

**MINUTES OF THE PLANNING AND ZONING COMMISSION  
CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO**

**November 18, 2019**

**Regular Meeting: 5:00 PM**

**Council Chambers**

**Hayden City Hall, 8930 N. Government Way, Hayden, ID 83835**

**CALL TO ORDER**

Chair Petersen called the meeting to order at 5:04p.m.

**ROLL CALL OF COMMISSION MEMBERS**

Brian Petersen, Chair	Present
Michael Cramer, Vice-Chair	Not-Present
Corey Andersen	Present
Alan Davis	Present
Benjamin Prickett	Present
Shawn Taylor	Not-Present

**STAFF PRESENT**

Melissa Cleveland, Community Development Director  
Caitlin Kling, Legal Counsel  
Donna Phillips, Senior Planner  
Elizabeth Allen, Planner  
Heather McNulty, Commission Clerk

**FLAG SALUTE**

Brian Petersen led the meeting in the Pledge of Allegiance.

**CALL FOR CONFLICTS OF INTEREST**

No conflicts were reported.

**CONSENT CALENDAR**

The consent calendar included the approval of the meeting minutes for November 4, 2019 and the written recommendation in Case No. PZE-19-0289, a request by Vadim Shaporda and Peter Fendich; and the written decision in Case No. PZE-19-0300, a request by Jeramie Terzulli. The motion was made by Commissioner Davis, and seconded by Commissioner Prickett to approve the consent calendar as presented. All were in favor, none were opposed.

**CONTINUING BUSINESS**

**Misc. Code Workshop**

Elizabeth Allen, City Planner, presented the proposed changes to the Sign Code 11-22-1, she stated that the code needed updates and definitions needed clarification as well as adding pictures to describe and clarify descriptions. In a review of the proposed code, sections were re-ordered for a clearer understanding of the various parts of the chapter. Discussion was given on the proposed language changes to 11-22-6: Signs Authorized Without a Permit; temporary signs; and signs within the Central Business District that focused on Electronic Message Center (EMC), Message Board, and Marquee signs. The Commission reviewed signs authorized without a permit regarding the various zones and then focused on what was acceptable to signs in the Central Business District with respect to EMC. Where they agreed that the electronic signage was a wave of the future, they did believe that it needed to be an option in the

Residential Zone except to allow for Civic signage. They hoped that this would control the disruption of distracting or hazardous electronic signs.

Ms. Allen acknowledged that signage code needed to be enforceable and discussed the amount of temporary signage allowed. Existing code allows three per parcel along with a timeline of no longer than 40 days on the property. Proposed language under consideration tonight would be to propose to eliminate the maximum amount allowed and go to a possible temporary sign every 40 lineal feet of frontage. The Commission pondered this and chose to keep the three maximum temporary signs per lot (to include a corner lot).

Ms. Allen continued the workshop with a discussion of the renovated section 11-22-9: Standards for Specific Sign Types. She had added picture examples in the code to illustrate an acceptable/not-acceptable signage by sign type and added the design standards applicable to this sign type. The Commission agreed that this proposed modification was a great tool for both the Applicant and City Staff.

Donna Phillips, Senior Planner, reviewed the proposed changes for the Standards of Approval within Title 11 Zoning. For a Special Use Permit (SUP) the state requires: Subject to the ability of political subdivisions including school districts to provide services and must not be in conflict with the comprehensive plan. Ms. Phillips continued by stating the Commission could include the following conditions upon granting the approval.

1. Minimizing adverse impact on other development
2. Controlling sequence and timing of development
3. Controlling duration of development
4. Assuring that development is maintained properly
5. Designation the exact location and nature of development
6. Requiring on-site and off-site public facilities and services
7. Requiring more restrictive standards
8. Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

Ms. Phillips continued by stating, with the use of these conditions identified within the state statutes, it could eliminate today's standards for approval 1, 4, 5, 6, 7, and 8 while modifying condition 2, 3, 5 to be able to impose acceptable conditions for approval. Chair Petersen reviewed the proposed changes with the Commission and through discussion, the Commission determined that they would like a yes/no answer in the staff review whether infrastructure can really be met. The Commission would like to word smith the standard which was #4 to include both the existing and the future intent to include language such as: The design and planning (to include construction, operation and maintenance) of the site is compatible with the location, setting and existing uses and the intended character of the general vicinity. The Commission agreed that the burden is on the applicant whether safety concerns have been met, and they were in agreeance with the newly written standards.

Ms. Phillips reviewed proposed amendments for a Zone Map or Text Amendment. The state requires the following findings to be made as summarized below:

- Determine the extent and nature of the amendment request.
- Consideration shall be given to the effects of change upon the delivery of services by any political subdivision providing services, including school districts
- Consideration of the comprehensive plan, and other evidence gathered through the public hearing process.

The proposed changes are the following:



- Commission may defer action until completion of such studies or plans as may be necessary to determine the advisability of the proposal.
- Conditions may be imposed upon rezoning that are consistent with community needs and its public health, safety, and general welfare.
- Must be in accordance with the future Land Use Map and the Comprehensive Plan
- Amendments shall align with the zone district's purpose and intent.

Ms. Phillips then added that if the proposed change(s) is in conflict with the comprehensive plan, then an amendment to the comprehensive plan shall be proposed. The same standards of approval as that for a zone map/text amendment would apply. Once the comprehensive plan is amended, the zone map text/amendment may be considered.

Planned Unit Developments (PUD) State code states an ordinance may include, but is not limited to requirements for minimum area, permitted uses, ownership, common open space areas, utilities, density, arrangements of land uses on a site, and permitted processing. Ms. Phillips then reviewed the proposed changes as summarized below:

- Meeting the intents of the Comprehensive Plan, the Zoning Code, and the PUD Code
- PUD provides for adequate utilities, services, and parking
- PUD provides for an integrated transportation network that adequately services the proposed development
- PUD provides enhanced community design
- PUD provides for timely development
- PUD provides security for future completion and maintenance
- Establishes what kinds of exceptions may be requested

Chair Petersen asked if stormwater was included within the standards and asked that if it wasn't addressed that it be added.

Ms. Phillips, reviewed Site Plan Standards as they are relative to a Variance request. She suggested adding a condition to address requirements related to off-site improvements and when a Construction Improvement Agreement would be required. She also identified what a variance request could be requested to include based on state statute.

## **REVIEW OF UP COMING MEETING CALENDAR, AND REPORT ON COUNCIL ACTION**

### Planning and Zoning Commission

December 2, 2019

- Consent Calendar

### City Council Actions

November 12, 2019

PZE-19-0055 Daugharty Zone Map Amendment-Public Hearing-Re-schedule to December 10, 2019

December 10, 2019

PZE-19-0242 a request by the McCarthy Corp. – Special Use Permit-Appeal

PZE-19-0289 a request by Vadim Shaporda and Peter Fendich – Zone Map Amendment

## **ADJOURNMENT**

The meeting adjourned at 7:09p.m.

  
Heather McNulty, Commission Clerk