



## Staff Report

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**To:** Planning & Zoning Commission

**Prepared by:** Daren Fluke, Consulting City Planner

**Report:** April 8, 2025

**Hearing:** April 15, 2025

**Item:** PCUP24-0004: A public hearing to consider a Conditional Use Permit application for a multi-family development consisting of 156 units on 6.53 acres.

### I. Introduction

Clearwater Engineering on behalf of Little Sand Creek, LLC, is seeking approval of a Conditional Use Permit for four (4) multi-family residential apartment buildings containing a total of 156 units on approximately 6.53 acres. The site is undeveloped and is situated at the existing terminus of Samuelson Road in the extreme northwest corner of the Sandpoint city limits. The property is zoned Residential Multi-Family (RM) which requires a conditional use permit for multi-family developments of more than eight (8) units.

The 6.53 acre site is comprised of a single tax parcel (RPS38180000010A) and is legally described as 3/10-57N-2W SCHWEITZER RANCH LOT 1 SHORT PLAT 1ST ADD.

Conditional use permits are considered and decided by the Planning and Zoning Commission, following public testimony and deliberation at a public hearing pursuant to Sandpoint City Code §9-9-1.

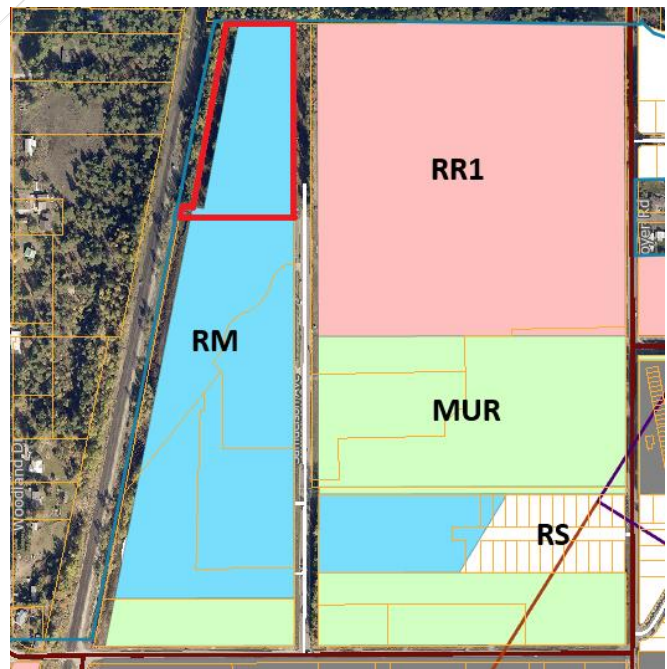


Figure 1 Vicinity & Zoning Map

## II. Request

The conditional use permit application is a request for 156 multi-family units on 6.53 acres. The units are a mix of one and two-bedroom units distributed within four separate, standalone buildings that are arranged around a centralized parking area. The proposed site plan shows two driveway approaches to Samuelson Avenue providing access to the property. Samuelson Ave. currently ends at a stub at the southeast corner of the property and the applicant is required to dedicate 70' of right-of-way and extend Samuelson for 816' to the northeast corner of the property. The roadway will be constructed with two, 21' lanes with curb and gutter on both sides and will include a 12' asphalt multi-use path on the west side a detached, 6' concrete sidewalk on the east side. Although not shown on the site plan or road detail, the conditions of approval require a fire department approved turnaround at the northern terminus of the road.

The site is proposed with a total 196 car parks which exceeds the minimum code requirement by 40 spaces or 26%. The code requires 2 bike parks per residential unit which results in 312 required bike parks. **The applicant has submitted a waiver request to reduce the bike parking requirement by 75 spaces or 25% for a total of 237 spaces.** Of the 237 bike spaces proposed, 80 are proposed to be enclosed, secure facilities within in each building. The remaining 157 spaces are to be distributed across the site. Given the high quality of secure bike parking being proposed and the distribution of the remainder across the site the requested waiver seems like a reasonable compromise. The P&Z should consider the written request of the applicant included in the attachments.

All four apartment buildings have three stories and are 40' at their highest point. Each building includes a total of 8 private garages and 2 secure bike storage facilities that will accommodate 20 bikes each. All buildings include ground floor porches and second floor balconies. Exterior treatments include metal roofing and a mix of brick veneer, horizontal lap siding and board and batten siding with river rock stone wainscoting accents.

In addition to the four buildings accommodating the residential units, the applicant is proposing a 5,300sf clubhouse that accommodates a leasing/manager office and various other amenities, a pool, a 1,050sf maintenance building, 2 centralized mail kiosks, and trash enclosures. The required snow storage has been shown on the site plan.

Landscaping consists of a mix of trees, shrubs, and ground covers distributed along the property boundaries within the setbacks and interspersed throughout the parking areas. **The applicant has requested a waiver to the requirement to provide a 15' landscaped area between parking areas and buildings.** Instead, they propose a 10' planting area with a 5' sidewalk providing access to the buildings. The P&Z should consider the written request of the applicant included in the attachments.



## Building Elevations



Figure 3 Building 1 and 3 Rear Elevation



Figure 4 Building 1 and 3 Front Elevation



Figure 5 Building 2 and 4 Rear Elevation



Figure 6 Building 2 and 4 Front Elevation



Figure 7 Clubhouse Elevations

### III. Application Timeline and Notification

X/XX/XXXX	Pre-application Meeting
08/08/2024	Application Received
11/18/2024	Additional Information Requested
03/19/2025	Application Complete
03/20/2025	Hearing Notice Published and Notice of Application sent to Agencies and Property owners within 300 Feet
03/24/2025	Hearing Notice Sign Posted
4/15/2025	Planning and Zoning Commission Public Hearing

REVIEWING DEPARTMENTS & AGENCIES:				
City of Sandpoint	Local Agencies & Districts	State & Federal	Bonner County	Other
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire Dept. <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> City Engineer <input checked="" type="checkbox"/> Operations	<input checked="" type="checkbox"/> Independent Highway District <input checked="" type="checkbox"/> Pend Oreille School District <input checked="" type="checkbox"/> Panhandle Health District <input checked="" type="checkbox"/> City of Dover <input checked="" type="checkbox"/> City of Ponderay	<input checked="" type="checkbox"/> ID Dept. Lands <input checked="" type="checkbox"/> Environmental Quality <input checked="" type="checkbox"/> ID Transportation Dept. (ITD) <input checked="" type="checkbox"/> USACE <input checked="" type="checkbox"/> ID Water Resources <input checked="" type="checkbox"/> ID F&G	<input checked="" type="checkbox"/> Surveyor <input checked="" type="checkbox"/> Sandpoint Airport <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> BC EMS <input checked="" type="checkbox"/> Commission	<input checked="" type="checkbox"/> Avista Utilities <input checked="" type="checkbox"/> Northern Lights <input checked="" type="checkbox"/> Various Utility/Service Providers <input checked="" type="checkbox"/> BNSF Railroad
X = Request for review/comments sent to department or agency.				

**Consideration of written comments.** At the time of this report, the city has received two (2) agency responses, see attachments. All comments received before the hearing will be forwarded to the Commission and added to the application website. The following agencies have provided comments for Commission and inclusion in the conditions of approval as necessary:

- Bonner County Assessor, GIS Div. requesting coordination on addressing and road naming
- Independent Highway District suggesting a turnaround on the north terminus of Samuelson Avenue and noting dimensional considerations within the site plan.

#### IV. Applicable Law & Findings of Fact

This application is subject to review and compliance/consistency with the following. Staff analysis is provided in bold.

##### A. City Code, Title 9, Chapter 9 - Zoning Administration

Notice of the request and public hearing date was provided as detailed above.

§9-9-6 provides specific procedures and requirements associated with a CUP, including a requirement that a CUP shall not be granted or denied unless the Planning and Zoning Commission makes specific findings of fact based directly on the particular evidence presented to it as to whether the standards and conditions identified in the code have been met by the applicant. Section 9-9-6-A.3 requires the affirmative finding of the following nine (9) criteria prior to the granting of a CUP.

It is noted that §9-9-6-7 states: *“Commencement Of Work: The proposed work shall commence within one year following the date of Planning Commission or City Council approval of the conditional use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse.”* **It is the applicant’s stated intent to begin detailed design on the construction plans, specifications, and cost estimates once the CUP is approved and the conditions of approval restate this requirement.**

The applicant's narrative has been provided with the application materials and staff's analysis of the nine criteria are **bolded** below.

- 1) Will, in fact, constitute a conditional use as established on the official schedule of regulations for the zoning district involved. **The application establishes multi-family dwellings with 8 or more units which is identified as a conditional use pursuant to SCC 9-4-2-2.**
- 2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or applicable sections of the Sandpoint Code. **See Comprehensive Plan and code compliance review below.**
- 3) Will be designed, constructed, operated, and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. **The request is to build a multifamily residential community within the RM zoning designation. §9-4-2.1 establishes the purpose of the RM zone and states: "Areas zoned as Residential Multi-Family (RM) are intended to preserve land for housing and to provide diversity in housing options. This zone implements the comprehensive plan policies for those areas identified as CA-3 in the 2009 comprehensive plan." (Note: The 2024 Comp Plan future land use designation is now High Density Residential). Furthermore, the property to the south is being developed in a similar manner and the property to the east is developed with Bonner County facilities including the fairgrounds. Nothing within the public record on this matter suggests that the proposed land use would inconsistent or incompatible with the character of surrounding land uses.**
- 4) Will not be hazardous or disturbing to existing neighboring uses. **The intended use as residential will not be hazardous or disturbing to existing neighboring uses because neighboring uses include the fairgrounds, a ralline, and multi-family development of a similar density.**
- 5) Will be served adequately by essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service or utility. **The property is situated within the City of Sandpoint and public utilities and services are available and have adequate capacity to serve the proposed development. The conditions of approval require the applicant to dedicate right-of-way, design, and construct the extension of Samuelson Ave. to as a public street to provide adequate frontage and access to the property.**
- 6) Will not create excessive additional requirements at public cost for public services and utilities and will not be detrimental to the economic welfare of the community. **The applicant is required to pay for the extension and/or upgrades of the public utilities necessary to serve the development. This includes the extension of Samuelson Ave. as noted above.**
- 7) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors. **This fully residential development will not have an adverse effect on surrounding land uses or the general welfare of the community because the land use is similar to the surrounding uses and will be constructed in accordance with adopted building and zoning codes and regulations and will not contain land uses inconsistent with the Residential Multifamily zone district.**
- 8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public roads. **The proposed extension of Samuelson Ave. will accommodate 2 full-service driveways without interfering with traffic on surrounding public road. A traffic impact analysis will be required, pursuant to 10-1-6-A-18,**

before building permit issuance.

- 9) Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance. **The project is proposed to be developed is consistent with the intended land uses of the RM and zoning standards pertaining to such developments. Nothing in the public record indicates the destruction or loss or damage of notable features of the property.**

#### B. City Code, Title 9, Chapter 4 – Residential Multifamily

As previously noted, a multi-family development of eight (8) or more units is considered a conditional use in the RM zoning district.

Table 2 below provides a preliminary review of Title 9, Chapters 2 and 5, with those items noted as TBD that will receive closer evaluation at the building permit phase. From the materials submitted, it appears that the development will be able to meet all requirements.

<b><i>§9-4-2 Residential Multifamily Zoning Standards</i></b>			
<b>Code Section</b>	<b>Code Requirement</b>	<b>Code Compliant</b>	<b>Staff Comment</b>
9-4-2-2	Establishes the allowed land uses in the RM zone	Yes	Multi-family developments with 8 or more units are allowed through the Conditional Use process.
9-4-2-3	Establishes the design and dimensional standards of the RM zone including lot area, setbacks, lot coverage, and building height.	Yes	The proposed site plan and building elevations are compliant and will be verified at the building permit stage.
<b><i>§9-4-2-3.H Additional Standards Applicable to Multi-family Development</i></b>			
9-4-2-3.H.3	Building Mechanicals, Service Elements, and Resident Amenities	TBD	Site plan complies if the P&Z approves the bike parking waiver request, mechanical details to be verified with the building permit.
9-4-2-3.H.4	Pedestrian Circulation	Yes	Site plan complies, to be verified with the building permit.
9-4-2-3.H.5	Landscaping Open Space & Plantings	Yes	Site plan complies, to be verified with the building permit.
9-4-2-3.H.6	Neighborhood Scale	Yes	Building elevations comply, to be verified with the building permit.
9-4-2-3.H.7	Building Entrances	Yes	Building elevations comply, to be verified with the building permit.
9-4-2-3.H.8	Façade and Articulation	Yes	Building elevations comply, to be verified with the building permit.
9-4-2-3.H.9	Parking	TBD	Site plan complies if the P&Z approves the landscape buffer waiver request, parking details to be verified with the building permit.
9-4-2-3.H.3	Walls and Fences	N/A	None proposed.
<b><i>§9-5 Off-street Parking</i></b>			
9-5-2	Location for MF within 300 Feet	Yes	Site plan complies, details to be verified with the building permit.

9-5-4	Access and Maneuvering Area	Yes	Site plan complies, details to be verified with the building permit.
9-5-5	Setbacks - minimum 5 feet	Yes	Site plan complies, details to be verified with the building permit.
9-5-6	Hard Surfacing	Yes	Site plan complies, details to be verified with the building permit.
9-5-8	Lighting	TBD	Verified with building permit.
9-5-10	Signs	TBD	Verified with building permit.
9-5-11	Striping	TBD	Verified with building permit.
9-5-12	Landscaping- 10% minimum	TBD	Site plan conforms, details to be verified with the building permit.
9-5-13	Accessible parking	TBD	Verified with building permit.
9-5-14	Design & Dimensional Standards	Yes	Site plan conforms, details to be verified with the building permit.

*Table 1 Code Requirement Evaluation*

**§9-4-2-3.H.11 – Design Standard Waivers:** An applicant may request a waiver from one or more of the standards listed above. All requests for waivers shall be heard and decided by the planning commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the findings noted below. **The applicant has requested two waivers. The first would reduce the bike parking requirement by 75 spaces or 25% resulting in a total of 237 bike parks to serve 156 units, a ratio of 1.5 bike parks per dwelling unit. The second waiver request would reduce the required 15’ landscape buffer between parking areas and buildings by 5’. The result is a 10’ landscape buffer and 5’ sidewalk in lieu of 15’ of landscaping. Should this waiver be granted, staff would work with the developer to ensure that the overhang from vehicle parking would not encroach into a clear path of travel for pedestrians, which could result in the landscaping being reduced to 8 ft and the sidewalk increased to 7 ft. The Commission should consider the applicant’s statement of justification attached with the application materials and the more detailed staff analysis on page 2 of this report when considering the required findings below.**

- a. That the granting of the waiver will not be in conflict with the intent of the multi-family design standards, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project.
- b. That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.
- c. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.
- d. The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan

**C. City Code, Title 8 - Building and Fire Regulations**

All buildings will be reviewed during the building permit process and will be required to meet fire department access in accordance with fire code, including full NFPA13 automatic fire sprinkler systems. The buildings and site will be required to meet all accessibility requirements in accordance with the Americans with Disabilities

Act. Due to the proximity of the residential development to the railroad tracks, a condition of approval has been added to mitigate noise.

**D. City Code, Title 7 - Public Ways and Property**

A traffic impact analysis will be required, pursuant to 10-1-6-A-18, before building permit issuance. Any required off-site improvements specified in the final approved traffic impact study will be added as a condition on the building permit.

Vehicular access into the site will be provided through the extension of Samuelson Avenue, built to the standards laid out in Chapter 2.

New curb and gutter, a 12' multi-use pathway, and a 6' detached sidewalk will be constructed along the west and east sides of Samuelson Avenue as shown in the Samuelson road extension submitted with the application.

**E. City Code, Title 11 - Development Regulations**

A preliminary storm water management plan was included with the submitted materials. The development will utilize an underground infiltration and detention facility, with overflow to the existing drainage ditch and easement along the railroad tracks to the west. Applicant will be required to submit a final stormwater plan and report demonstrating compliance with Title 11 Chapter at the time a building permit application is submitted.

**F. City of Sandpoint Comprehensive Plan**

The future land use map designation for the property is High Density Residential (HDR). The HDR designation is intended to “support larger scale multifamily residential development located along collector or arterial streets, where transit is available.” The approximate Density Range is 15-30 du/ac. The proposed project achieves an overall gross density of approximately 24 du/ac and is consistent with the plan’s support for infill development within the existing City Limits.

In addition to the future land use map, the comprehensive plan has other goals and objectives relevant to the proposed development, most particularly in Chapter 4 pertaining to land use and growth, and Chapter 5 pertaining to housing and neighborhoods, Chapter 6 pertaining to transportation, and Chapter 9 pertaining to jobs and economic development. The proposal is broadly consistent with vision of the plan and does not conflict with the relevant goals and objectives of these sections.

**V. Draft Conditions of Approval**

Per City Code §9-9-6, the Planning and Zoning Commission may impose conditions including those that address, but are not limited to, the following:

1. Minimizing adverse impact on other development.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in an ordinance.

The following conditions are recommended by staff to ensure compliance with the nine (9) CUP criteria and to address issues as noted in the staff report:

1. Pursuant to §9-9-6-7 of Sandpoint City Code, once a CUP is approved, work shall commence within one (1) year following the date of approval and shall be diligently pursued or said approval and permit shall be rendered null, void and of no right or recourse.

2. Complete and submit a Traffic Impact Study at or before submittal of a building permit application.
3. The development shall be completed and certificates of occupancy issued within three (3) years of issuance of the first building permit.
4. Pursuant to the 2018 International Building Code, Section 1206.2, due to the proximity of the residential development to the railroad tracks, exterior walls shall have a sound transmission class (STC) of not less than 50, or not less than 45 if field tested, for airborne noise. Penetrations or openings in construction assemblies shall be sealed, lined, insulated, or otherwise treated to maintain the required ratings.
5. Detailed analysis will occur throughout the design process. The analysis of layout, design, engineering and other factors may result in the need to revise a variety of plan elements. In addition, revisions may be necessary at the time of construction improvement plans. If city staff determines the revisions are substantial, these changes will require an amendment to the conditions by the Planning and Zoning Commission. If the city staff determines that the revisions are minor, the changes may be approved, disapproved, or approved with modifications administratively. The authority to make the determination of when a revision is minor versus substantial is the city's.
6. Owner shall dedicate 70' of right-of-way and extend Samuelson for approximately 816' to terminate at the north boundary of the property. Developer shall construct the entire Samuelson Avenue roadway extension within the new right-of-way dedication, including curb and gutter on both sides a multi-use path on the west side of Samuelson to match the existing path to the south, and a detached 6' concrete sidewalk on the east side of Samuelson. In general, the roadway typical section shall match the existing Samuelson Avenue typical section already established to the south. The road shall terminate in a fire department approved turnaround, which may include designating portions of private property in an easement to ensure clear space for an adequate public turnaround. A final road plan for the extension of Samuelson Avenue, prepared by a licensed professional engineer, will be required before issuance of a building permit.
7. Any proposed gates on private property shall be located to ensure that there is enough room for a vehicle to queue at the gate without extending into the right of way or blocking the multiuse trail on the west side of Samuelson.
8. A final utility plan, prepared a licensed professional engineer, will be required before issuance of a building permit. The utility plan shall include the public water and sewer main extensions, as well as details on individual utility service connections to the new development.

## **VI. Action**

Following public testimony and subsequent deliberations, the Planning & Zoning Commission shall make findings and take one of the following actions in accordance with Sandpoint City Code:

1. Approve the application with conditions.
2. Postpone action on the application to a date certain, with specific direction on additional information needed, or
3. Deny the application.

## **VII. Attachments**

The public record on this matter includes all of the following documents that can be viewed at [www.sandpointidaho.gov/samuelsoncup](http://www.sandpointidaho.gov/samuelsoncup)

1. Application materials as submitted by the applicant including:
  - a. CUP application form & narrative
  - b. Waiver request

- c. Samuelson Avenue Schematic Design set including site plan, parking plan, floor plans, and building elevations
  - d. Landscape plan
  - e. Samuelson civil preliminary design narrative
  - f. Conceptual Samuelson Ave extension, conceptual utility layout, and conceptual storm plan
  - g. Property deed & owner authorization form
- 2. Public hearing notices & postings
  - 3. Agency & public comments received