

The Planning and Zoning meeting on May 18, 2017 was called to order at 5:30pm by Chairman Chris Rawlings. Present for the meeting were: Planning and Zoning Members Andy Howe, Dave Gray, Brad Hanson, Glenda Poston, Wally Cossairt, Sue Larson, Planning and Zoning Administrator Lisa Ailport, and Office Clerk Christine McNair. Members of the public present: Eric Brubaker, Carlos Perez, Robert Norton, Eduardo Dos Ramos, Janet Dos Ramos, Ben Andrews, Garrett Bennett, and Eric Anderson.

Glenda moved to approve the minutes of April 20, 2017 as written. Sue seconded the motion. Motion passed with all in favor.

Chris opened the public hearing, at 5:38 pm, for file SUP08-17, regarding the special use permit for a church in a Residential A zone. The Bonners Ferry Catholic Church is requesting to authorize a new church in a new location on property zoned Residential A. The site is located at 6712 El Paso Street and is the former site of the Catholic Church prior to the building being destroyed by fire.

Chris called for any conflicts. Sue stated she lives on the same block as the Catholic Church and there could be a perceived conflict. Sue will not participate in the hearing. Wally stated he has a conflict, since he is a member of the Catholic Church. Glenda said she has the same conflict. Lisa asked if they will have a financial gain from the outcome. They stated they will not. Wally and Glenda will still participate in the hearing.

Chris explained the hearing process for the public hearings.

Eric Brubaker, representative for St. Ann's Catholic Church, gave his presentation. The church will be rebuilt on one level. He agrees with most of the assertions in the staff report. He doesn't have any issues with the conditions listed in the staff report. The final design will include the required parking spaces, engineered storm water and the final utility drawings, which are necessary for the alley vacation and the completion of the development agreement. He feels there will be more parking provided than needed. The new building will be very attractive and fitting for the neighborhood.

Andy asked if the parking will be where it has been indicated on the preliminary plans. Eric said it will. The on-street spaces will not be counted, only the off-street spaces.

Lisa asked about the storm water plan that Eric mentioned, since it was not received with the application. Eric said that it was shown on the plan and they will be adhering to that plan.

Brad asked how many parking spaces the church had prior to the fire. Eric said there were approximately 56 parking spaces, both on-street and off-street. Brad asked if they are doubling the footprint of the building. Eric said they are taking two stories and

making it one story. Brad said that the Traffic Safety Committee says that the plan is approximately 25 parking spaces short of what is needed and they also want a plan to alleviate backing into the street. Eric said they will design around the requirements.

Eric commented on the letter received from Robert Norton. Eric doesn't believe the bell ringing is a problem. He also believes it important to church traditions to keep the bell. Dave asked about a bell ringing schedule. Carlos Perez, the pastor, said the bell only rings on Saturdays and Sundays.

Lisa gave her presentation. She said that the alleyway vacation has been approved by Council, but will not be recorded until the utilities have been moved. The parking ordinance requires 75 off-street parking spaces for this church. That is based on maximum occupancy.

Dave said that in times of overflow, people park wherever there is space available.

Lisa said the letter received from Robert Norton on May 16, cited concerns regarding parking and disruptions from the church bell.

Brad asked about the Traffic Safety requirements regarding parking. Lisa said condition #4 addresses that.

Chris opened the public testimony portion of the meeting at 6:07 pm.

No one spoke in favor of the application.

No one spoke that was neutral to the application.

Robert Norton spoke in opposition. He feels the parking is a problem. The streets are narrow and he feels the space is limited. He said that the bell rings every 10-15 minutes on the weekends. It is annoying and hurts his ears.

During the rebuttal portion, Eric stated that the parking ordinance requires 1 space for every four members. If someone is walking by while the bell is ringing, it is very loud. The new bell location will not be on the street. Carlos said that the current bell rings on Saturday at 4:00pm, 4:30pm, 4:45pm and 4:55pm, on Sunday at 8:30am, 8:45am and 8:55am. Carlos is willing to reduce that to one time five minutes before the service starts. The bell is not rung during the week.

Chris closed the public hearing portion at 6:18 pm.

Dave thinks the church is a good idea.

Brad thinks that it is great that they are making the commitment to a new, larger building, but with that, comes the responsibility of following the standards.

Chris said that he understands that the parking standard may seem excessive for regular use and inadequate for special occasions, but it is something that needs to be followed.

Glenda said that the churches in the neighborhood use other churches' parking because there isn't adequate parking available, especially during large events.

Wally said that churches are typically good neighbors.

Brad moved to recommend approval of this file SUP08-17, for a church in the Residential A Zone, finding that it is in accordance with the City of Bonners Ferry's zoning codes, as enumerated in the findings and standards table above. I further move to adopt the following reasoned statement and conditions of approval as written. The actions to be taken to obtain the special use permit is to complete the conditions of approval as adopted. I'd like to make special note of condition #4 for the applicant; which states that the design be in accordance with the City parking ordinance. I would also like to request that the applicant put in writing a bell ringing schedule for Saturday and Sunday, taking special note of the community input received tonight.

Dave seconded the motion. The motion passed. Six voted yes and one abstained.

The commission took a break at 6:27 pm.

The meeting re-convened at 6:32 pm.

Chris opened the public hearing for file AN01-17, regarding Eduardo and Janet Dos Ramos' petition to annex and zone 3.41 acres of land located North of Browne Street, in Section 22, Township 62N and Range 1E at 6:33 pm.

Chris called for conflicts of interest. There were none.

Lisa stated that there are two different parcels by tax description, one that is in the City limits and one that is in the County.

Ed Dos Ramos gave his presentation. He and his wife Janet are applying for annexation. He said they are building 20 feet outside of the City limits. He said if they aren't able to obtain the required 40 psi for water, they will install a booster pump. He said that the foundation has been poured, the walls are up, some of the exterior siding

is up, the sub floor is in, all of the studs are still expos, some of the plumbing and electrical is roughed in and the gas meter is already installed. The driveway is not any steeper than Yakima Street, but will need to be graded and fixed. He is willing to make sure it complies with the City's requirements. The booster pump will meet the cross-connection requirements as well.

Eric Anderson, attorney for Dos Ramos', spoke regarding condition #2. He said that most of the points have been met and the Dos Ramos' are willing to do whatever it takes to complete the list. Eric said the density will only be one house, with no plans to build any other houses.

Brad asked why they are asking for so much land to be annexed. Ed said, he thought it would be easier to have a straight line to the edge of the property.

Eric said they would like to know how much the costs and/or fees for letter C will be.

Ben Andrews, owner of Andrew's Excavation, is one of the builder, he said that the house has been built to code and is built well.

Brad asked if he has ever built a house in the City limits. Ben said he has not. Ed stated that he has gone through the City's inspection process when he built a garage. Brad said that the inspection process in the City is different than it is in the county. The framing, concrete and rebar have not been inspected. Ben stated that the framing is still exposed and inspections can still be done. He also has the paperwork for the trusses. Ed said that they have all the records. Lisa asked if a private consultant had been used for the inspections. Ed said no.

Garrett Bennett, from Up North Construction, stated that the only thing that could not be inspected at this time is the spacing of the rebar. He stated that the rebar was installed according to code, with the correct spacing.

Janet Dos Ramos, said that she has pictures and videos of every step of the construction, including the rebar, if anyone would like to see them. Janet also said that when they received a plat that was signed off by the Mayor and City Council that the Dos Ramos' thought they would have City services for that plat.

Dave asked if there was a written contract between the City and Dos Ramos'. Janet thought since the plat states; lots shown on this plat will receive water and sewer services, that they would receive those services. Dave said it is the land owner's responsibility to know.

Brad stated that the plat has been approved and accepted by the City Council on March 2, 2015.

Lisa stated that the reason that this plat was not included in the record is because it does not apply to the request. The request before you tonight is an annexation, the plat that has been submitted as Exhibit A, is for one lot subdivision with a designated remainder. The way that Idaho Code works, is you are required by law to show the boundaries of the plat, therefore the boundaries of the plat that they proposed, included all of their land, but the lot that is effected by this plat, is a one lot subdivision. The conditions that apply are only to the lot depicted, not the remainder.

Eric stated that his clients are not submitting the plat as legal authority. The context that the Dos Ramos' were operating under was mistaken. They are willing to come forward and work out an agreement with the City, as to what is required in order for the annexation to proceed.

Ed said that he misunderstood what the plat meant.

Lisa explained that the owner's certificate states that it begins and ends with the boundary of Lot 1. The owner's certificate is the qualifying statement of what the plat is containing, and that is Lot 1, which is the extent of the plat. Regarding the assumption that the City granted opportunity to connect services based on this plat is not sufficient information contractually for the City to do that. The extension policy must be referred to, which states that they must be within the service area or annexed. That is why the annexation is before you.

Lisa gave her presentation. The applicant is petitioning to annex 3.41 acres of a 12.11 acre parcel. There are two different types of annexation, Category A and Category B. This one falls under Category A, the applicant is petitioning to be annexed. One of the requirements is that the property is adjacent to the City limits, which this property is. The next requirement is that it is within the Comprehensive Plan, which is the area that is currently not met. In order to consider the annexation request, the Comprehensive Plan must first be modified. When the Comprehensive Plan was modified in 2012, the lands within the Area of City Impact, were not planned for. Lisa said, it is best to think largely when modifying the Comprehensive Plan, that is why she has recommended encompassing the entire 12.11 acres belonging to Dos Ramos'.

Brad asked if it is a good idea to change the Comprehensive Plan to include all of the Dos Ramos' property, when there are concerns about accessibility. Lisa said that it will make it easier for future planning.

Dave asked if changing the Comprehensive Plan for just one landowner is a good idea. Lisa said all of the Area of City Impact needs to be looked at, but right now it is being handled one property owner at a time. If the change is recommended, a zoning designation to Residential is recommended.

Brad said that having people request annexation is a positive for him. He is concerned about the people that have to respond to a fire. He does think the applicants were well prepared and had a good presentation. He thinks it is important to have more people joining the City of Bonners Ferry.

Sue asked when the negotiations will happen. Lisa said that is something that would have stated at the pre-application meeting.

Andy asked about the annexation agreement, regarding timeframe and enforcement. Lisa said the annexation agreement has to be approved before the annexation ordinance can be approved by Council.

Chris opened the public hearing testimony portion of the file at 7:33 pm.

No one spoke in support of the application.

No one spoke neutral to the application.

No one spoke in opposition of the application.

Chris closed the public hearing portion of the file at 7:34 pm.

Brad thinks citizens that would like to be annexed into the City should be encouraged, since that is how a city grows. He also appreciated how staff explained the draft motions.

Chris also thought the presentation was well thought out and genuine. He understands the miscommunications that happened and has empathy for process the applicants went through.

Brad moved to recommend approval to the City Council of the amendment of the City of Bonners Ferry's Comprehensive Plan, amending the Land Use Map for lands in the ownership of Eduardo and Janet Dos Ramos commonly known as 7584 Yakima Street which include incorporating an additional ±9.27 acres of land and designate those lands Residential on the official land use map finding that it is in accord with the requirements of Idaho Code § 67-6508 and the procedures of Idaho Code §67-6509. Sue seconded the motion. The motion carried with six voting yes and one abstaining.

Brad moved to recommend approval of the Annexation of 3.41 acres of land and the zoning of those lands to Residential A to the City Council, finding that it is in accordance with the goals and policies of the City of Bonners Ferry's Comprehensive Plan. And I further move to recommend adoption the conditions as provided within the staff report. Which will include an annexation agreement with specific stipulations that the City and the land owner need to agree upon. Lisa asked if Brad meant Condition #1 and Condition #2 as presented on page 13 and 14 of the staff report. Brad said yes. Brad

also directed staff to prepare the ordinance annexing said lands to amend the official zoning map in accordance with Idaho Code. Glenda seconded the motion. The motion carried with six voting yes and one abstaining.

Amendments to Title 11, Zoning Table was discussed. Lisa drew a picture showing how the current table can make it hard for someone to build on their property. Lisa is hoping that the Commission will think about the Zoning Table and provide recommendations. Andy asked if the reasoning behind the 50' set back is known, when there is already a 20' set back. Lisa said that she has not talked to anyone that knows that answer.

Andy moved to continue meeting the third Thursday of the month for the rest of the year, while not meeting in August and December. Glenda seconded the motion. The motion passed with all in favor.

Title 12 Subdivision changes were discussed. Lisa has proposed 12-18 called Remedies. Where the City will look to remedy illegal land divisions. Lisa made one correction to E. 3. "unplatted" will be removed and replaced with "any lot or parcel". Lisa said that the City will not issue a building permit if any portion of the ordinance has been violated. This is based on a recorded plat not a description that may come after the plat. Lisa will bring the draft forward in the next few months.

Sue moved to adjourn. Glenda seconded the motion. Motion passed with all in favor.

Chris Rawlings, Chairman

Attest: _____
Christine McNair, City Office Clerk