

**SANDPOINT PLANNING COMMISSION
MEETING
JANUARY 16, 2007 MINUTES**

COMMISSION MEMBERS PRESENT: John O’Hara, Kevin Monahan, Steve Prince

COMMISSION MEMBERS ABSENT: Dick Hutter and Gary Maxwell.

STAFF MEMBERS PRESENT: City Attorney/Planning Director Will Herrington, Associate Planner Joan Bramblee and Planning Assistant Melissa Bethel.

Chairman John O’Hara called the meeting to order at 5:30 p.m.

APPROVAL OF MINUTES:

Commissioner Prince **moved**, and Commissioner Monahan **seconded**, to approve the minutes of December 5 and December 19, 2006. Motion passes unanimously.

PUBLIC HEARING: OA06-08 Sign Code – The City of Sandpoint will consider an Ordinance amending certain provisions of Title 8, Chapter 5, of *Sandpoint City Code*.

Staff Report:

Associate Planner Bramblee read into the record a letter received by Thomas Wiley. Mr. Wiley’s letter reflected concerns relating to banners, vehicle signage, and conflicts with definitions relating to nonconforming and ideological signs. Bramblee stated the language for ideological signs has been removed and the definition for legally nonconforming signs has been redrafted to be consistent. Bramblee reviewed the proposed changes to the sign code with the Commission.

Questions from the Commission:

Chairman O’Hara indicated changes presented by staff will be exhibit 2. Commissioner Prince inquired if Commissioner Hutter’s concerns regarding sign color have been addressed. Bramblee indicated the provisions restricting white and yellow backgrounds have been in code since 1998 and staff is not recommending any changes at this time.

Commissioner Monahan inquired if “pennants” are to be struck throughout the whole entire code. Bramblee stated the intent is for pennants not to be considered signs. Commissioner Monahan inquired if signage is included in the building permit process. Bramblee stated that although some Site Plan Reviews indicate proposed signage, signage is a separate permit and has been since 1995.

Section 8-5-4 Definitions:

Chairman O'Hara stated the definition for "Temporary Signs" is an incomplete sentence and should read, "A sign which is not permanently affixed, and is not in place for thirty (30) days or less. All devices such as banners, pennants, flags, (not intended to include flags of a nation), searchlights, twirling signs, balloons or other air or gas filled figures are temporary signs under the provisions of this chapter."

Chairman O'Hara inquired what colors for changeable reader boards would be allowed under this code. He stated red could be visible, but does not have to be bright. He stated the intent would be to minimize severe flashing. However, he indicated he is not sure limiting colors is correct. Commissioner Monahan stated technology makes this some signs distracting, but others attractive.

Herrington stated this code does restrict this type of sign, however the Comprehensive Plan will ultimately decide the future of what the city will look like in regard to signs. Herrington pointed to the Schneidmiller sign in Kootenai County as an example. They built a beautiful building and nobody notices because of the flashing video sign. Chairman O'Hara inquired regarding the changing and speed of the changeable light signs. He stated that just limiting color to one, would be a good idea.

Chairman O'Hara inquired regarding the definition of changeable message board and whether it is internally lit. Bramblee stated they are not internally lit.

Chairman O'Hara inquired of the Commissioners their view of the use of pennants and banners in business. Bramblee stated removing the 30 day provision would create the need for the banner then to be accounted for signage.

Commissioner Monahan stated the 30 days in a calendar year seems restrictive and not business friendly. Commissioner Prince agreed 30 days seems limited; if retail had seasonal sales the 30 day limitation would not cover it.

Herrington stated reasons for limiting banners are because the weather causes them to look shabby. He stated by allowing for permits, the planning department is better able to enforce and is also a chance to notify the public what the rules entail. If banners are going to be more than temporary, the sign area should be counted.

The Commission discussed how often, the use, and when banners should be allowed under the code. Issues with enforceability were also discussed.

Commissioner Monahan inquired if the DSBA responded with comments. Bramblee indicated the proposed sign code was e-mailed, but staff has not had any response. Chairman O'Hara inquired if the Arts Commission has established standards for approving murals. Bramblee indicated the Arts Commission has standards ready they would like to see adopted.

Commissioner Monahan inquired about the intent and enforcement of advertising on vehicles. Bramblee indicated the intent is to avoid signs being tied to vehicles for temporary "day" advertising.

Comments from the Public: None

Chairman O'Hara closed the Public Hearing

Commission Discussion:

Commissioner Prince stated the banner provision still bothers him. He would like to see a code that allows more freedom for retailers. Chairman O'Hara stated that there needs to be a cutoff number, and he isn't sure what the perfect number would be. Herrington stated business owners could put banners up 5 times a year for 6 days. Bramblee stated staff would prefer banners hung beyond 30 days require a permit. Chairman O'Hara stated suggested wording for 8-5-7: Materials: section D could be, "use of a banner for more than 30 days shall be subject to the provisions of this code".

Commissioner Prince stated he is uncomfortable denying colors in electronic signs. The Commission agreed. The Commission agreed 8-5-5: Impairment of Traffic and Rights of Way section A addresses brightness and unsafe colors. The Commission agreed the code does not need to mention color.

The Commission discussed the frequency of change in electronic signs. The code states an electronic sign may not change more than once per minute. The Commissioners agreed that depending on where the sign is, and what it says, there is no way to address this issue. The Commissioners agreed to leave the proposed wording.

Motion

Commissioner O'Hara **moved** and Commissioner Monahan **seconded to approve** the amendments to the sign code provisions with the following changes and or additions:

8-5-4 Definitions: Temporary Sign - to read, "A sign which is not permanently affixed, and is in place for thirty (30) days or less. All devices such as banners, pennants, flags, (not intended to include flags of a nation), searchlights, twirling signs, balloons or other air or gas filled figures are temporary signs under the provisions of this chapter."

8-5-7: Materials (D) To read, "Use of a banner for more than 30 days shall be subject to the provisions of this code."

8-5-14 Design and Construction Standards E (c) to read, "The changing copy of the message center is limited to one color."

Exhibit 2 regarding definitions of Non Conforming Signs as presented by staff.

Motion carries unanimously.

PUBLIC HEARING: OA06-09 Planning and Zoning Commissions – The City of Sandpoint will consider an Ordinance creating a separate Planning Commission, a separate Zoning Commission, and providing for appointment of a Hearing Examiner.

Staff Report:

Bramblee stated the purpose of this code amendment is to reestablish two separate commissions. The Planning Commission would be involved in Comprehensive Plan and ordinance amendments that would follow. The Zoning Commission would be involved in zoning and those public hearings that deal with specific pieces of property. The ordinance allows for a hearing examiner. In addition, the commissioners could serve on both boards.

She stated if the Commission does not feel it is appropriate to have two separate commissions, the Commission could recommend to the Council that the Mayor appoint a Comprehensive Plan Steering Committee.

Questions from the Commission

Commissioner Monahan inquired if the Hearing Examiner would expedite matters for the public. Bramblee stated the Hearing Examiner would recommend to Zoning Commission. Commissioner Monahan expressed concern that this would be adding another procedure. Herrington stated if something was controversial, and the public hearing would take a long time, a hearing examiner could be beneficial. Chairman O'Hara stated the addition of the Hearing Examiner is vague and does not explain duties, circumstances, appeals, or procedures. Bramblee stated the rules governing the planning commission are under zoning codes, and the hearing examiner would fall under the same role. Herrington stated the Hearing Procedures Ordinance made provisions for a Hearing Examiner to be used and the City Council had concerns because there was no provision in our code to allow for a Hearing Examiner.

Commissioner Monahan inquired who would determine when a Hearing Examiner would be utilized. Herrington stated the Planning Commission or City Council could request one be appointed. Chairman O'Hara inquired regarding the timing. Herrington stated the language allows for a Hearing Examiner in all hearings or for just special circumstances. Commissioner Monahan reiterated this would be adding another procedure. The Commissioners all expressed concern regarding the addition of a Hearing Examiner.

Comments from the Public:

Neutral: Not wishing to speak

Daniel Irving: Mr. Irving inquired what are residents of the ACI? As reflected in Exhibit 2, paragraph 2. Chairman O'Hara explained the Area of City Impact. Herrington further explained the City is allowed to comment on projects within the ACI.

Commission Discussion:

Commissioner Monahan stated he understands the need for a separate planning and zoning and or steering committee to accomplish the task while the comprehensive plan is being developed, but only temporary. He further stated he would not support the creation of a Hearing Examiner, stating he feels this would be creating another procedure for the public to go through.

Commissioner Prince stated there are benefits to holding all hearings at the same meeting same time, and now we would be asking applicants to go to two different boards. He stated he understands how a Hearing Examiner could get the facts and not belabor personal opinions. He stated he also understands how the Commission could come up with a different question and the applicant would have to go through the process again.

Chairman O'Hara stated he does not feel comfortable separating the commission at this point with 3 commissioners. He stated he feels more comfortable with recommending the Council allow the Mayor to appoint a steering committee with the Planning Commission as members.

Commissioner Monahan inquired what effect it would have to table the matter.

Herrington stated the Council has contracted with the consultant for the Comprehensive Plan. He advised the Commissioners they will meet as the Impact Fee Committee Monday the 22nd. He stated the idea for splitting the Commission came from comments from the Commissioners regarding the potential for another meeting a month.

Commissioner Monahan stated he feels more comfortable tabling this agenda item.

Motion

Chairman O'Hara moved and Commissioner Monahan seconded to table the reestablishment of separate commissions until February 20th. Motion carries unanimously.

Chairman O'Hara moved and Commissioner Prince seconded to recommend the City Council allow the Mayor to appoint a Steering Committee as outlined in exhibit 2 of the staff report.

Motion carries unanimously.

MATTERS FROM STAFF/COMMISSION: Determination whether installation of gates at Forest Park is a minor or substantial modification of the PUD.

Herrington stated that in recent revisions to subdivision code, the Council has made it clear the current city policy is against gated communities. He stated this subdivision was created before present policy.

Chairman O'Hara verified emergency vehicles have access.

Commissioner Prince stated the addition of a gate was not on the original plan. However, he does not see the gates as a major modification as if a developer left out sidewalks, or some other improvements.

Chairman O'Hara indicated the fence does not prevent sight and he does not see the gate as a major change.

Commissioner Monahan stated although he would have liked to see the gate included on the original plan, it would not have changed his position of the original PUD. He questioned the policy of the City Council. He stated gates are becoming more of the norm rather than exception.

The consensus of the Commissioners is the gates are not a major change to the PUD.

Comments from Staff:

Herrington stated staff will be getting information for the commission for the meeting Monday night. He stated Public Works Director Kody Van Dyk will be speaking.

Commissioner Prince Farewell:

Chairman O'Hara expressed appreciation for the service Commissioner Prince has given to the City.

Herrington presented Commissioner Prince with a certificate of appreciation.

Commissioner Prince stated he is committed to the City, however his job takes him out of town and he no longer feels he can be a viable member of the Commission.

ADJOURNMENT:

The meeting was adjourned at 7:50 p.m.

/S/

Chairman O'Hara