

MINUTES
CITY PLANNING AND ZONING COMMISSION
Bonnors Ferry City Council Chambers
7232 Main St.
(208) 267-3105
July 21, 2022
5:15 pm

Chair Andy Howe called the Planning and Zoning meeting for July 21, 2022 to order at 5:15 pm. Planning and Zoning Commissioners present were: Andy Howe, Chris Rawlings, Dave Gray, Darci Price. Also present were: Contract Planner Clare Marley and Planning & Zoning Clerk Julie Fairchild and via zoom Contract Planner Lisa Adair

PUBLIC COMMENTS

Dennis Dinning, Ed Earnest, Tony Villelli, Matt Cowell, Julieann Cowell, and Eric Anderson from the public were present.

CONSENT AGENDA

1. Approval June 16,2022 Minutes: **ACTION ITEM.**
Vice Chair Chris Rawlings moved to approve the minutes June 16, 2022. Commissioner Darci Price second the motion. The motion passed all in favor.

PUBLIC HEARINGS: ACTION ITEMS, RECOMMENDATIONS TO COUNCIL

2. **File #V04-22 VARIANCE:**

Julieann Cowell and Ed Earnest are requesting approval for a variance to allow an approximately 14-inch setback from two side yard property lines, where 10 feet is required, to allow for the placement of a new freestanding sign for Kootenai Valley Motel. The property is described as Tax 28 less right-of-way per 289577, on Main Street in Section 33, Township 62 North, Range 1 East, B.M. The site is zoned Commercial and is located between Chic-N-Chop and the Kootenai Valley Motel.

Chair Andy Howe called for any conflicts of interest and advised there are no conflicts with this file.

Lisa Adair said the sign must not conflict with the comprehensive plan and will not affect a change in zoning. Lisa said there must be physical circumstances or conditions of the site that cause a hardship and the hardship has to be proven by the owner and the variance must not be detrimental to the public health and safety or welfare and lastly the reason for the variance may not be caused by the owner's or previous owner's actions. Lisa said both properties for this variance are zoned commercial. Lisa said the property owners want to combine both their signs into one. She advised there is one letter opposed to this variance and it is from Clarice McKenney and she had stated, that being a resident of Bonnors Ferry she has found a proliferation of signs, particularly on the Idaho State Highway portion of Main Street, problematic because of visual pollution and posting of political agendas.

Applicant Ed Earnest said he's trying to preserve the front yard of the property without having to cut down all the trees. Ed said if they move the sign anywhere else, then it will put a hardship on them and it will cost a lot to cut down all those trees. Ed said they want to combine two signs into one sign, for his motel and the other one for the Cowell's business and combining the two signs would be smaller than 2 separate signs. Ed said he has everything in place with ITD and the County.

Applicant Julieann Cowell said there will be a sign there regardless, but this combined sign looks nicer and is slightly larger but it's still going on that same strip of land and the new one has to set back a little according to ITD.

Vice Chair Chris Rawlings asked if the current motel sign will no longer be there as a result of the widening of the highway. Ed Earnest replied that is true. Tony Vilelli, a member of the public, said he is the owner of the property across the street and he is in favor of this sign because the existing sign is in need of a replacement.

Dave Gray said this combining of the two signs is a good idea and Ron, the owner of Chic n Chop, is also in favor of it. Darci Price is also in favor of the new sign because it is a good use of that small space and hopefully with that new sign it will look better.

Vice Chair Chris Rawlings moved to recommend approval of this file#V04-22, a variance to allow two approximately 14-inch side yard setbacks, where 10 feet is required, to allow for the construction of a freestanding sign, finding that it is in accord with the standards of Section 11-7-1 of Bonners Ferry City Code, as enumerated in the findings and reasoned statements contained in the staff report and based upon testimony received at this hearing. Commissioner Dave Gray second the motion. The motion passed all in favor.

3. File #ZC02-21 and #AM14-21:

FJC, LLC and Boundary Community Hospital are requesting approval for a conditional zone change and comprehensive plan map amendment from Residential A/Residential to Commercial for a portion of property located adjacent to U.S. Highway 95 and addressed at 6497 Comanche Street, and east of Northside Bed and Breakfast. The purpose of the conditional zone change is to allow for a hospital/community animated, electronic message board sign, which is not allowed in the Residential zoning districts. The site is known as a portion of Tax 195 & Taz 196 less Tax 215, in Section 22, Township 62 North, Range 2 East, B.M.

Chair Andy Howe called for any conflicts of interest and advised there are no conflicts with this file.

Clare said the applicant is seeking a comp plan and zoning map amendment from Residential A/Residential to Commercial and their reasoning is they want to put a sign that contains graphics and is animated, whereas the existing zone doesn't allow it. Clare said the city is examining this as a conditional zone and is allowed by Idaho Code. Clare advised through state law that the city is allowed to set specific uses, which means the city may zone it to allow the sign and not other things. Clare said the City is allowed to terminate this if the applicants don't live up to their agreements. She noted the city departments' comments: the overhead electrical, underground utilities, the water easement needs to be shown, future site plan needs to show access to the site so that impacts to Comanche Street can be evaluated, and the property lines need to be flagged. Clare said they had received some public comments, which are in the staff report and Elizabeth Fritz, a resident, is opposed to this sign because she is concerned about losses to the neighborhood and peacefulness and Clarice McKenney's letter said it would be good to have the sign to find where the hospital is. Clare said Glenda Poston, Sheriff David Kramer, and Boundary County Director of Emergency Management Andrew O'Neel are all in support of the sign.

Eric Anderson, a member of the public and attorney for the applicants, said this sign would make it easier for people to find the hospital so it can better benefit the community. Eric said ITD reminded the applicant that a state permit is required for sign placement, the sign must follow local ordinances, the site must be commercial or industrial-zoned property, there must be a business or industry in operation on the site for at least six months on the property, and the sign cannot be located within highway right-of-way.

Andy said his concern is long-term operation of the sign and if the hospital buys the property does that adversely affect the application. Eric Anderson replied no that it's contingent, a conditional offer and if approved the purchase will move forward.

Dennis Dinning, a member of the public and CEO of the hospital, said there is no sign for the hospital and it's a public safety issue. Dennis said they will also use it for county emergencies such as an Amber Alert or COVID information. Dennis said the hospital wants to expand with their own money and not by increasing taxes or levies because the hospital and community are growing.

Commissioner Dave Gray agrees with the presentation and thinks this sign is a good idea. Vice Chair Chris Rawlings said he doesn't see that piece of property being used for anything residential or anything of that nature and that there's already a sign in place there. Commissioner Darci Price said since it's hillside property then it won't affect the view and is a perfect location for a sign. Chair Andy Howe said he loves the idea of communication from this but it needs to have conditions and the long-term concerns are: what happens if new management comes into the hospital and they want to start advertising or sell advertising, how does the city limit the agreements on what goes on to the sign and what happens if they sell that property. Vice Chair Chris Rawlings said he doesn't like signs that light up like that but it's in city codes.

Commissioner Darci Price moved to recommend approval of these files #AM014-21 and ZC02-21, amending the comprehensive Plan map designation from Residential to Commercial and the zoning map from Residential A to Commercial for a 0.096-acre parcel, finding that it is in accord with the general and specific goals and standards of the City of Bonners Ferry comprehensive plan, as enumerated in the findings and reasoned statements below and based upon testimony received at this hearing. Commissioner Dave Gray second the motion. The motion passed all in favor.

4. Commission, Council, and Staff updates
 - a. Comprehensive Plan update

Vice Chair Chris Rawling moved to adjourn the meeting. Commissioner Darci Price seconded the motion. The motion passed all in favor. The meeting adjourned at 6:31 p.m.