



**CITY OF PONDERAY PLANNING & ZONING  
PONDERAY CITY COUNCIL CHAMBERS  
288 4<sup>TH</sup> STREET  
April 14<sup>th</sup>, 2021**

**CALL MEETING TO ORDER - THE PLEDGE OF ALLEGIANCE WAS RECITED.**

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

Planner Miller called the roll

Commission Members Present: Chairman Marc Woller, Commission Members Steve Fox, Karen Engel, Arlana Dunkel, Lawson Tate

Staff: Planner Miller, Planning Director Brubaker via Zoom, Engineer Shaw via Zoom for File AM 21-021 only.

**ABSENT:**

**CONSENT AGENDA:** Nothing to approve.

**PLANNING UPDATES:**

The City of Ponderay closed on a property acquisition in the last couple of weeks, the purchase included 6 adjoining lots north of the Schoolhouse. They plan to provide parking for the Schoolhouse with two of those lots and the remaining four lots have yet to be determined. May 16<sup>th</sup> will be our City Cleanup Day, and we will have two Planning & Zoning Meetings this month.

**ACTION ITEMS:**

**1. SP21-068, P&D Development, Site Plan Modification**

P & D Development is requesting site plan modification approval to construct a new 75'x55' dry storage warehouse structure on existing impervious area. The site is located on the north side of Emerald Industrial Drive in Section 11, Township 57 North, Range 2 West, Boise meridian. The proposed site plan modification was approved by the City of Ponderay in 2007 but expired before construction occurred on the site.

- Chairman Woller asked if there were any conflicts of interests or disclosures.
- **Open Public Hearing at 5:34 pm.**
- Presentation by Planner Miller
- She then provided Open Space, Parking Space Requirements, Green Space, and Uses Permitted.
- **Access** – Access to the site is proposed via an existing +/- 25-foot hard surfaced local road, which is constructed within a 40-foot dedicated right-of-way. Staff proposes dedication of 10-feet along the parcel frontage or 50% of the R-O-W deficiency.
- **Site Plan** – No sidewalk construction is proposed. The frontage was previously developed and is existing asphalt.
- The application was sent to agency review on March 17<sup>th</sup>, 2021. Comments received were from Avista Utilities, Independent Highway District, Sandpoint Water and Kootenai-Ponderay Sewer District.
- No public comments were received. Staff recommends approval subject to the proposed conditions of approval.
- Presentation by the applicant. No other questions by staff.
- **Close Public Hearing at 5:43 pm.**

***Motion to Approve project File #SP21-068 requesting site plan modification approval to construct a +/- 4,125 square foot warehouse facility, finding that it is in accord with the applicable provisions of Ponderay City Code. I further move to adopt the conditions of approval, as listed in the staff report.***

**Commission Member Engel/Tate. Roll Call Vote. All Voted in Favor. Motion Approved.**

**2. LS21-026, Twin W Properties, LLC, Lot Line Adjustment**

Three-lot Replat of Block 22, Lots 22-24. The property is located at the corner of Birch and Fourth, kitty corner from City Hall. This was purchased by a developer who wishes to construct three homes on a property that contains three lots. To encourage traditional designs, the City Council of Ponderay authorized Staff to select projects throughout the year where we would effectively act as the Applicant on behalf of the developer and pursue lot line adjustments. Planner Miller showed images of the property. The new oriented lots would be approximately 47.33 feet by 75 feet making them squarer in nature, allowing for a wider building footprint. This application was reviewed for compliance, there was no reduction in lot size. This application was routed to Agencies on March 19<sup>th</sup>, 2021. Comments received were from Kootenai-Ponderay Sewer District, City Engineer Justin Shaw, Independent Highway District, Avista, Panhandle Health District, and Northside Fire District. Staff recommends approval of the adjustments subject to the two conditions of approval. First, record a final plat, and second, development shall occur in accordance with the stipulated design criteria

outlined on the face of the plat that is designed by the Community Development Agreement that was executed between the City of Ponderay and the Developer.

- Design criteria: Single family dwellings must be oriented to face the public street; they must contain a porch facing each frontage; they need to be finished with a unique color and/or siding to provide for a individual look and feel; and where a side blanking street exists the dwelling must be designed to interact with both frontages and at a minimum shall include windows and a porch facing the secondary street; and requires that trees be planted at a rate of at least one per lot per frontage.
- Late comment from City of Sandpoint was read.
- Added amendment of the condition of approval – an easement be executed, or the lines be placed within the public right of way, but the water infrastructure be placed prior to certificate of occupancy.
- Testimony/Presentation by the Landowner John Williams.
- Discussion among Commission Members.

***Motion to Approve the Project File LS21-026 requesting Lot Line Adjustment approval to reconfigure three non-conforming lots of record, finding that it is in accord with the applicable provisions of Ponderay City Code. I further move to adopt the conditions of approval, as listed, and amended (clarifying the amendment to add the condition in relating to the City of Sandpoint water service as stated by staff) in the Staff Report.***

**Commission Member Fox/Tate. Roll Call Vote. All Voted in Favor. Motion Approved.**

### **3. UP21-067, Fontaine Park, LLC, Special Use Permit, Multi-Family Apartments**

Fontaine Park, LLC is requesting Special Use Permit (SUP) approval to develop a +/- 5.2-acre site with four, multi-family structures, containing a total of 96 apartment units. The development contains a mix of two and three-bedroom units. Construction is proposed through a two-phase approach, building two structures at a time. Construction of the second phase is intended to commence immediately following completion of phase one. They are requesting approval to increase the height of the structures to three stories. The property is located on the east side of Fontaine Drive at its intersection with the Fontaine Connector in Section 11, Township 57 North, Range 2 West, Boise Meridian.

The project proposes a 30-foot dedication along the north boundary of the site (Condition A-5), a 20-foot dedication along the south boundary of the site (Condition A-5). A dedication of +/- .65 acres along the east boundary of the site for a public park. (Condition A-6).

- Chairman Woller asked if there were any conflicts of interest or disclosures.
- **Open Public Hearing at 5:59 pm.**
- Planner Miller started with a presentation.
- Site Data – The property is an +/- 5.2-acre parcel of land located on the east side of Fontaine Drive at its intersection with the Fontaine Connector, in Section 11, Township 57N, Range 2 west. The property is currently developed with a single family and associated accessory structures. The existing structures will be removed in preparation for construction.
- Access – The site is located at the intersection of Fontaine Drive and the Fontaine Connector. Fontaine Drive is existing, hard surfaced, public and has an approximate R-O-W width of 80-feet per Bonner County GIS Data Viewer. The project proposes one immediate connection to Fontaine but is designed to accommodate for and north and south approach.
- Environmental Factors – The site is relatively flat, contains native grasses, trees, shrubbery. The US Fish and Wildlife National Wetland Inventory map does not indicate the presence of wetlands or contain a mapped flood plain according to the Bonner County GIS application.
- Services – Subject property is served by Sandpoint City Water and Kootenai-Ponderay Sewer District. Solid waste disposal will be handled by Waste Management. The site is located within the Boundaries of the Lake Pend Oreille School District and Northside Fire District.
- Ponderay City Code 9-4C-4 Special Uses, Multiple Family Dwelling having six or more total residential units per parcel of land. This proposal includes a total of 96 apartment units. As a result, a special use permit is required for this development.
- 25% Open Space is required, and 44% Green Space is proposed. Maximum height – shall not exceed 2 stories except as authorized by the Planning Commission. Three structures are proposed, no negative comments relating to the height increase were received, and Condition B-4 and B-10 were placed. Which means if approved it should not exceed three stories in height and that the landowner shall provide and maintain a 35-foot-tall ladder on site for the satisfaction of Northside Fire District. Ladder needs to be stored in a manner accessible to Northside Fire, in the event of a fire. The Condition came from initial meetings with Jake Rich of Northside Fire – he has since left; separate comments have come in from Northside Fire District saying we have addressed all their concerns and that the site would need to meet building and fire code.
- They are proposing a 5-foot-wide sidewalk along Fontaine Drive frontage, Condition A-3 has been placed. Internal sidewalks are also proposed along the building frontages.
- Ponderay City Code 9-5A-3 (B) Setbacks, Multi-Family Dwellings – Structures not exceeding 28' in height or two stories, the required setbacks are 20-feet from any side of the structure to any lot line. At the 28' height limit, they are required to be 20' feet from any property line, but the Planning and Zoning Commission can authorize down to 0 with an approved plan.
- The site design proposes the following setbacks – Fontaine Drive – 62', North – 106' (76-foot post dedication), South – 52' (32-foot post dedication), East – 32' to the proposed park dedication.
- Parking space – one space per 600 sq feet of living area and spaces need to be within 300' of the structure. The proposed floor area is +/- 25,029 sq ft per building for a total of 110,116 sq feet, in total 168 parking spaces at 42 per building. Proposed are 90-degree angle parking spaces 9' x 19' with a 26-foot travel way.
- Access to this site for Commercial zoning for the Special Use Permits are required to have a minimum of one legal access, they are proposing access onto Fontaine Drive, with the dedications to the north and the south the site has been designed for additional circulation as those streets are constructed. The street on the north for which they are dedicating the 30' is part of the Ponderay Streets Impact Fee Capital Improvement Plan, when the City collects Street's portion of our impact fees, that is a

project those fees can be applied towards. The streets portion alone is around \$95,000. Construction of the streets are not proposed at this time because we lack the second half of the right of way. (Condition A-5) requires that the dedication occur.

- Trash – Application proposed screened trash collection facilities at the internal end of each structure.
- Additional Restrictions – Minimum dwelling size shall be 600 feet or the actual size for the purpose of calculating densities, parking requirements, and other development requirements. Proposed dwelling units' range in size from 1,017 sq ft to 1,224 sq ft; the minimum lot size shall be 15,000 sq feet with a minimum frontage on a public street of 125-feet; and the parcel exceeds 15,000 sq feet. Green space – 44% is proposed, dedication of .65 acres along the east boundary of the site for a public park. The building including common space and appurtenant structures, shall not occupy more than forty percent of the total surface area of the lot. Proposed building and common space occupy 19% of the site. All residential structures including common spaces, calculated as the combined floor space of all residential structures, shall not be greater than 50% of the total surface area of the lot. Combined floor area and common space occupy 49.8% of the site. Parking areas driveways, sidewalks, patios, and other vehicular and pedestrian areas shall not exceed 35% of the total surface area of the lot. Impervious surface excluding roof area is about 35%. Driveways shall not be located closer than 5' from the residential structure, except where necessary to access covered parking. Proposed structures are greater than 5' from the travel way. Condition B-8 is proposed to address these.

This application was routed to Agencies on March 5<sup>th</sup>, 2021. Responses received:

- Pat Park, Building Official – reviewed submitted documents and met with applicant in predesign phases. The proposed structure gets sprinklered and they can go to three stories, and recommended approval of the project.
  - Avista Utilities – Recommends approval.
  - City of Sandpoint – Site is located within the water service, use of an 8" water main, a 20' easement will be required to maintain the structure once it is installed, additional design is needed and detail the city has capacity to serve site as depicted. Upon final engineering plans and completion of approval the structure service will be provided. (Overlying easement comes into effect) (Condition A-4)
  - Ponderay Police Chief – Concerns with traffic, neutral for project. Suggested a traffic signal at Tibbetts and a U turn cross over at Highway 95 near the Fontaine Connector, or an exit to Bonner Mall Way.
  - Independent Highway District, Mel Bailey – Shared traffic concerns and noted that a 60" right of way is typically required, he noted Open Space Requirements and Parking spaces.
  - Kootenai-Ponderay Sewer District – Property is within boundaries, the district will provide service when requirements have been met, approved a two-phase approach, will allow to purchase capacities as needed. (Condition A-1)
  - City Engineer – Had questions relating to driveway culverts, drainage improvements, sidewalks, approach width and the filtration and retention areas, additional information was provided by 7B Engineering on March 22<sup>nd</sup> to address those concerns. On the 26<sup>th</sup> he sent a follow up email say all concerns had been addressed and had no additional comments. (Condition A-3 and B-3)
  - Union Pacific Railroad – Madeline Robuck, Senior General Attorney for Union Pacific – concerns with impacted traffic and safety concerns, should the application be approved, the city should examine the increased vehicle and pedestrian traffic at crossings to make sure measures are included, all active grade crossings at this time are improved crossings. UP was concerned about construction equipment would impede their right of way. Any increase in pedestrian traffic increases the potential for trespassing. UP operates all hours and noted noise issues.
  - Idaho Transportation Department – Responded with no comment or neutral.
  - Northside Fire District – No further comment, other than it needed to comply with fire code. (Condition B-10)
  - Public Comment received:
    - Kris Sabo, Executive Director of the Pend Oreille Surgery Center, LLC (03/23/21) – Address burning concerns and limit to Friday through Sunday (Condition B-11).
    - Larry and Patty Peak, no date – Disapprove of project, noticed changes due to growth, more in favor of single-family dwellings, issues with crime and drugs. They discouraged this type of growth.
    - Mike Andrews (04/08/21) – Impacts of commercial development vs residential development during peak hours, and concerns relating to the street construction. Planner Miller stated that a total of \$459,677.52 in impact fees will be collected for this project. Impact fees collected will be going back into the community for improving that area.
    - Verbal Comment Received addressed the intersection of Fontaine Drive and the Fontaine Connector. It is difficult for north bound traffic to turn left off Fontaine Drive onto Fontaine Connector because cars entering Fontaine Drive from the Connector stop so far into the intersection. Increased traffic is likely to increase this issue. Planner Miller stated Staff has address this with the City Engineer and the stripping will be modified this spring when the streets are stripped.
  - Special Use Permit – Title 9, Chapter 7-2 states that a special use permit may be granted according to the procedures outlined herein that meet the standards set forth in the title for the specific use. Stipulated condition, which may include: Specific time limits a use may occur; increased setbacks; landscaping requirements; sight restrictions; safeguards to protect and to minimize adverse impact on adjacent properties; and standards that are more restrictive than those otherwise required by this title.
  - Staff recommends approval subject to the recommended findings of fact and conditions of approval as stated in the Staff Report.
- Questions by Commission
- Commission Member Tate asked how much and why would a Parks impact fee be reduced?

- Planner Miller responded that it seemed excessive when they were dedicating over half an acre. Staff looked at a 50% reduction in exchange for the land. They would do the basic grade work, and the city would take the remaining \$95,000 worth of Parks impact fees to develop the park.
- Commission Member Tate asked why not just have the developer do this infrastructure?
  - Planner Miller stated since the City is collecting such a large amount of impact fees the money should be used to develop infrastructure in that location. Another option would be to waive the impact fees and they develop it, City Council would have to approve that.
- Commission Member Tate asked the same question with the 30-foot northern part of the dedicated street?
  - Planner Miller stated the City only has half of the right of way and cannot require neighboring property owners to dedicate on demand.
- Commission Member Tate asked if there was any concern with the existing 20-foot, it is labeled as a right of way but regardless a recorded easement along the south line?
  - Planner Miller stated the City does not have any intent on that being a functioning street, and it does stipulate that it does allow for ingress and egress for utilities on the face of the plat and that is where it was reserved for the City.
- Commission Member Fox asked about it not being a public street?
  - Planner Miller stated it is not our intent for it to be designed and developed at this time.
- Commission Member Tate: I just do not want the record to show that the City is not intending it someday to be something that it could be, it could be great parking for this little park and the whole concept is super short on parking.
  - Planner Miller stated the City would need to construct parking on our park space or in the rights of ways and with a 60-foot right of way it could provide for on-street parking along the north road that runs east and west.
- Commission Member Tate: It is only proposed but it looked like there might be a north/south dedication someday that could connect to what? How do people get to the Bonner Mall and all the Commerce, do they really have to go out to Highway 95?
  - Planner Miller stated the Capital Improvement Plan shows that this would connect through the Selkirk Glass and Cabinet site, though they are not open to connecting through their parking lot, however, some discussions with their group who are interested in a different alignment. They do not want their patrons coming from the event center having to cross traffic to have to get to their cars. Additional dedications are possibly coming forward this next month which proposes a 30-foot right of way dedication north/south and east/west. Les Schwab is in the middle of a remodel improvement to their site and could be a benefit for them to work with the City, as well to make some connectivity and provide them with a corner lot. She felt this is the most viable option to get to Bonner Mall Way.
- Commission Member Tate asked How does this align with the site plan; do they have a central connector alley or something that runs north/south?
  - Planner Miller stated Dan and Ian will weigh in when they present, and that the alignment is generally close in that location.
- Commission Member Tate asked if there are 168 parking spaces?
  - Planner Miller stated there are 168 parking spaces, which are required by code.
- Commission Member Tate asked about the 96 units, if you add two parking spaces for 96 units, that would be 192.
  - Planner Miller stated it is 1.75 per space and that is the calculated based on 600 square feet per parking space is for the square footage of the total units. The site plan originally contained more parking spaces but due to the restriction on the total amount of hard surface travel way they had to eliminate parking spaces and replace them with green space to comply with that standard.
- Commission Member Tate asked if this is a Special Use Permit application, we can ask for things that are above and beyond?
  - Planner Miller stated yes, but cannot violate other sections of code, the next file will address this.
- Commission Member Fox asked what is going to keep the traffic from going through McDonalds and Sandpoint Furniture until another road is in?
  - Planner Miller stated there is nothing in place that will prevents it.

#### Presentation by the Applicant

- Lisa Shriskin, 1327 Superior Street, Sandpoint. She and her husband have been long time members of the community, 15 years. They have recently realized the need for housing. Low income or subsidized housing, that is not what the proposal is for. It is intended to be affordable housing but not low income or federally subsidized. Regarding the ADA units it was mentioned that there is 24 units but only eight handicapped parking spots. That is a misunderstanding, the entire bottom floor as to have ADA accessible or convertible but one of them per building needs to be accessible, there are two handicapped spots per handicap unit.
- Dan Larson, 7B Engineering, 442 Church Street, Sandpoint, ID. Suite 205I. He addressed traffic concerns. The Fontaine Connector is considered a major collector, Fontaine Drive north of the collector to McDonalds is also considered a major collector, no one lives along there. They have looked at what may have triggered that location as a major collector and spoke of a Traffic Engineering Manual which was used as an example to determine trips per day coming from the current businesses in that location. The actual impact on a multi-family is lower than a restaurant. The traffic pattern on Highway 95, having been part of that project, that is designed to move the highest volume of cars that the state anticipated, and the U turn is intended to keep the traffic moving. He then spoke on the north/south alignment, they have adjusted it at least three times trying to get under the travel way requirements at 35%. Originally there were further east and north and much more centered on the property that generated a much impervious travel surface area and we were hoping to get 30-foot fire access between buildings, also had to shrink that. It could be easily aligned in final.

#### Questions by Commission:

- Chairman Woller asked about snow removal and where it will drain off to?
  - Dan Larson stated a strip is proposed for stormwater, it is also snow storage and anticipate the snow being pushed into that strip to the east and along the north.



- Chairman Woller: What kind of volume do you suppose that will hold there?
  - Dan Larson stated the volumes are labeled in the table of the stormwater sheet.
  - Planner Miller gave stormwater facilities information - 22,614 square feet. (Condition A-2) also requires a formal snow management plan be submitted prior to building.
- Commission Member Engel asked if there was going to be a school bus stop somewhere or a turn around?
  - Planner Miller stated one is not designed and no Spot Bus location proposed because of the access to Bonner Mall Way.
- Commission Member Tate asked the applicant how many parking spaces per residence would be ideal?
  - Dan Larson stated they had 46 per building and we are proposing 42. That is what we could fit, and what fits the code criteria at 35% ground surface, more parking would be ideal.

No Public Testimony, no additional comments from the Applicant or Commission.

- **Close the Public Hearing at 6:56 pm.**

Discussion/deliberation among Commission members. Commission Member Tate would like Staff to try and find additional parking.

- **Reopen the Public Hearing at 7:00 pm.**

- Planner Miller stated until there is a dedicated right of way, and the city could work with you to provide additional parking space in the park, would that work for your facility as well as the park would you allow the public to cross that space through some sort of a reciprocal easement agreement?
- Commission Member Tate stated he thought it would be as simple as a plat note.
- Lisa did not see a problem with that, and then asked who would be constructing those extra spots?
- Planner Miller stated the space would be taken from the park dedication, the city could construct them, but the Planning Commission would have to discuss it. Planner Miller then asked stormwater facility.
- Dan Larson stated the stormwater facility is grossly oversized, other than snow storage, there would be sufficient capacity.
- Planner Miller noted any adjustments to the impact fees would be at the discretion of the City Council.
- Commission Member Tate stated his recommendation would be a 60% reduction in the Impact Fee for the Parks, the developer would put in 20 parking spaces, at the east end of the travel way on top of the Park, it serves as good snow storage.
- Planner Miller asked how he envisioned that as one entrance point and it being a separate parking lot in the park or are you accessing them off another travel way, there is a stormwater facility the full length and noted the entire facility would have to be modified if it was paved over.
- Commission Member Tate stated, put 19' x 9' wide parking spaces directly off the travel way.
- Dan Larson stated the stormwater facility is five times larger than it needs to be, and the fire hydrant would need relocated (island or corner of building).
- No further questions or testimony.
- **Close the Public Hearing at 7:06 pm.**

Discussion/Deliberation among Commission Members pertaining to snow and parking concerns.

***Motion to recommend Approval of this application File UP21-067, requesting special use permit approval to develop four apartment buildings, containing a total of 96-units, within the commercial zoning district of Ponderay. I further move to approve the setbacks as presented and authorize construction to be three stories in height, finding that the project 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 recommend adoption of the finding of fact, conclusions of law and Conditions of approval in the staff report. I further amend Conditions of approval A-8 that requires the applicant to work with staff in order to modify the site to accommodate for 20 additional parking spaces on the Park facilities and to allow for the public to use the facilities for ingress and egress to access those sites, and that be subject to a recommendation to the city council that they reduce the parks portion of the impact fees by 60% and the applicant constructs the parking spaces as part of the project.***

Commission Member Tate/Engel. Roll Call Vote. All Voted in Favor. Motion Approved.

#### **4. AM21-021, Zoning Text Amendment, Stormwater Management and Additional Restrictions on Multiple- Family Dwellings**

7B Engineering has initiated an amendment to the land use regulations of Ponderay City Code. The proposed amendment would modify the text of Title 8, Chapter 4, Stormwater management, to allow engineers to use alternate Best Management Practices when designing stormwater treatment facilities, where currently only Grassed Infiltration Areas are permitted by code. Additionally, the amendment would strike Title 9, Chapter 5-3, Sections E and F. These sections place additional coverage restriction on Multiple Family Dwellings constructed within the City.

- Chairman Woller asked if there were any conflicts of interests or disclosures.
- Planner Miller continued with a presentation – Ponderay City Code 9-6-1(A) allows for amendment to the text of Ponderay City Code through a specified process, which requires that the request be submitted in writing. It further states that “Such a request may be initiated by the Planning and Zoning Commission or the City Council, or by any citizen of the city.” While an amendment may be initiated by a citizen, they are not property specific requests. Idaho Code § 67-6509 Recommendation and Adoption, Amendment and Repeal of the plan and Idaho Code § 67-6511 Zoning Ordinance.
- Ponderay City Code Title 8, Chapter 4, provides for the regulation of Storm Water Management within the City limits of Ponderay. The application proposes numerous revisions throughout this section of code with the intent of allowing greater design flexibility. Currently Ponderay City Code limits onsite stormwater treatment facilities to grassed infiltration areas, which do not work well in areas that have poorly drained soils as common in Ponderay. It clarifies who may prepare a stormwater management plan, design specifics and adds definitions.

- Ponderay City Code 9-5-3 Additional Restrictions on Multiple-Family Dwellings – The proposed amendment would delete sections E and F of the above section of Ponderay City Code.
- Ponderay City Code 9-5-3(E) restricts the total building area of the building including common spaces, calculated as the combined floor space of all residential structures, including common spaces, shall not be greater than 50% of the total surface area of the site.
  - Leads to the reduction of interior community space during design. Already limits height without P&Z approval and require 25% greenspace. Encourages to eliminate spaces that promote a sense of community.
- Ponderay City Code 9-5-3(F) restricts parking areas, driveways, sidewalks, patios, and other vehicular and pedestrian areas to 35% of the total surface area of the site. The application indicates that this section of code encourages narrow fire lanes and discourages parking above the minimum requirement. It also discourages the on-site construction of sidewalk and pathways, patios and playgrounds or other outdoor communal areas.
  - Encourages narrow fire lanes and discourages parking beyond the minimum. Discourages onsite paths, patios, and playgrounds.
  - Required Greenspace retention is in place. Reduction in parking, fire lanes and other hard surfaced public spaces limiting circulation. Results negatively impact the site design and are almost always contradict agency comments.
- This application was sent to Agencies on March 14<sup>th</sup>, 2021.
  - Ponderay City Engineer – We worked with the City Engineer regarding the text for the stormwater facilities, there have been several revisions between Dan Larson and City Engineer Justin Shaw, the most recent version of text does not include all the recommendations from the City Engineer, so we do have a Condition of approval that they supply modified language that does incorporate all those changes.
  - Pat Park – Reviewed all changes, and recommended approval.
  - Northside Fire District – No comment on the proposal.
- Staff supports these changes. No questions or comments from Commission Members.
- Presentation by Applicant – Dan Larson: The previous City Engineer approved some alternate stormwater systems, and the code does have that flexibility. The spoke of the different alternate stormwater designs. In amending the text allows us to use other creative options. He also noted that some of the verbiage needs to be clarified. One that occurred late and did not get it in the record, he discussed briefly with Planner Miller is to separate out the design requirements for advance system or the stormwater pipe system or ditch system to be a 10-year design, instead of 25 year. Currently the code requires all design to be 25 years. That is not compatible with ITD and other transportation designs, so what you end up with and see on Kootenai Cutoff Road in a 25-year event or higher you see the flooding north of Kootenai Cutoff Road. Its because the pipe in the road is a 10-year design, anything over that is going to flood. It needs to be clarified or brought into compliance with other, particularly ITD’s code because their systems which you are tying into and the railroad are designed for a 10-year plan.
- City Engineer Justin Shaw (via Zoom) – He stated he would look into the 10-year, 25-year event. He knew that ITD was going to put out a new job hydraulic report. He stated that Dan had made a good point. Although he did like having the resilience of a 25-year design on the back side.

No additional public testimony. Commission Member Tate is reluctant to moving forward with a 10-year flood event, there was further discussion regarding the stormwater.

***Motion to approve of this project File AM21-021, requesting to amend Ponderay City Code 8-4, Storm Water Management and delete 9-5-3 sections (E) and (F), to the Ponderay City Council, finding that it is in accord with the applicable provisions of Ponderay City and Idaho Code. I further recommend adoption of the findings of fact, and conclusions of law and for City Planner Miller and City Engineer Justin Shaw to bring back to the Planning and Zoning Commission the subject of the 10 year and 25-year stormwater event in a workshop.***

**Commission Member Engel/Fox. Roll Call Vote. All Voted in Favor. Motion Approved.**

**WORKSHOP: None**

**The Meeting was adjourned at 7:32 p.m.**

**Commission Member Tate/Dunkel**

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Planning and Zoning Chairperson

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Su Warren, City Clerk-Treasurer