klmiller@ponderay.org

Tue, Nov 6, 2018 at 3:50 PM

Ms. Miller,

Thank you for taking time to speak with me over the phone today. I have attached my statement of opposition, as well as statements from some of my neighbors who wish to add their names to my statement. I do anticipate responses from a few others before next week. Do you need their names before tomorrow since my statement is over one page or will their requests be accepted up until the hearing?

Please let me know if you have any questions or if you need further information in order for our statements to be submitted.

Kindly,

Amanda Mann  
208-610-3772

---

### 2 attachments

 **Zone Change Statement-12.pdf**  
373K

 **Doc Nov 06, 2018, 15:11.pdf**  
1982K

Eric and Amanda Mann  
104 Dustarr Ln.  
Ponderay, ID 83852  
(208)610-3772

City of Ponderay  
Planning and Zoning Commission  
PO Box 500  
Ponderay, ID 83852

To Whom It May Concern:

In response to the notification of zone change for File ZC18-017, we hereby request that our statement below be thoroughly reviewed and considered as a strong opinion.

Introduction

As part of the application process for a zone change of a property in the City of Ponderay, an applicant must describe why there is a need for a zone change. The applicant for this file describes a scenario which implies that it is the City's plan, growth pattern and natural selection for these properties to be rezoned as commercial. It does not consider, however, that the Ponderay Comprehensive Plan was adopted prior to the Dustarr Estates neighborhood and McNearney Park. At the time, the City had anticipated that the acreage of what is now Dustarr Estates, which now consists of 20 of the most valuable homes in Ponderay, the land which is now McNearney Park, as well as at least six additional properties north and north-west of Dustarr Estates would be utilized as commercial properties. The fact that all of these properties have since been developed residentially should now hold significant weight in the discussion for this incredibly impactful decision. Our quality of life and property values are at risk.

The City of Ponderay has made an impressive investment in our neighborhood, providing an incredible park within walking distance and requiring substantial privacy between the Panhandle Animal Shelter and our neighborhood. It is absolutely crucial to keep the three parcels in question zoned residential in order to maintain this quality of life, as it provides a buffer from the busy streets and noisy, active commercial stores in the vicinity. It is not our goal to keep the property undeveloped. While we prefer to turn these parcels into a natural trail park, connected to McNearney park, continued residential development would certainly continue to provide the privacy and distance from the busy road and commercial buildings, as well as uphold the values of our homes in the neighborhood.

Property Rights

The Comprehensive Plan states that "implementation strategies must **recognize the right and protection** of all legally existing buildings and structures or **use of land.**" Additionally, Policy number six states that "The Comprehensive Plan and implementing ordinances should provide existing and future landowners with **confidence regarding the areas and densities of development** and development requirements."



The applicant argues that more cohesive zoning in this area would “have the reflective affect of protecting the rights of property owners in this corridor.” This would certainly be the opposite for those of us living in the neighborhood adjacent to lots 1, 2 and 3.

The current zoning label has given the surrounding residential property owners a sense of security, knowing that there is a maintained distance and sense of privacy from the large commercial buildings nearby. Certainly there is no expectation that the lots stay vacant, but used as a homestead is most certainly more private than as a commercial business or apartment complex. Prior to the Dustarr Development, Walmart, Home Depot, Frontier Communications and Waste Management were already present. The surrounding lots are all residential, which gave not only the developers a sense of security in the privacy of the lots, but also the new owners coming in to build a life. The ability to determine value of a neighborhood and a home was based on this information. The large box stores were, and still are, all across the street and by changing the zoning to commercial, the properties in question, will likely be turned into pavement and a large building. This change would absolutely disregard our rights of both knowledge and confidence of the surrounding densities of development and would ultimately diminish the property values<sup>1</sup> and quality of life.

1. Mahan, Polasky and Adams (2000), find a negative relation between residential values and proximity to commercial uses. Their results show, all else held equal, that as distance increases between commercial and residential uses, residential price increases. They expect the opposite: based on the notion of convenience, they expect that residential value would increase with proximity to commercial uses. They reasoned that their result might reflect negative externalities such as congestion and noise overriding the positive effect of convenience.

#### Population and Growth

In 2000, shortly before the Ponderay Comprehensive Plan was developed, the per capita income in Ponderay was \$19,082 and the median house value was \$70,000. Still today, the median house value is only \$106,000.

It is important to recognize the importance of the community within Dustarr Estates. Our neighborhood is comprised of well-respected community professionals. The one-of-a-kind residential community is nestled away from the hustle and bustle of Kootenai Cutoff Road. Our homes are all valued between \$300,000-\$465,000, which is the highest in Ponderay, and for a reason. All of the homes are on at least half of an acre and the Homeowner's Association sets high standards for all of the architectural plans and maintenance of the homes and natural landscaping.

The City of Ponderay also saw value in this neighborhood and granted an investment of a beautiful community park with maintained privacy between our homes and the park. The City also graciously required that our neighborhood be protected both from sound and site of the Panhandle Animal Shelter. It was this respect of privacy and quality of living that allowed our family to consider purchasing a property within Dustarr Estates just last year. The sense of security, knowing the surrounding properties would remain residentially zoned, allowed us to even consider moving out of the City of Sandpoint, into Ponderay. It is our belief that it is this healthy balance of residential and commercial spaces, as well as high quality of living that the community of Ponderay wished for when creating the Ponderay Comprehensive Plan. We believe that by granting this change request, more of Ponderay's residents would feel pushed into neighboring towns because of the overwhelming number of commercial buildings.

We urge the Planning and Zoning Commission to consider the importance of maintaining our quality of life and the value that our families bring to the City of Ponderay.

The Comprehensive Plan states on page 2-5 that "Growth should **enhance the quality and character of existing areas** and the general community." We'd like to voice our concern on the basis that a commercially zoned property adjacent to our backyard would not enhance the quality nor character of our existing area or the community of Dustarr Estates.

#### Land Use

The population in Ponderay has increased by over 150%. This demand for residential housing was described and anticipated in the Comprehensive Plan back in 2005. Table 5-1 depicts the plan for increasing the number of residential acres from 255 to 838, increasing the number of recreation acres from 17 to 146, and in fact **decreasing the number of commercial acres**. By granting the zone change, the Comprehensive Plan to increase residential acres and decrease commercial areas is highly disregarded.

The applicant argues that the majority of the adjacent properties are already zoned commercial and that the request to change the zoning is "keeping with the City's future growth plans". The reality is that only one of the five adjacent properties is commercially zoned and it was changed prior to the Comprehensive Plan which means that the City may not have granted this change of zoning had it known the area would be developed into a high valued neighborhood. The commercially zoned properties, aside from one, are all across the street from the described properties. In fact, the home on the property in question is currently occupied. Demolishment would displace the family who resides in the home. Additionally, the "future growth plans" that the applicant mentions is referring to the "Future Land Use Map", which was developed in early 2008. This map indicates that the Dustarr Estates land, as well as ten additional surrounding properties would be zoned as commercial. Considering that these properties have since been developed as residential, it is only appropriate to consider this claim cautiously and without merit.

The Comprehensive Plan lists the policies for Land Use on page 5-6. The first policy is to "Establish a consistent set of zoning, subdivision, and development regulations based upon adequate information, analysis, and **neighborhood input to protect the property rights of the citizens** of Ponderay." We thank you for considering our input and request to deny this application. The fourth policy is to "Adopt development and site planning standards that **preserves as much open space as possible**." By removing three entire residential lots, a total of 3.3 acres of natural beauty, this open space will be completely diminished. The 12th policy is to "Encourage the **retention of natural corridors for wildlife** and as pathways and trails." The size of the lots, as adjacent to our neighborhood has been a safe haven for many different species. While the applicant describes the properties as "less than scenic", the Dustarr Estates community, and the surrounding residential neighbors cherish the natural beauty of trees and wildlife. These unique features are what keep our property values up and our families living in a peaceful and secluded area. If you remove this sanctuary and replace it with another big box store, we will not only lose our distance and privacy from the busy commercial corridor, but also the natural habitats for the Bald Eagles, Hawks, Deer and Moose who use our neighborhood as a safe haven. Keeping these properties as residential will insure that a our little "island", as the applicant calls us, will maintain its natural environment. Finally, the 13th and 14th policies are to "Encourage a **system of community parks**" and to "Encourage the **development of a system of trails to connect area parks and public spaces** through cooperation with surrounding cities and organizations." These properties are the perfect spaces

for a connection to McNearney Park as a natural trail park, one which would require minimal maintenance and yet a wonderful place of relaxation and solitude for the residents of Ponderay.

#### Natural Resources and Hazardous Areas

The applicant states that the development of these three properties "should have limited if any noticeable impact on Ponderay's natural resources."

The policies on page 6-4 are incredibly applicable to the consideration here. Policy number three states that "**natural vegetation coverage should remain a dominant characteristic** in the City of Ponderay." These three parcels contain some of the largest percentages of natural vegetation coverage and forest in Ponderay. By changing the zoning to commercial, this island of nature will be completely removed. Policy number 12 states that "The City should promote continued improvements to the **maintenance of stormwater drainage.**" Adding parking lots and commercial buildings will only add to the runoff issues that we already currently face in Ponderay. We need to keep as much natural landscaping as possible and this is done by keeping these properties zoned as residential. Policy number 13 states that "The City should encourage the **preservation of wildlife habitat.**" I addressed this in the Land Use section above, but I find it important to highlight the City's policy listed under the section for Natural Resources and Hazardous Areas. Keeping a natural state is of extreme importance. Finally, policy number 15 states that "The City should consider **noise mitigation actions in land use decisions.**" Currently, our neighborhood of Dustarr Estates is protected from the noise levels of Kootenai Cutoff by the dense forest within the three lots being discussed. By allowing commercial building on these properties, our neighborhood will be subject to an increase in noise both by the road and the happenings of the business.

Professional evaluation and environmental studies must be performed before determining whether or not these properties can support a commercial facility of any kind.

- Lake Pend Oreille Water Keeper's Shannon Williamson validated our grave concerns regarding stormwater and wastewater runoff. We must consider maintaining adequate pervious surface in an area already so overdeveloped with impervious surfaces such as roads, concrete parking lots, buildings and sidewalks. Additionally, this runoff, whether water alone or worse, containing chemicals will be flow into our backyards where our children play and our animals live. This is a very serious component which needs to be thoroughly evaluated.
- Erik Brubaker at the City of Ponderay Planning and Zoning Office was helpful in answering my many questions regarding the historic drainage issues in Ponderay, and specifically our area of the city. He agrees that drainage considerations are a major issue and pose a significant concern, especially when crossing property lines. While there is a stormwater plan for Ponderay, it does not give enough consideration for drainage specifically. He also explained that he has seen stormwater plans fail, even if it was approved by a surveying company.

#### Housing

The applicant's argument for bringing in additional commercial businesses to Ponderay is that there is a demand for jobs. As a life-long resident and previous business owner, I have found the opposite is true. There is an incredible demand for housing and yet, still not enough people for the current business demand. Home Depot, Walmart and surrounding business always have job openings. This actually creates an issue for the residents of Ponderay. More residential properties would help support the current businesses. More commercial centers will certainly create a growing demand for residential housing, but we shouldn't sacrifice our beautiful, residentially zoned lots. There are plenty of commercially zone lots already for sale in Ponderay.



Community Design and Special Sites

The Comprehensive Plan stresses the importance of visual quality in the City of Ponderay. "Site amenities, such as views, have a direct effect on market values of land. Parks and open space allow residents and visitors to relax and socialize. Visual character is a significant portion of what defines a City's quality of life and aids in the restoration and maintenance of community pride."

"Visual quality and noise pollution have impacts on housing prices" (Li & Brown, 1980, p. 125).

The applicant has not considered the impact on the surrounding residents. By changing the zoning to commercial, it opens the door for a variety of commercial uses which will reduce the quality of life and community pride. Our view, noise level and ability to relax on our own property would be stolen from us as residents of Ponderay.

**Which would you prefer as your backyard?**



**Our existing back yard**



Thank you for taking the time to hear our concerns. We respectfully urge you to deny the application for zone change for Parcel Numbers 1, 2 and 3 in Starrs Acreage as noted in File ZC18-017.

Kindly,

Eric and Amanda Mann  
104 Dustarr Ln.  
Ponderay, ID 83852  
(208)610-3772

Scott and Janet Lish  
10 Perstarr Ln.  
Ponderay, ID 83852  
(208)220-2854

November 6, 2018

To the City of Ponderay Planning and Zoning Commission:

We wish to add our names to the statement provided by Eric and Amanda Mann. We hereby submit our request for denial of the zoning change application for File ZC18-017.

Sincerely,

Scott and Janet Lish  
10 Perstarr Ln.  
Ponderay, ID 83852  
(208)220-2854



Ronald and Linda Knodel  
35 Perstarr Ln.  
Ponderay, ID 83852  
425-765-4124

November 6, 2018

To the City of Ponderay Planning and Zoning Commission:

We wish to add our names to the statement provided by Eric and Amanda Mann. We hereby submit our request for denial of the zoning change application for File ZC18-017.

Sincerely,

Ron and Linda Knodel  
35 Perstarr Ln.  
Ponderay, ID 83852  
425-765-4124

RECEIVED  
NOV 08 2018  
PLANNING OFFICE  
CITY OF PONDERAY



**From:** Velta Ashbrook foobob2@icloud.com  
**Subject:** Ponderay City Zoning Change  
**Date:** November 5, 2018 at 4:21 PM  
**To:** armandamann724@gmail.com

---

Dear Amanda,

We just received and read your letter about the zoning change. You have written a very good request to the City for denying the change request. We could not improve upon that, so would like to add our names to your letter. Thank you.

Bob & Velta Ashbrook  
620 Starr Lane  
Ponderay, Idaho 83852  
208-290-7080 (Bob)  
208-290-4273 (Velta)

RECEIVED  
NOV 06 2018  
PLANNING OFFICE  
CITY OF PONDERAY

Stefan and Hailey Harlicker  
120 Dustarr Lane  
Ponderay, ID 83852  
208-946-7399

To the City of Ponderay Planning and Zoning Commission:

We wish to add our names to the statement provided by Eric and Amanda Mann. We hereby submit our request for denial of the zoning change application for File ZC18-017.

Respectfully,

Stefan and Hailey Harlicker  
120 Dustarr Lane  
Ponderay, ID 83852  
208-946-7399



Lee and Susan Sayers  
49 Perstarr Ln  
Ponderay, ID 83852  
(208)263-4651

November 5, 2018

To the City of Ponderay Planning and Zoning Commission:

We wish to add our names to the statement provided by Eric and Amanda Mann. We hereby submit our request for denial of the zoning change application for File ZC18-017.

Sincerely,

Lee and Susan Sayers  
49 Perstarr Ln  
Ponderay, ID 83852  
(208)263-4651

RECEIVED  
NOV 06 2018  
PLANNING OFFICE  
CITY OF PONDERAY

**From:** Kevin Mabry wncmabry@gmail.com  
**Subject:** Submission of zoning opposition  
**Date:** November 6, 2018 at 7:42 AM  
**To:** amandamann724@gmail.com

Good Morning Ms. Mann ... I unfortunately will not be able to attend the zoning hearing on the 14<sup>th</sup>. My wife & I agree with your opinion to keep the three properties at the issue of this concern zoned residential. Please add our names to your opposition.

Regards

Kevin R. Mabry  
77 Aultstarr Ln.  
Ponderay, ID 83852

RECEIVED  
NOV 06 2018  
PLANNING OFFICE  
CITY OF PONDERAY

Chris and Kendra Purta  
45 Dustarr Lane  
Ponderay, ID 83852  
208-304-3828

November 6, 2018

To the City of Ponderay Planning and Zoning Commission:

We wish to add our names to the statement provided by Eric and Amanda Mann. We hereby submit our request for denial of the zoning change application for File ZC18-017.

Respectfully,

Chris and Kendra Purta  
45 Dustarr Lane  
Ponderay, ID 83852  
208-304-3828

RECEIVED

NOV 06 2018

PLANNING OFFICE  
CITY OF PONDERAY



Doug and Kelly Harlicker  
680 Starr Ln.  
Ponderay, ID 83852  
(208)661-5914

November 6, 2018

To the City of Ponderay Planning and Zoning Commission:

We wish to add our names to the statement provided by Eric and Amanda Mann. We hereby submit our request for denial of the zoning change application for File ZC18-017.

Sincerely,

Doug and Kelly Harlicker  
680 Starr Ln.  
Ponderay, ID 83852  
(208)661-5914

RECEIVED  
NOV 06 2018  
PLANNING OFFICE  
CITY OF PONDERAY

Geoff and Janay Smith  
110 Dustarr Ln.  
Ponderay, ID 83852  
(208)255-6450

November 6, 2018

To the City of Ponderay Planning and Zoning Commission:

We wish to add our names to the statement provided by Eric and Amanda Mann. We hereby submit our request for denial of the zoning change application for File ZC18-017.

Sincerely,

Geoff and Janay Smith  
110 Dustarr Ln.  
Ponderay, ID 83852  
(208)255-6450

RECEIVED

NOV 06 2018

PLANNING OFFICE  
CITY OF PONDERAY

Darwin and Carla Hurst  
15 Perstarr Ln  
Ponderay, ID 83852  
509-993-5465

November 6, 2018

To the City of Ponderay Planning and Zoning Commission:

We wish to add our names to the statement provided by Eric and Amanda Mann. We hereby submit our request for denial of the zoning change application for File ZC18-017.

Sincerely,

Darwin and Carla Hurst  
15 Perstarr Ln  
Ponderay, ID 83852  
509-993-5465

RECEIVED  
NOV 06 2018  
PLANNING OFFICE  
CITY OF PONDERAY