

City of Kootenai
Special MEETING MINUTES
DATE: April 11, 2017
TIME: 6:00 p.m.

Special Meeting and Ordinance Workshop

Mayor Lewis brought the meeting to order at 6:00 p.m.

Roll Call: Councilwoman Closson – AYE, Councilman Sundquist – AYE, Councilman Schock, AYE and Councilman Macha was late getting to the meeting – AYE.

Amendments to the Agenda: There were no amendments suggested

Staff Present: City Clerk, Ronda L. Whittaker, City Planner Clare Marley, and City Engineer Jay Hassell.

Others Present: Marty Taylor of James Sewell & Associates representing 1st Addition to Seven Sisters Phase II & III.

Public Comment: There were no comments.

Announcements: There were no announcements

A. 1st Addition to Seven Sisters Phase II & III – Request for deferment of tree planting

– Mayor referred to the request submitted by the applicant and asked for Marty to explain. Marty stated that the request was for a deferment of tree planting extending planting of trees within Phase II & III to the issuance of the Certificate of Occupancy. Clare stated that the request would give the trees a better chance to survive as the lack of watering due to no homes being occupied would stress the trees and they may not survive. She explained that there was no ordinance regulating the time of planting at the time the application was approved for the subdivision, but that there was a condition exception approved about two years ago requiring trees to be planted. Councilman Sundquist inquired about the issuance of a Certificate of Occupancy and when it was issued. Clare stated that the Certificate of Occupancy is issued at the time the home was occupied/sold she advised that a temporary Certificate could last for about 6 months. Councilman Sundquist asked Marty how many trees were alive within the first phase. Marty advised that about 1/2 of the trees survived. Councilman Sundquist asked if that was any wording in the City's ordinances or the condition that the trees remain alive. Once the trees are planted do they have to remain alive? It was agreed that there was not. If the occupant does not water the trees than the trees would not survive, therefore it would not matter when the trees are planted. There was a discussion in regard to the City having control until the plat is accepted. Councilman Sundquist stated that waiting didn't gain anything it just took away onus from the developer. There was discussion that once the Certificate of Occupancy was issued the City had very little standing. Marty stated that planting trees when someone is occupying the home would give the trees more of a chance to survive. He also advised that vegetation would help bond the trees in place. Clare asked that if the developer meet the obligation of the condition by planting how does the City hold them to accept the planting? Not sure. Councilman Schock confirmed the wording of the condition. Clare confirmed that the condition read that 3" caliber/6" from root base shall be planted at no cost to the City. Sundquist stated his concern that if the City agreed to the deferment and the lot sells and the homeowner wants a Certificate of Occupancy and there are two dead stumps that need to be turned into live trees, what then. Marty confirmed that the developer will install the trees. Marty stated that the trees would be under the 18 month warranty. Councilman Sundquist asked if there would be a burden to the City Clerk of Building Inspector. Jay stated that the warranty walk through would direct the condition. Jay stated that there could be a timing issue and may burden the City staff to make sure there are

trees before the occupant moved in. Clare stated that the issue could be addressed in her letter to the applicant upon review of the building permit. **Councilman Sundquist made a motion that the condition to defer the planting of the trees within the 1st Addition of Seven Sisters Phase II & III prior to the Certificate of Occupancy is issued, Councilwoman Closson 2nd the motion; roll call vote:**

Councilman Sundquist – AYE

Councilman Macha – Sustained as he had arrived late.

Councilwoman Closson – AYE

Councilman Schock – AYE

Mayor Lewis closed the special meeting and opened the workshop at 6:25 p.m.

B. Subdivision/Stormwater Ordinance Workshop

Clare handed the attached proposed subdivision & stormwater amendments to council. She asked Council to refer to the hand out she had provided at the last workshop. She went on to summarize the proposed amendments.

There was discussion in regard to the following topics:

Plat copies to the City - There was discussion about the number of plat copies that need to be submitted with an application. It was suggested by Jay that the City be flexible as to the medium type of plats – hard copy vs. digital.

Fees for penalty for selling lots before the plat is recorded – it was discussed that the City refer to State Code.

Minor plats need not have a pre-application meeting.

Minor plats can be approved by a decision letter to the applicant approved by Council instead of a Memorandum of Understanding or Development Agreement. Seek Attorney's advisement.

Urban Area Transportation Plan (UATP) – Jay advised that the Plan is outdated, but that there was no other plan to refer to. It was agreed that the ordinance refer to the existing or refer to the most current adopted plan and/or other design or policies that have been adopted by the City. It was agreed that the developer would not have a decision in the matter.

Surveying monument boxes – City approved monument boxes. Jay suggested referring to Idaho Code. If a survey marker is in the street the marker must be in a monument box regulated by state code. Jay stated that he was okay with the current wording as it gives the City the final decision as to what is needed. Council agreed.

Swales – Should be directed by the stormwater plan. Swales are not always the answer. Best management practices set by the City's Engineer. Jay suggested that the wording should not indicate where the swale had to be if one is to be used, etc. along the frontage of all City streets.

Park Dedication – Seek opinion from City Attorney. Councilman Schock suggested having some sort of standard. Clare indicated that the City first seek attorney opinion in regard to dedications. Council agreed

Final Plat Process – Clare advised that the Engineer should not be required to sign off on all infrastructure, such as Kootenai-Ponderay Water District or Sandpoint Water. She suggested that the private engineer would indicate to the City’s engineer that all has been signed off. Councilman Schock asked if a confirmation letter from the entities should be required. Jay stated that if the City had concerns, the City’s Engineer would have final decision as to whether all sign offs are official and certified.

Lean holder must sign off on final plat

No set backs on final plat unless exceptional conditions

Modifications – It was agreed that minor changes to conditions to a subdivision would not require a new hearing. There was discussion about the wording regarding tree planting. More definition as to where the trees should be planted and when. Clare advised that the decision could be decided with the developer through the development agreement. Councilman Schock ask if something could be entered within the wording that the City would have the ability to direct the developer as to where and when the trees would be planted. Clare advise that a variance from a standard would be indicated within their application and approved at hearing.

Condo Plat to reflect Idaho Code.

Clare advised that Council had spent quite a bit of time on the Stormwater Ordinance revisions and referred to Jay for his opinion.

Jay advised that he was not opposed to any of the revisions that had been suggested. He indicated that the requirement for low-impact projects should be required to complete and sign a construction stormwater control checklist. Jay advised that all offsite stormwater agreements must be approved by the City. He stated that it may be regulated by a utility encroachment permit. Council agreed.

It was decided that the revised ordinances could be ready to adopt on May 2nd. Ronda stated that she had published the public hearing for May 2nd. It was agreed that if they were not ready then it would not be adopted and another public hearing would be published. Clare advise that a rough draft should be to the clerk at time of publication. She stated that a very rough draft was available.

No action was taken or decisions were made during the ordinance review.

Meeting adjourned at 8:00 p.m.

Submitted by:
Ronda L. Whittaker
City Clerk/Treasurer