

# Ponderay - City Planning Staff Report

November 14, 2018 – Ponderay Planning and Zoning Commission  
UP18-046 Special Use Permit – Storage Facility – Rural Zone



**Aerial of Vicinity**

## **Project Summary**

The Wilson Trust is requesting Special Use Permit (SUP) approval to develop a rural zoned parcel with commercial storage. The project proposes construction of a total of 24 storage buildings. Construction is proposed to occur through a series of four phases, each phase proposing construction of 6 structures ranging in size from 3,000 square feet to 10,000 square feet. The project site is located on the east side of U.S. Highway 95 in Section 2, Township 57 North, Range 2 West, Boise Meridian.

On September 22, 2018, Ordinance 146 became effective which modified Ponderay City Conde (PCC) 9-4A-4 to allow for commercial storage within the Rural zoning district by special use permit approval when it can be demonstrated that specific criteria can be met. The criteria was designed to limit the scale of the storage and to guide the design towards compatibility with the rural character of the surrounding area. This project is the first to be reviewed under the newly adopted section of code.

## Notice Provided

- Published in the Bonner County Daily Bee: Saturday, October 27, 2018
- Mailed to affected land owners within 300 feet of the subject parcel: Friday, October 26, 2018
- Posted at the site: Monday, October 29, 2018

## Site Information

- A. **Site Data:** The subject ±.17.8-acre parcel is zoned rural. Currently the public mapping application depicts the land as two separate parcels. However, based on the legal description the property is one parcel. Historically, the parcel was developed as a drive-in movie. Currently the parcel is developed with a 1978 singlewide mobile home and garage.
- B. **Access:** The parcel has direct frontage along U.S. Highway 95 with an existing approved 30' commercial highway approach (ITD approach #5-73-037). No change to the existing approach is proposed at this time.

The capital Improvement plan from the transportation component of the comprehensive plan indicates future construction of a North/South connection between the existing Starr Lane and Bronx Road along the east boundary of the subject parcel.

- C. **Environmental Factors:** The site is relatively flat. It contains native grasses trees and shrubbery throughout the site. The application indicates that native vegetation will remain within the 25-foot required vegetative buffer areas. The parcels do not contain mapped water bodies, wetlands or flood hazard area (Zone x, Panel 0710E) according the Bonner County Public mapping application.
- D. **Services:** The subject property is currently served by Northside Water and individual septic system. The site is located within the boundaries of the Sandpoint Water District, however, water lines do not extend to the property at this time. The site is located within the Boundaries of the Lake Pend Oreille School District, Avista Utilities and Northside Fire District. The proposed use does not require water or sewer service.
- E. **Stormwater:** A stormwater management and erosion control plan, prepared by Tim Blankenship P.E. of James A. Sewell and Associates, dated July 24, 2018, was submitted for review.

## Applicable Ponderay City Code (PCC) sections:

- PCC 9-7-2 Special Uses
- PCC 9-7-3 Special Use Applications, Public Hearings, and Council Action
- PCC 9-7-4 Appeals
- PCC 9-8-3 Site Plan Approval
- PCC 9-4-A Rural Zoning District
- PCC 9-5-4 Performance Standards for Commercial and Industrial Uses
- PCC 9-5-2 Fencing Requirements
- PCC 9-5A-3 Property line setbacks
- PCC 9-5A-4 Height Restrictions
- PCC 9-5B-6 Outdoor storage of commercial or industrial materials or equipment

PCC 9-5C-5 Required Trash Areas  
PCC 9-5E Parking Standards  
PCC 7-6 Sign Code

### Project Review

Staff finds that the proposal complies with all of the applicable requirements of Ponderay City Code. Items warranting discussion or conditions are discussed below. Staff reserves the right to develop a full record in the event of an appeal.

### Planning Review

Ponderay Code Section	Requirement	Provided by the Applicant
PCC 9-4A-4 Special Uses	<p>Requires special use permit approval for Rental warehouses, boat and/or recreational vehicle storage or mini storage within the Rural zoning district when specific criteria can be met.</p> <p>A. A minimum of Five (5) acres is required.</p> <p>B. Setbacks</p> <p>1. Structures shall not be located within three-hundred feet (300') from the edge of right-of-way of the nearest arterial as defined under subsection 9-1-2B of this title. The Planning and Zoning Commission may authorize a setback reduction to not less than one-hundred-fifty feet (150') from the edge of right-of-way of the nearest arterial as defined under subsection 9-1-2B of this title, when it can be documented that adequate screening exists onsite. In the event that a setback reduction is granted a condition shall be placed to ensure the screening is retained.</p>	<p>A. The subject parcel is ±17.8-acres.</p> <p>B.</p> <p>1. The proposed structures are located a minimum of ±633-feet from the U.S. Highway 95 right-of-way.</p> <p>2. As proposed the side yard setback rang from ±87-feet to 128-feet. The rear yard setbacks range from ±61-feet to ±63-feet.</p> <p>C. The subject parcel has direct access onto U.S. Highway 95 via approved commercial ITD approach #5-73-037.</p> <p>D. The application indicates that all setbacks, lot coverage, fencing, landscaping and lighting have been designed in accordance with the special use permit standards.</p> <p>Staff Note** The Commercial storage has been located towards the easterly portion of the subject parcel. This area appears to be densely treed along the parcel boundaries. Additionally, setbacks provided are</p>

Ponderay Code Section	Requirement	Provided by the Applicant
	<p>2. All side and rear yard setbacks shall be increased to not less than 25-feet.</p> <p>C. Site shall have direct access onto a public right-of-way.</p> <p>D. The use, any appurtenant structures and fencing shall be so arranged on the land as to minimize any adverse effects on the surrounding properties and rights-of-ways.</p> <p>E. A maximum of 35% of the total lot or parcel, may be used as a storage facility. The storage facility shall include storage structures, associated parking areas and fire lanes, that are located within fenced storage facility boundary.</p> <p>F. The exterior of all buildings shall be designed in a manner that is consistent with the rural character of the area.</p> <p>G. Fencing shall compliment the exterior building materials (similar color, materials and/or detailing) of the storage buildings, be of an agricultural nature or shall be obscured from view with landscaping and shall be maintained and kept in good repair.</p> <p>H. A landscape buffer 25-feet in width shall be installed and maintained around the perimeter of the site, which shall include evergreen trees a minimum of 4-feet in height</p>	<p>more than double the minimum required by code.</p> <p>E. 34.9% coverage is proposed. (Condition B-7)</p> <p>F. The structures will be steel sided and roofed. Materials will be "earth toned". (Condition B-5)</p> <p>G. A chain link fence will surround the storage facility. It will be obscured from view by the existing landscaping. Photos were provided to depict the existing landscaping. (Condition B-6)</p> <p>H. The application indicates that an evergreen buffer exists and will remain undisturbed along the south edge of Phase 1. The westerly boundary of phases 1 and 4 are located ±600-feet from the highway and as a result, the project representative indicated that landscaping would serve no purpose along this boundary. Additionally, the application states that the east site boundaries of Phases 2 and 3 are currently vegetated as are the North boundaries of Phases 3 and 4. These 25-foot wide or greater buffers will remain in tacked.</p> <p>Staff Note** A 25-foot landscaping buffer is required around the perimeter of the site regardless of its proximity to the highway. (See Condition B-8)</p>

Ponderay Code Section	Requirement	Provided by the Applicant
	<p>and spaced no more than 15' on center. Or documentation demonstrating that an adequate buffer is provided by the existing natural vegetation. Exception: Storage located within existing agricultural buildings or new construction on active farm land providing a minimum of 90% open space.</p> <p>I. Outdoor storage shall be accessory to the indoor storage facility and shall be limited to major recreational equipment, including travel trailers, recreational vehicles, watercraft, boats or similar, vehicles or equipment.</p> <p>J. Units shall not be used as dwellings or as a commercial, service, repair or industrial place of business. The manufacturing, commercial repair or sale of items from or at a rental warehouse, mini storage or boat storage facility is specifically prohibited.</p> <p>K. If the property abuts rural or residential zoned property or property which is developed with a residence at the time of construction, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.</p> <p>L. All lighting shall be shielded and downward directed so as to confine lighting to the premises and produce no glare on adjacent properties</p>	<p>I. The application indicates that any outdoor storage will include only the permitted typed of vehicles or equipment (See Condition B-9)</p> <p>J. The application indicates that the proposed uses will be limited to rental warehouses, boats and/or recreational vehicle storage or ministorage (See Condition B-10)</p> <p>K. The subject property abuts rural zoned property. Therefore, the hours of operation will be limited to 7a.m. to 10 p.m. (See Condition B-11)</p> <p>L. Application indicates that all lighting will be downward directed, and motion activated. (See Condition B-14)</p>

Ponderay Code Section	Requirement	Provided by the Applicant
	<p>or rights of way. External lighting shall be activated by motion and or activity within the facility.</p> <p>M. No portion of the above restrictions relating to storage shall be construed in a manner that shall inhibit agricultural pursuits.</p>	
<p>PCC 9-7-2 (A) Special Uses; Stipulated Conditions</p>	<p>Special uses may be granted according to procedures outlined herein that meet the standards set forth in this title for that specific use. Special use permits may, in addition to standards set forth, also stipulate conditions which may include:</p> <ol style="list-style-type: none"> <li>1. Specific time limits that the use will be permitted.</li> <li>2. Provisions for setbacks that are greater than the minimum standards set forth in this title.</li> <li>3. Landscaping requirements and other requirements to assure that the property is maintained properly.</li> <li>4. Sight restrictions, including designations of the exact location and nature of the proposed special use.</li> <li>5. Safeguards to protect and to minimize adverse impact on adjacent property.</li> <li>6. Standards that are more restrictive than those otherwise required by this title.</li> </ol>	<p>Many of the listed stipulated condition categories were addressed by Ordinance 146 and the established design criteria. Conditions have been proposed to ensure the operating conditions remain compliant. (See Conditions)</p>
<p>PCC 9-8-3 (H) Site Plan Approval</p>	<p>Shall be considered to be a concurrent signage plan,</p>	<p>Landscaping, lighting, signage and stormwater management</p>



Ponderay Code Section	Requirement	Provided by the Applicant
	landscape plan, lighting plan, stormwater and erosion control plan or other required plan if submission is adequate to satisfy the above requirement.	and erosion control were reviewed concurrently and were found to be in compliance with Ponderay City Code. (See Condition B-3)
PCC 9-5A-4 (A) Maximum Height	No structure in any zone shall exceed two stories in height. Structures in the commercial and industrial zones may seek Planning and Zoning Commission approval to exceed the maximum height.	According to the application package one story structures are proposed. (See Condition B-4)
PCC 9-5C-5 Trash	All trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or sight obscuring fence of at least four (4) feet in height, or within an enclosed building or trash and/or garage collection dumpster. Adequate vehicle access to and from such area or areas for collection of trash and/or garbage shall be provided. Trash and/or garbage collection areas must also be animal proof.	The project representative has indicated that no solid waste facilities will be located on-site.  Staff Note** While currently no waste receptacles are proposed onsite, the applicant may find that there is a need for them in the future. As a result, a condition has been placed to ensure compliance with for future installations. (See Condition B-12)
9-5-4 Performance standards	Any commercial or industrial use or occupation of land or buildings in any zone which creates dangerous, injurious, noxious or otherwise objectionable conditions adversely affecting any other lot must comply with performance requirements relating to fire hazards, radioactive particles or electrical disturbance, noise, vibration, air pollution, glare and water pollution.	See Condition B-15

Ponderay Code Section	Requirement	Provided by the Applicant
9-5B-6 Outdoor storage of Commercial or Industrial materials or equipment	When outdoor storage of commercial or industrial materials or equipment exists it must be screened from view from any existing adjoining residence or residentially zoned property, whether or not it is separated by street or alley.  Storage shall not be within the front yard setback.	The proposal does not include the use of outdoor storage (See condition B-16 and B-17)
PCC 9-5-2 (A) Fence Requirements	No fence, whether sight obscuring or not, on property in residential, rural and recreation zones shall be over 8-feet in height.  No fenced shall be of 4-feet in height within the front yard setback.	The proposed height of the fence is not disclosed in the application package.  No portion of the proposed fence is located within the front yard setback.  (See Condition B-6)
PCC9-5E-3 Commercial Off-Street Parking	Requires specific parking calculations based on the proposed commercial use.	No specific parking standards are provided for the proposed use. It is typically for vehicles to stop directly in front the rented unit. No formal parking spaces are proposed.

**Agency Comment**

The application was sent to the following agencies for comment on September 25, 2018:

- Kootenai-Ponderay Sewer District
- Ponderay Police Department
- City of Sandpoint
- Idaho Transportation Department
- Frontier Communications
- Jesse Herndon, P.E., HMH Engineering, Ponderay City Engineer
- Northside Water District
- Northside Fire District
- Pat Park, Building Official
- Avista
- Lake Pend Oreille School District
- Northland Cable

At the time this report was prepared, the following agency comments had been received:

**Jesse Herndon P.E., HMH Engineering, Ponderay City Engineer, emails dated October 22, 2018 and November 7, 2018** : Mr. Herndon initially commented that he had concerns relating to the design of the V-notch weir. However, after reviewing the design with the Tim Blankenship, P.E., James A. Sewell and Associates, project engineer Mr. Herndon provided follow -up comments stating that his concerns had been addressed.



**Ponderay Police Department, Jimmy Cornelius, Chief of Police, email dated September 25, 2018:** Chief Cornelius, commented that he had concerns with regard to traffic safety. He noted that the area has a large amount of both North and South bound traffic and has a 45-mph speed limit. The existing approach is located ±.25 miles from a 60-mph speed zone. Due to this proximity vehicles may still be decelerating in this location. He noted that there is not currently a turn lane in place for the commercial access, creating a dangerous situation for left turning traffic. He suggested that an extension of the turn lane located in front of the Nazarene Church could be extended.

Staff Note\*\* A copy of Chief Cornelius's comments were forwarded onto the Idaho Transportation Department for review and consideration.

**City of Sandpoint Water, Dan Tardic, P.E., City Engineer, letter dated October 4, 2018:** Mr. Tardic stated that the project is located within the water service boundary for Sandpoint Water. He further stated that water service would be available upon payment of applicable fee's for tapping and meter set.

Staff Note\*\* While the project is located within the water service boundaries, infrastructure does not currently extend to the project site. The project as designed does not propose connection to water services.

**Northside Water, Frank Cafferty, memo dated September 26, 2018:** Mr. Cafferty stated that the project site has one residential water hook-up. He further stated that Northside Water does not service commercial uses.

**Pat Park, CBO, James A. Sewell and Associates, Ponderay Building Official, email dated October 15, 2018:** Mr. Park comment that the project representative had reached out during the design phase of the project to discuss building and fire code requirements. He noted the he believed the development to be compliant with the 2015 International Building Code and International Fire Code for the purposes of site plan approval. He had no additional comments.

Staff Note\*\* The structures will be reviewed for compliance with the building and fire codes through the building permit process. (See Condition B-3)

**Idaho Transportation Department (ITD), William Roberson, Stacey Simkins and Robert Beachlor, emails dated October 17<sup>th</sup>, 23<sup>rd</sup> and November 7<sup>th</sup> and 8<sup>th</sup>:** Initial review of the proposed project led to a request from Ms. Simkins for proposed traffic counts for the project. Marty Taylor, AICP, James A. Sewell and Associates, Project representative, provided the requested information on October 17, 2018. On October 19, 2018 and email was received from Ms. Simkin stating that the existing commercial approach was sufficient to accommodate the proposed use and nothing additional was needed.

On November 7, 2018 a letter was received from William Roberson, District 1 Senior Transportation planner, which indicated that a left and right turn lane warrant analysis was needed, which should include peak hour turning movements.

On November 8, 2018 staff contacted ITD and spoke with Robert Beachlor in Mr. Roberson's absence and again provided the traffic count prepared by the project representative. Upon review of this information Mr. Beachlor directed staff to disregard the comment of Mr. Roberson. He did note that any modifications to the approach would require a new ITD encroachment permit.

Staff Note\*\* No approach modifications are proposed at this time. (See Condition B-18)

**Kootenai-Ponderay Sewer District (KPSD), Colleen Johnson, letter dated October 2, 2018:** Ms. Johnson indicated that the project site is outside of the sewer district boundaries. She further indicated that the district has no current or near future plans for annexation to expand the district's boundaries.

Staff Note\*\* The project does not propose connections to sewer or septic facilities

**Brad Mitton, Chief, Northside Fire District, letter dated October 15, 2018** – Chief Mitton indicated that he could not see anything that would prohibit the facility from being constructed as long as all codes are followed. He noted that the project will be reviewed for compliance through the building permit process. All building and fire codes will need to be met. (See condition B-3)

Staff Note\*\* The project will be reviewed for fire and building code compliance during building permit review.

## **Public Comment**

At the time the staff report was prepared one public comment had been received.

**Dana Anderson, comments received November 8, 2018:** Ms. Anderson commented that their neighboring property was purchased for future residential use. She indicated that having a commercial rental business with high fences, lights 24 hours and a high rate of people in and out would interfere with their rights for peace and quiet and privacy in what is now a rural neighborhood and would be detrimental to them and their property. Additionally, in the email provided with the comments Ms. Anderson noted that she had concerns about additional run-off coming onto their property due to the impervious nature of the project.

**Project representative response:** Mr. Taylor noted that the application includes setbacks and buffers in excess of those required; hours of operation are set forth; lighting is regulated; and an engineered stormwater plan has been provided by the project engineer and reviewed by the City Engineer.

## **Staff Analysis & Recommendation**

Subject to the recommended conditions of approval, staff finds that this project is consistent with Ponderay City Code. Therefore, staff recommends approval of the proposed special use permit. Staff recommends the following findings of facts and conclusions of law:

## **Findings of Fact**

1. This proposal was reviewed for compliance with the approval criteria and standards set forth at Ponderay City Code Section (PCC) 9-7-2 Special Uses, 9-7-3 Special Use Applications, Public Hearings, 9-8-3 Site Plan Approval, and Council Action, 9-5E Parking Standards, Section 7-6 Sign Code, the zoning district and other approval standards of Title 9.
2. The proposed use is conditionally permitted within the Rural zoning designation (PCC 9-4A-4).
3. The submitted stormwater management plan has been reviewed and found to be in compliance with the Ponderay City Code.
4. Based on the application package and agency comments received the use will not have an adverse effect upon properties in the vicinity.

5. The proposed use is not in conflict with the comprehensive plan. (See comp plan worksheet)
6. The site will be served by Avista
7. The project does not propose connection to water or sewer service.
8. Access to the site is proposed off of U.S. Highway 95, an existing publicly maintained, hard surfaced U.S. Highway.
9. Construction plans and signage will be reviewed through the building permit process for compliance with building and fire code.
10. The use must operate in compliance will all state, federal and local laws.

## Conclusions of Law

Based on these Findings of Fact, the Planning and Zoning Commission concludes that the special use permit request **is/is not** in accordance with the applicable sections of Ponderay City Code, and therefore is recommended for **approval/denial**.

## Motion

**MOTION TO APPROVE:** I move to recommend approval of this application FILE UP18-046, requesting Special Use Permit (SUP) approval to develop a rural zoned parcel with commercial storage, finding that it is in accord with the applicable sections of Ponderay City Code as enumerated in the findings of fact and conclusions of law in the staff report, and based upon the evidence submitted up to the time the staff report was prepared and testimony received at this hearing. I further move to recommend adoption of the findings of fact, conclusions of law, and conditions of approval (**noting any amendments**) in the staff.

**MOTION TO DENY:** I move to recommend denial of FILE UP18-046, requesting Special Use Permit (SUP) approval to develop a rural zoned parcel with commercial storage, finding that it is **not** in accord with the applicable sections of Ponderay City Code as enumerated in the findings of fact and conclusions of law in the staff report, and based upon the evidence submitted up to the time the staff report was prepared and testimony received at this hearing.

## Conditions of Approval

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### **Prior to issuance conditions (Must be met before a building permit can be issued)**

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- A-1.** Prior to submitting a building permit application, the applicant shall submit a final site plan to the Ponderay Planning Department. The site plan shall incorporate any required revisions or conditions of approval.

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### **Operational Conditions (Must be met on an ongoing basis)**

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- B-1.** The proposed use shall commence within one (1) year following the date of city council approval of the special use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse. The special use permit may be revoked if the sponsor fails to comply with required restrictions or conditions.

- B-2.** The use shall be developed and shall be operated in accordance with the approved plan.
- B-3.** The proposed site plan has been reviewed for compliance with the provision of this title. Construction shall be in accord with the approved site plan, stormwater, lighting and landscape plans and shall comply with the adopted building and fire codes. Building permits shall be obtained for all construction and signage.
- B-4.** Structures shall not exceed two stories in height.
- B-5.** All siding and roofing materials shall be “earth tone” in color.
- B-6.** Fencing shall compliment the exterior building materials (similar color, materials and/or detailing) of the storage buildings, be of an agricultural nature or shall be obscured from view with landscaping and shall be maintained and kept in good repair. Fencing shall not exceed 8-feet in height or 4-feet in height if located within the front yard setback in accordance with PCC 9-5-2 (A).
- B-7.** No more than 35% of the total lot or parcel, may be used as a storage facility. The storage facility shall include storage structures, associated parking areas and fire lanes, that are located within fenced storage facility boundary.
- B-8.** A minimum of a 25-foot landscape buffer shall be either retained from adequate natural vegetation or installed around the perimeter of the site at all times. The landscape buffer shall comply with PCC 9-4A-4 Rental Warehouses, boat and/or recreational vehicle storage or ministorage (H).
- B-9.** Outdoor storage shall be accessory to the indoor storage facility and shall be limited to major recreational equipment, including travel trailers, recreational vehicles, watercraft, boats or similar, vehicles or equipment.
- B-10.** Units shall not be used as dwellings or as a commercial, service, repair or industrial place of business. The manufacturing, commercial repair or sale of items from or at a rental warehouse, mini storage or boat storage facility is specifically prohibited.
- B-11.** Hours of public operation shall be limited to seven o’clock (7:00) A.M. to ten o’clock (10:00) P.M.
- B-12.** All proposed or future trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or sight obscuring fence of at least four (4) feet in height, or within an enclosed building or trash and/or garbage collection dumpster. Adequate vehicle access to and from such area or areas for collection of trash and/or garbage shall be provided. Trash and/or garbage collection areas must also be animal proof.
- B-13.** Signage shall be installed in accord with the submitted signage plan. Future signage shall comply with the standards of Ponderay City Code in effect at the time of construction.
- B-14.** External lighting shall be installed in accord with the approved lighting plan. All lighting shall be shielded and downward directed so as to confine lighting to the premises and produce no glare on adjacent properties or rights of way. External lighting shall be activated by motion and or activity within the facility.

- B-15.** The commercial use shall operate in compliance with the performance standards of PCC 9-5-4.
- B-16.** The site shall be developed and maintained in accord with the approved green space and landscaping plan. Vegetation shall be retained or replaced with similar in order to maintain adequate screening in accord with PCC 9-5B-6.
- B-17.** Commercial and industrial materials or equipment shall not be stored outdoor within the front yard setback.
- B-18.** The proposed development shall operate in compliance with the terms of the approved ITD encroachment permit and shall receive ITD approval for any future modifications to the commercial approach.