

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

**December 16, 2019**

**Regular Meeting: 5:00 PM  
Council Chambers**

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

**CALL TO ORDER**

Brian Petersen, Chair called the meeting to order at 5:00p.m.

**ROLL CALL OF COMMISSION MEMBERS**

Brian Petersen, Chair	Present
Michael Cramer, Vice-Chair	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 December 2, 2019. Vice-Chair Cramer motioned to approve the consent calendar as presented. Commissioner Davis seconded the motion. All were in favor, none opposed.

**PUBLIC HEARING**

**Miscellaneous Code Amendments**

**Staff Presentation:**

Donna Phillips, Senior Planner, presented the code sections that were being presented to amend. The many changes were a joint effort by staff, legal counsel, and the Planning and Zoning Commission during the past several months. Ms. Phillips presentation was a summary that included the following amendments:

**Appeals**

- Add language to administration of the code to define the appeal process
- Must be filed within 14 days of a decision
- Establishes the content of the appeal

- The appeal hearing must be timely
- Burden of Proof rests with the applicant
- Notice shall be provided
- Allows for an appeal stay

#### Reconsideration of City Council Decisions

- Add language to administration of the code to define the reconsideration process
- Establishes instances where a decision could be reconsidered
- Process should a reconsideration be granted
- Council direction upon reconsideration
- Appeals to judicial review

#### Appeals of the Planning and Zoning Commission

- Amending the code to align with the proposed additional code in the administration section of the city code.
- Identifying method of notice of the appeal.
- Option stay of action.
- City Council Decision Appeal

#### Mobile Food Establishment Pilot Program

The purpose of the pilot program is to ensure for the public health and safety, convenience, and protection of the City and the citizens of the City while allowing City Council. City staff, mobile food vendors, businesses and citizens the opportunity to experience the pilot program and improve on it if the City Council chooses to make the program permanent.

- Establishes a timeline for the pilot program
- Establishes requirements applicable to all Mobile Food Establishments
- Provides General provision for all Mobile Food Establishments
- Provides Restrictions
- Provides requirements and restrictions related to location on public and/or private property
- Provides for registration
- Provides for inspection
- Establishes fees to be set by City Council

Vice-Chair Cramer asked if the amendment to the Mobile Food Establishment was added because it was not in code currently, therefore it is not an allowed use in the City.

Ms. Phillips replied that yes, it has been added to the amendments as a pilot program, the City would like to see if this can be used as a way to keep owners in compliance with a set of standards.

#### Definitions

- Definitions were added in specific code sections: i.e. Mobile Food Establishment & Sign Code
- Animal Daycare- new and unlisted use approved previously by City Council
- Driveway and street, Private were amended to be consistent with fire regulations to allow a maximum of 5 dwelling units per driveway.
- Outdoor Sales Display and Outdoor Storage were added

#### Administration and Enforcement

- Added language related to administration and enforcement of the Zoning Code
- Noncompliance enforcement and penalties
  - Stop Work Orders
  - Notice of Violation
  - Appeal Process
  - Fees
  - Complaints
  - Penalties- infractions, fines civil action, withholding permits



#### Uses Permitted/Special Uses

- Amending residential code sections related to the size of an allowed accessory building with and without a special use permit
  - Residential Suburban (R-S) 11-5: Not to exceed 3,000 square feet
  - Residential Single Family (R-1) 11-6: On Lots less than 10,000 not to exceed 1500 square feet; and on lots greater than 10,000 square feet; and on lots greater than 10,000 square feet not to exceed 3000 square feet
- Add animal daycare to the Commercial (11-8) and Light Industrial (11-9) allowed uses and allowed special uses.

#### Outdoor Storage and Outdoor Sales Display

Add clarifying language related to outdoor storage and sales display.

- The areas in green are restructured existing code sections.
- Identifies design standards, to include but not be limited to: location, screening, surfacing, restrictions

Chair Petersen asked for clarification on the amount of paving that would be required for outdoor storage. Ms. Cleveland replied by stating the requirement to pave would be for the main access points or driving surfaces in a storage yard where the storage itself is kept you can have weed free gravel.

Ms. Phillips then continued the staff presentation on the proposed code amendments.

#### Special Use Permit Standards

Amending standards of approval for a special use permit to the following:

1. The proposal is in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance.
2. The location, design , and size of the proposal are such that the development will be adequately served by streets, police and fire perfection , drainage structures, refuse disposal, water, 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 services.
3. 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.

Mr. Cramer stated the staff did a good job getting these standards together.

#### Zone Amendment Procedures and Action by City Council

- Amending process language related to zone map and text amendment
  - Agency Notices
  - Planning and Zoning Public Hearing
  - Planning and Zoning Recommendation
  - City Council Decision
  - Additional public hearing
  - Standards of Approval

#### Zone Map or Text Standards of Approval

1. The Commission shall consider the existing zoning district or regulations and may recommend approval, conditional approval, modification, or denial of the proposal or the commission may defer action until completion of such studies or plan as may be necessary to determine the advisability of the proposal.
2. The City Council may impose conditions upon rezoning where such conditions are required to ensure that proposed uses of the area are consistent with community needs and its public health, safety, and general welfare. The planning Commission may recommend conditions upon rezoning for the City Council's consideration.

3. Amendments to the zoning map and zone text shall be in accordance with the future land use map and the goals and policies found in the Hayden Comprehensive Plans.
4. Amendments to the zoning map and zone text shall align with the zone district's purpose and intent.

Caitlin Kling stated if a rezone with conditions was imposed by the City Council, then the zoning development agreement would need to be re-noticed for a public hearing with the City Council, the hearing would be limited to what the development agreement contained.

Commissioner Davis stated that there are inherent conflicts between the Comprehensive Plan and the Zone map. When making these decisions the Commission needs to weigh what is more important.

Chair Petersen stated that the Comprehensive Plan has conflicting goals; it is hard to keep the small town feel while bringing in jobs. This is one of the conflicts.

Ms. Phillips noted that a Comprehensive Plan Amendment may be required in addition to a zone map or text amendment.

#### Administrative Review

Amend appeal language to be consistent with the newly added language for appeals throughout the code. Administrative review are whereby the council shall hear and decide appeals where it is alleged there is error in any order, requirement, recommendation or determination made by department officials and or determination made by department officials and employees in the enforcement of this title.

#### Design Standards

- Amending design standards for surfacing of Outdoor Storage areas versus Outdoor Display areas.

#### Planned Unit Development (PUD) Standards for Approval

Amending standards of approval of a PUD as follows: (in summary)

1. The development is consistent with the goals and proposed of a planned unit development, as defined in section 11-19-2 of this chapter, the intent and purpose of the Hayden Zoning Ordinance and the Comprehensive Plan;

The proposed PUD provides for

- adequate utilities, services, and parking to service the proposed development by:
- an integrated transportation network that adequately serves the proposed development by:
- enhanced community design by:
- timely development of the property and security for future completion and maintenance by:

In order to achieve the purposes of this section, the developer may request modifications (exceptions).

#### Sight Plan Standards of Approval

Adding:

- Define the scope of improvements and dedication required (curb, sidewalk, paving, water, sewer, drainage easement, right-of-way dedication, etc.) to allow the project to meet legal requirements and to be compatible with present or future development of neighboring land and determined the need for a construction improvement agreement for frontage improvement or off-site public infrastructure.

#### Sign Code

Amending and restricting the sign code by:

- Updating definition
- Clarifying Sign Setbacks (Generally) & illumination direction



- Defining signs authorized without a sign permit & those with a sign permit
- Simplified lengthy verbiage into tables, and visual examples

Caitlin Kling read into the record an e-mail, addressed to Elizabeth Allen regarding the sign code changes:

Hi Elizabeth, I really appreciate you sending me the new code! It appears it “fixes” some major issues and clarifies some others. I see a couple things, without going line by line; you may want to look at. I’m confused with the language, “available wall area” is defined as the area W/O windows and doors” I have never seen this language in a sign code. The “projecting sign” language is that 8’ “over the Right-of-way”? Freestanding sign’s definition, “visible pole support” is a little sticky. Height of sign in most code is from “finish grade”. I am confused with “mansard roof” having two slopes. And the 5’ setbacks, is that from the base or actual sign. Just a few things and I appreciate you allowing me to be involved. I am willing to assist in any way experience can be of use. Thanks John: John L Johnston, Sign Corp. 131 N Altamont Spokane, WA. 99202.

Staff stated that Mr. Johnston had some valid points and the Commission agreed that staff should adjust verbiage for clarification before the City Council Public Hearing.

**Motion:**

Commissioner Davis moved to recommend the proposed amendments to City Council for approval. Commissioner Andersen seconded the motion.

**Roll Call:**

Commissioner Andersen:	Yes
Commissioner Davis:	Yes
Commissioner Prickett:	Yes
Vice-Chair Cramer:	Yes
Chair Petersen:	Yes

All were in favor and none were opposed. The motion passed.

**NEW BUSINESS**

**Future Land Use Map – Workshop**

Ms. Cleveland stated that the Comprehensive Plan consultant has concluded the public information gathering. She would like some thoughts on the future of Hayden, starting on the zoning map then the Consultants and staff will work on how this all goes together with the transportation and sewer plans. Ms. Cleveland stated that there would be a lot of back and forth with everyone involved in order to complete the plans.

**REVIEW OF UP COMING MEETING CALENDAR, AND REPORT ON COUNCIL ACTION**  
**Director’s Review**

**Planning and Zoning Commission**

January 6, 2020

- Consent Calendar
- Election of the Chair and Vice-Chair for the Planning and Zoning Commission- New Business

**City Council Actions**

December 10, 2019

- Appeal of the PZE-19-0242 ( McCarthy SUP) Written Decision – Upheld the decision
- PZE-19-0289 Shaporda Zone Map Amendment – scheduled for January 14, 2020
- PZE-19-0055 Daugharty Zone Map Amendment – They tabled the deliberation to the January 14, 2020 meeting date.

#### **ADJOURNMENT**

The meeting adjourned at 6:16 p.m.

Heather McNulty      1-6-2020  
Heather McNulty, Commission Clerk      Date