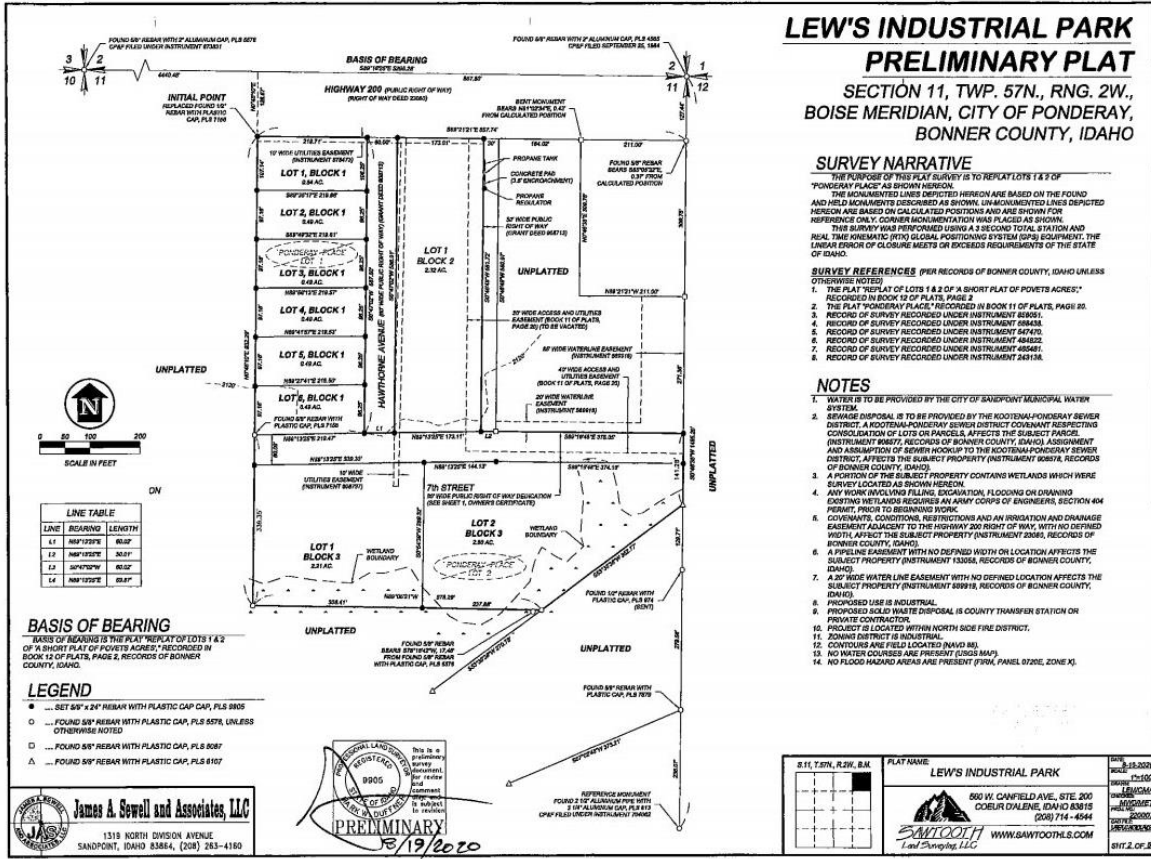


Ponderay - City Planning

Staff Report

December 21, 2020 – Ponderay City Council
SS20-025 Subdivision Review – Lew's Industrial Park Plat





Project Summary

Ponderay Industrial Park, LLC is requesting approval to subdivide Ponderay Place, Lots 1 (5.294) and 2 (6.2 ac) into 9 industrial lots ranging in size from ±.49 acres to ±2.8 acres. The property is located on Hawthorne Avenue off Highway 200 in Section 11, Township 57 North Range 2 West, Bonner County Idaho. This request is being considered simultaneously with file VS20-024.

Site Information

A. **Site Data:** The subject property is currently primarily undeveloped. However, proposed Lot 1, Block 2, houses Diedrich Coffee Roasters (File SP18-043 and SP17-034). The property contains direct frontage on, and access to Highway 200 and Hawthorne Avenue. The site was historically used as a wrecked car yard for auto parts salvage.

In 2017, the landowner dedicated a 60-foot public right-of-way for Hawthorne Avenue and as well as a 30-foot public right-of-way intended for a green belt and drainage along the east boundary as a part of project file SP17-034 (Diedrich phase 1).

The property is zoned Industrial, as are the adjoining properties that are located within the Ponderay City limits in all direction. Surrounding uses include a wrecking yard to the south, Anderson's Autobody to the west, Lignetics and a commercial/industrial facility housing multiple tenants to the East and the Litehouse Foods Complex to the North.

- B. **Access:** Access will be provided by Hawthorne Avenue off Highway 200. In 2017 a 60-foot public right of way was dedicated to the City of Ponderay running north and south along the Diedrich facility. At that time, the only proposed development on the site was Diedrich Coffee Roasters. As a result, the City allowed the landowner to construct a private access driveway within the dedicated right-of-way to service the facility.

Ponderay City Code 8-1-6 requires that each new lot within a subdivision have direct frontage onto a public street. As a result, the applicant has proposed dedication of an east-west public right-of-way along the north boundary of Block 3, which will serve as a future connection and extension of 7th Street, which currently ends in the Ponderay Village at Elm Avenue. Additionally, they propose construction of a hammerhead within the right-of-way which will provide direct access to Block 3, Lots 1 and 2. (See Conditions A-3 and A-4)

The applicant will also provide documentation that the “private driveway” constructed within the public right of way is sufficient to comply with the Ponderay public street road profile. (See Conditions A-3 and A-4)

- C. **Environmental Factors:** The site is relatively flat and was historically developed with multiple structures and dirt roads. The original structures were removed when wrecking yard dissolved and prior to construction of the Diedrich facility.

The U.S. Fish and Wildlife Wetland Inventory maps indicate the presence of wetlands on site. The preliminary plat depicts a survey accurate boundary of said wetlands, along with proposed plat notes 3 and 4 which relate to work within the wetlands.

There are no water bodies identified on site and the parcel does not contain mapped flood plain (Zone X, Panel 0720E).

- D. **Services:** The subject property is currently served by City of Sandpoint Water and Kootenai-Ponderay Sewer. The site is located within the Boundaries of the Lake Pend Oreille School District and Northside Fire District.

- E. **Stormwater:** A stormwater management and erosion control plan was prepared by B. Scott Brown, P.E., Tucker Brown and Vermeer for phase one of the Diedrich facility and by Tim Blankenship, P.E. of James A. Sewell and Associates for phase two. Both plans were reviewed by the Ponderay City Engineer. The proposed subdivision assumes that only construction of a hammerhead, utility installation and sidewalk construction is needed. However, documentation is needed to prove the existing access drive complies with that required for a public street. Justin Shaw, P.E. Ponderay City Engineer and staff have had numerous discussions with the project engineer Jeff Jensen, P.E. and Martin E. Taylor, AICP, James A. Sewell and Associates, project representative, regarding the needed street documentation. Through those discussions, it was determined that the best approach was to create a civil concept plan for preliminary review. Upon approval of the preliminary plat, a full set of civil plans will be supplied to the City of Ponderay for review, including documentation regarding the existing street profile. (See Condition A-3)

Applicable Ponderay City Code (PCC) sections:

PCC 8-1-1, Subdivision Regulations

PCC 8-1-2, Subdivision Application Procedures

PCC 8-1-3, Public Hearing
PCC 8-1-6, Road Specifications
PCC 8-1-7, Development Agreement
PCC 8-4-1 et seq., Storm Water Management
PCC 9-4D-2 (A,E &F), Industrial Zoning District Standards

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.

Ponderay Code Section	Requirement	Provided by the Applicant
PCC 8-1-1 (E) Minimum Lot Size Without the existence of public services	Lots or parcels where urban services are not available shall have a minimum lot size of 2.5-acres or 1/256 aliquot division of the section. Urban services include public water and sewer as well as telephone and electric utilities.	The proposed lots will be served by urban services.
PCC 8-1-2 Application procedures	Required application contents	The application was reviewed for compliance with PCC 8-1-2 and found to be complete.
PCC 8-1-3 Public Hearing	A public hearing must be held before both the Planning and Zoning Commission and the City Council. Notice of said hearing must be provided in writing to all land owners within 500 feet of the proposed subdivision. The City Planning Director shall provide written notice of decision within 28 days of the City Council decision.	The noticing requirements of PCC 8-1-3 have been met as have additional notice requirements provided by Idaho Code. The City of Ponderay Planning Director will issue a written notice of decisions within the required time frame.
PCC 8-1-6 Road specifications	Any new lot is required to have direct access on a public street. Access of up to four lots may be permitted by private drive which shall be constructed to the satisfaction of the City Engineer.	Proposed Block 1 and Block 2 will have direct frontage onto Hawthorne Avenue. Proposed Block 3 will have direct frontage onto the proposed 7 th Street extension.

Ponderay Code Section	Requirement	Provided by the Applicant
		<p>Both Hawthorne Avenue and the proposed 7th Street extension will be located within dedicated public right-of-way and will be reviewed for compliance with the public street standards.</p> <p>The applicant has requested that street trees be installed at the time of development so they can be placed in a manner that compliments the development.</p> <p><i>**Staff agrees that this is the best approach to avoid future conflict and damage to the trees during development. (See Conditions A-3, A-4 and A-12)</i></p>
PCC 8-1-7 Development agreement	A development agreement may be entered into by the City and developer as a condition of, or following preliminary approval for clarification of development standards, timing and responsibilities for pending improvements.	The applicant has not proposed to bond for any portion of the proposed streets, utilities or sidewalks. However, should they choose to do so, a City Council approved development agreement shall be required. (See Condition A-11)
PCC 9-4D-2 (A) Lot Size Minimum	Minimum lot size shall be fifteen thousand (15,000) square feet.	The proposed lots range in size from ±.49-acres (±21,344.4 sq. ft) to ±2.8-acres (±121,968 sq. ft).
PCC 9-4D-2 (E) Access	All lots in the industrial zone shall have at least one existing access	<p>Proposed Block 1 and Block 2 will have direct frontage onto Hawthorne Avenue.</p> <p>Proposed Block 3 will have direct frontage onto the proposed 7th Street extension. (See Condition A-2, A-3 and A-4)</p>

Ponderay Code Section	Requirement	Provided by the Applicant
PCC 9-4D-2 (F) Additional Specific Conditions	The Planning and Zoning Commission and the City may add specific conditions to any industrial district to require compatibility with surrounding uses and to assure compliance with the intent of this title and the health and safety of the public.	See recommended conditions below.
PCC 9-5A-3 (C) Setbacks, Commercial and Industrial Zones	<p>Structures shall be 75-feet from the centerline of the primary arterial right-of-way or 25-feet from the edge of the right-of-way whichever is greater.</p> <p>Structures shall be 45-feet from the centerline of the street or legal access right-of-way or 25-feet from the edge of the right-of-way whichever is greater.</p> <p>The minimum property line setback from all other lines shall be 10-feet, unless the abutting property is zoned residential.</p> <p>With the approval of the Planning and Zoning Commission may reduce setbacks to zero where the proposed use is part of a, neighborhood subarea plan, shopping center, mall, PUD or other development that has an overall plan approved by the planning and zoning commission.</p>	<p>The existing structures were reviewed for setback compliance at the time of construction. The proposed subdivision and dedication of public right of will not cause the structure to become non-compliant.</p> <p>Future development of the proposed lots will require site plan approval. Setbacks will be reviewed for compliance at that time.</p>

Agency Comment

The application was sent to the following agencies for comment on September 9, 2020:

- | | | | |
|-------------------------------------|---|-------------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> | Kootenai-Ponderay Sewer District | <input checked="" type="checkbox"/> | Northside Fire District |
| <input checked="" type="checkbox"/> | Ponderay Police Department | <input checked="" type="checkbox"/> | Pat Park, Building Official |
| <input checked="" type="checkbox"/> | City of Sandpoint | <input checked="" type="checkbox"/> | Avista |
| <input checked="" type="checkbox"/> | Independent Highway District | <input checked="" type="checkbox"/> | Lake Pend Oreille School District |
| <input checked="" type="checkbox"/> | Zipley Fiber | <input checked="" type="checkbox"/> | Northland Cable |
| <input checked="" type="checkbox"/> | Ponderay City Engineer, HMH Engineering | <input checked="" type="checkbox"/> | Idaho Transportation Department |
| <input checked="" type="checkbox"/> | Ting | | |

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

Pat Park, Ponderay Building Official, James A. Sewell & Associates, email dated September 10, 2020: Mr. Park noted that after review of the proposed subdivision, he recommends approval of the preliminary plat.

Ponderay Police Department, Jimmy Cornelius, email dated September 10, 2020: Chief Cornelius stated no comment.

Avista, Don Peterson, email dated September 10, 2020: Mr. Peterson noted that he recommends approval of the project.

Independent Highway District, Commissioner Mel Bailey, email dated September 10, 2020: Commissioner Bailey commented that the 30-foot right of way along the east boundary of Block 2 should be labeled if it is to be used for something other than a road. If it is to be used as a road it should be 60-feet in width.

***Staff Note: The 30-foot platted right-of-way referenced on the face of this plat is existing and is intended for a public greenbelt. However, dedication language simply states public right-of-way. This file was routed for review simultaneously with file VS20-024 which proposes to vacate a portion of an easement which was improperly reserved that abuts this r-o-w. Mr. Bailey's comments appear also relate to this proposed vacation of platted a platted easement.*

Sandpoint Water, Sarah Gilmore on behalf of Rod Berget, email dated September 15, 2020: Ms. Gilmore noted that Block 1, Lot 4 is shown to be served by two water connection from the 8" main. They believe there is an error and that it was meant to indicate that they will serve Block 1, Lots 5 and 6 rather than Lots 4 and 5. She stated that this needs to be corrected prior to final plat. (See Condition A-8)

HMH Engineering, Justin Shaw, P.E., City Engineer, memo dated September 23, 2020: Mr. Shaw noted that he had reviewed the Civil Concept plan provided and note that it appears to follow City Code and be acceptable. Details including the GIA, stormwater report, hammerhead typical section, etc. will be reviewed for compliance with City Code on the next submittal. When additional detail is provided it will be reviewed for compliance and HMH will recommend a path forward. He questioned whether the pavement would be cut and repaired before the City took ownership.

***Staff Note: This is a unique situation. At the time of construction, the City viewed Hawthorne Ave as a privately maintained driveway. The project engineer believes that based on the road design provided by Tim Blankenship, P.E. and discussions with Harley Lippert, the contractor who constructed the road, that it should comply with City standards. However, the only way to confirm this is to cut or core the street. Street cuts will be necessary at the time utilities are installed. In order to avoid multiple cuts in the street*

or holes from coring, the applicant has submitted a civil concept plan. Once the preliminary approval has been obtained, they will begin utility installation at which time the profile of the existing construction can be confirmed. At that time, the City Engineer will review and can determine what is needed for Hawthorne Road to be brought up to public road standards or if it currently meets them. The application does propose construction of sidewalks along the west side of Hawthorne Avenue. The applicant has requested that street trees be installed as each lot is developed so that placement is appropriate. The east side of the street has been landscaped as a part of the Diedrich facility. (See Condition A-2, A-3 and A-4)

Public Comment

Lloyd Graham, public notice, received October 12, 2020 via email, marked to indicate he is neutral to the project.

Randall Marley provided testimony at the November 11, 2020 Planning Commission hearing related to road construction. He noted that he is the owner of the parcel to the west. He stated that he didn't think it was fair that the City would spend tax dollars to build a street for the developer and wondered if the City would commit to doing the same for him.

Staff Note** The project does not propose construction of an east west street at this time. Only dedication of right-of-way, so that in the future, should the City wish to construct the east west street the right-of-way would be in place.

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 subdivision. Staff recommends the following findings of fact and conclusions of law.

Planning Commission Recommendation

The Ponderay Planning Commission at the November 11, 2020 meeting recommended approval with conditions.

Motion: Commissioner Fox moved to recommend approval of this application, FILE #SS20-025, requesting subdivision approval to divide subdivide Ponderay Place, Lots 1 (5.294) and 2 (6.2 ac) into 9 industrial lots ranging in size from \pm .49 acres to \pm 2.8 acres, 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. He further moved to adopt the findings of fact, conclusions of law, and conditions of approval, noting an amendment to Condition A-5 correcting a typo to indicate the west side of Hawthorne Avenue, in the staff report. Commissioner Woller seconded the motion.

Findings of Fact

1. This proposal was reviewed for compliance with the approval criteria and standards set forth at Ponderay City Code Section 8-1-1 (E) Minimum Lot Size without the existence of public services, Section 8-1-2 Application Procedures, Section 8-1-3 Public Hearing, Section 8-1-6 Road Specifications, Section 8-1-7, Development Agreement, Section 9-4D-2 (A) Lot size minimum, PCC 9-4D-2(E) Access, PCC 9-4D-2(F) Additional Specific Conditions, PCC 9-5A-3 (C) Setbacks, Commercial and Industrial Zones and the zoning district standards of Title 9.

2. The subject property does not contain special flood hazard area (DFIRM Panel 0710E, Zone X). Water will be provided by the City of Sandpoint. Sewer will be provided by Kootenai-Ponderay Sewer District. Police protection is provided by the City of Ponderay. Fire protection is provided by Northside Fire District.
3. The proposed lots will have direct access onto public streets (Blocks 1 and 2 onto Hawthorne Ave and Block 3 onto the 7th Street extension).

Conclusions of Law

Based on these Findings of Fact, the Planning and Zoning Commission concludes that the subdivision request is in accordance with the applicable sections of Ponderay City Code, and therefore is recommended for approval.

Motion

MOTION TO APPROVE: I move to approve this application, FILE #SS20-025, requesting subdivision approval to divide subdivide Ponderay Place, Lots 1 (5.294) and 2 (6.2 ac) into 9 industrial lots ranging in size from ±.49 acres to ±2.8 acres, 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 adopt the findings of fact, conclusions of law, and conditions of approval **(Insert any needed amendments here)** in the staff report.

MOTION TO DENY: I move to deny this application FILE #SS20-025, requesting subdivision approval to divide Ponderay Place, Lots 1 (5.294) and 2 (6.2 ac) into 9 industrial lots ranging in size from ±.49 acres to ±2.8 acres, 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. I further move to adopt the findings of fact and conclusions of law in the staff **report as amended (Insert any needed amendments here)**.

MOTION TO REMAND: I move to remand this application FILE #SS20-025, requesting subdivision approval to divide subdivide Ponderay Place, Lots 1 (5.294) and 2 (6.2 ac) into 9 industrial lots ranging in size from ±.49 acres to ±2.8 acres, back to the applicant to address **(insert the specific areas of concern)**

Conditions of Approval

Final Plat Conditions

- A-1. The final plat shall be recorded within two (2) years of preliminary plat approval. The city may grant a one-year administrative extension with the approval of the city engineer.
- A-2. The final plat and proposed infrastructure shall comply with applicable portions of the 2015 International fire code.
- A-3. Prior to final plat recording the applicant shall submit a stormwater management plan modification in accord with Ponderay City Code 8-1-5 and Title 8, chapter 4 and a complete civil plan set. Said plans shall be to the satisfaction of the Ponderay City Engineer. Any necessary

infrastructure shall be installed, or the application shall receive approval to bond for the installation thereof. Any required cuts shall be repaired to the satisfaction of the City Engineer prior to the City taking ownership of the street.

- A-4.** All lots shall have frontage on a public street. All streets including the proposed hammerhead, shall be constructed in compliance with the "Ponderay typical street section" for public streets or a comparable section to the satisfaction of the City Engineer.
- A-5.** Prior to final plat recordation, the applicant shall construct sidewalks along the west boundary of Hawthorne Avenue or shall receive approval to bond for the installation there of.
- A-6.** Prior to final plat recording that applicant shall be amended to correct the numbering and eliminate the duplicate Block 1, Lot 2 on the Diedrich site to read Block 2, Lot 1.
- A-7.** Prior to final plat recording, the applicant shall provide proof of compliance with the requirements of the Kootenai-Ponderay Sewer District and shall construct the necessary infrastructure or shall receive approval to bond for the installation there of.
- A-8.** Prior to final plat recording, the applicant shall install any necessary water infrastructure to the satisfaction of the City of Sandpoint, or the applicant shall receive approval to bond for the installation thereof.
- A-9.** Prior to final plat recording the landowner shall install proposed gas and power infrastructure to the satisfaction of Avista Utilities and the applicant shall receive approval to bond for the installation thereof.
- A-10.** Prior to final plat recording the landowner shall provide documentation from Idaho Transportation Department documenting that the Hawthorne Avenue encroachment is compliant for the proposed use or submit a change of use encroachment permit to the satisfaction of the Idaho Transportation Department. The applicant shall receive approval for said change of use encroachment permit and shall construct traffic facilities as determined necessary by the Idaho Transportation Department.
- A-11.** Should the applicant choose to pursue a bond for any portion of the site development, a developer agreement between the City of Ponderay and the Landowner shall be executed prior to bond acceptance and final plat recordation.
- A-12.** A note shall be placed on the face of the final plat requiring installation of street trees in accord with Ponderay City Code at the time of development of each lot.
- A-13.** The final plat shall reference or depict the easement vacated by file VS20-024.

Operational Conditions (Must be met on an ongoing basis)

- B-1.** All external lighting shall be downwardly directed.
- B-2.** The industrial uses shall operate in compliance with the performance standards of PCC 9-5-4.

- B-3.** Stormwater and erosion control features shall be installed and maintained in accord with the approved plan.