

**SANDPOINT PLANNING COMMISSION
MEETING
AUGUST 7, 2007 MINUTES**

COMMISSION MEMBERS PRESENT: Helen Campbell, Dick Hutter, Gary Maxwell, Kevin Monahan, John O'Hara, Barbara Ridley, and Raffat Saied.

COMMISSION MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Planning Director Jeremy Grimm, City Attorney Will Herrington, and Associate Planner Joan Bramblee.

Chairman Gary Maxwell called the meeting to order at 5:35 p.m.

APPROVAL OF MINUTES FROM JULY 17, 2007:

Commissioner Campbell commented the statement in the third paragraph on Page 3 regarding the stream being reserved in response to Commissioner Monahan's question about why the project is a Planned Unit Development does not seem to make sense. Mr. Herrington explained he believes that comment was in reference to the stream being used to meet the open space requirements of the Planned Unit Development. He added the minutes can only reflect what someone has testified to.

Chairman Maxwell stated the references on Pages 3 and 7 to the railroad underpass/overpass at Gooby or Baldy being on the 5-year capital improvement plan should be corrected to read the 5-year plus plan.

It was **moved by Commissioner Saied, seconded by Commissioner O'Hara**, to approve the minutes as corrected. The motion carried unanimously.

APPROVAL OF DECISION:

Common Knowledge Bookstore and Teahouse

Chairman Maxwell noted there was some question as to the intent of the condition regarding food service in the outside seating area as stated in a previous draft of the decision. He believes the revised order accurately reflects the intent of the condition, and that the matter can be approved as a consent item. Mr. Herrington stated the minutes of the meeting an item was considered at are typically on the same agenda as the decision; approval of this decision does require motion.

It was **moved by Commissioner Hutter, seconded by Commissioner Campbell** to approve the revised decision for the Common Knowledge Bookstore and Teahouse. The motion carried with Commissioner O'Hara abstaining since he was not at the meeting when the item was considered.

CALL FOR RECONSIDERATION VOTE:

A07-01 and ZC07-02 – A request by **Tim McDonnell** for an initial zoning designation of Residence “C” in conjunction with annexation of an approximately 32-acre parcel located south of Baldy Road and described as the West 1 / 2 of the SE 1 / 4 lying west of the Great Northern Railroad, less right-of-way, as well as the adjacent right-of-way of Baldy Road from the west boundary of this property extending east to the Sandpoint City Limits, all in Section 16, Township 57 North, Range 2 W.B.M.

Chairman Maxwell noted a request for reconsideration on this matter has been made by Commissioner Saied. Mr. Grimm reviewed Robert’s Rules of Order regarding requests for reconsideration, indicating approval of such a motion would reopen the matter for further deliberation and a subsequent vote on the issue. Commissioner O’Hara clarified the deliberation and subsequent vote would be contingent on there being a second to motion for reconsideration.

Commissioner Hutter asked about the legal description for the property indicating its location being west of the railroad right-of-way. Mr. Herrington confirmed the intervening right-of-way would be included in the annexation.

Commissioner Campbell questioned what the reconsideration motion does if it is successful. Mr. Herrington explained if the motion is successful, the Commission would be voting whether to recommend approval of the Applicant’s request for annexation of the property with Residence “C” zoning. He advised the Commission members if they are satisfied with previous motion to recommend denial, they should be voting against the motion for reconsideration.

Commissioner Monahan announced for the record he had been contacted by someone regarding this matter but did not discuss it. Mr. Herrington stated Commissioner Saied has received an e-mail regarding the matter that has been placed in the record. Commissioner O’Hara indicated he spoke with Applicant following the last meeting and had forwarded that information to Staff.

Mr. Herrington stated that a motion for reconsideration can only be made by a Commission member who previously voted on the prevailing side of a motion. Such a motion can be seconded by any member of the Commission. According to Robert’s Rules, the motion has to be made on the next successive day, or at the next successive meeting. The Commission was recessed following that hearing, so such a motion would not be out of order at this time. He added Commissioner Saied contacted Staff regarding this matter the day following the public hearing.

Commissioner Saied explained that when voting on this matter at the previous hearing, he had not realized he was voting in favor of motion for denial when he said “yes.” It was **moved by Commissioner Saied, seconded by Commissioner Ridley** to reconsider the vote on Tim McDonnell’s request for annexation.

Mr. Herrington noted the Commission’s previous motion was for a recommendation on annexation of the property with Residence “C” zoning. He advised the Commission that their responsibility is more to recommend the appropriate zoning of property if it is annexed. The question of whether an annexation request should be approved is a legislative matter for the City Council.

Commissioner O’Hara declared it is his view that reconsideration of the matter is not warranted. The previous vote was 5 to 2; if only one person changes their vote, it would not change the outcome of that motion.

Discussion followed on the Commission’s role in making recommendation to Council on an annexation. Mr. Herrington indicated the “plan” referred to in the Idaho Code provision regarding the Council receiving a recommendation “on the proposed plan and zoning ordinance changes for the unincorporated area” is the Comprehensive Plan. He noted a Comprehensive Plan map amendment was not included in this application as the map is general and the zoning map does not have to match exactly.

Commissioner Campbell commented it has been indicated the motion for reconsideration has to come from someone who voted on the prevailing side. She believes this motion out of order since Commissioner Saied has indicated it was his intent not to vote on the prevailing side. Mr. Herrington stated the motion is in order since Commissioner Saied did vote on the prevailing side.

The following roll call vote was taken on the reconsideration motion:

Commissioner Ridley	yes
Commissioner Campbell	no
Commissioner O’Hara	no
Commissioner Saied	yes
Commissioner Monahan	yes
Commissioner Hutter	abstained
Chairman Maxwell	no

The motion to reconsider the vote on Tim McDonnell’s request for annexation died with a 3 to 3 tied vote.

It was clarified for the audience present that the previous motion to recommend denial remains unchanged. Had the motion been successful, it would allowed another motion on the question of annexation and zoning based on the testimony taken at the public hearing, and would have allowed for amendments as deemed by Commission members appropriate.

Discussion followed on the process and the Commission’s role in making recommendations to Council on zoning and Comprehensive Plan designations for an annexation. Commissioner Hutter noted it can sometimes create confusion when the

Commission has to consider subdivision and planned unit development applications in conjunction with zoning and annexation applications. He questioned the need for considering them simultaneously; the decision on the development proposal should be made once it's in the City. Mr. Herrington explained the typical reason for scheduling combined applications on a project such as this is that an Applicant is wanting to know whether he can develop a piece of property prior to purchasing it, and in the case of annexations, the current owner may not wish their property to be annexed if it cannot be sold and developed.

Commissioner O'Hara declared it seems premature to be forwarding a recommendation to Council on a zone change without a recommendation on the annexation. If Council does not seek the Commission's judgment on the annexation, he does not believe it is appropriate for the Commission to consider a zone change prior to annexation. Mr. Herrington declared State Code requires the Council to receive a recommendation from the Commission as to what the zoning should be before an annexation takes place. Otherwise, the property would be unzoned upon annexation and there would be no limitations on its use.

MATTERS FROM STAFF:

Mr. Grimm reminded Commission members there will be a workshop on Thursday, August 30, 2007, at 5:30 p.m. in the Council Chambers. Dinner will be provided. He asked members to let Staff know what issues they would like to see discussed at the workshop so they can be agendized.

MATTERS FROM COMMISSION:

Commissioner O'Hara stated he does not agree with Staff's interpretation of the *Idaho Code* provisions related to annexations. The annexation application is the only "plan" being looked at, the only thing that affects the zone change.

Mr. Herrington reiterated the comprehensive plan is intended to be a general document and, as long as the existing designation is not completely contradictory, no change in the designation is needed. Given that, and the revision to the Comprehensive Plan that is in the works, Staff did not view the McDonnell application as something requiring a designation change. If the applicant had been requesting industrial zoning, a change would have been needed.

ADJOURNMENT:

The meeting adjourned to the Development Impact Advisory Committee meeting at 6:25 p.m.

/S/

Chairman Maxwell