

Welcome to tonight's City Council meeting!

The elected officials of the City of Bonners Ferry are appreciative of an involved constituency. Testimony from the public is encouraged concerning issues when addressed under the Public Hearing portion of the agenda. Any individual who wishes may address the council on any issue, whether on the agenda or not, during the Public Comments period. Normal business will preclude public participation during the business portion of the meeting with the discretion left to the Mayor and Council. Special accommodations to see, hear, or participate in the public meeting should be made at City Hall within two days of the public meeting.

Vision Statement

Bonners Ferry, "The Friendliest City", strives to achieve balanced growth, builds on community strengths, respects natural resources, promotes excellence in Government, and values quality of life. We are a city that welcomes all people.

AGENDA
CITY COUNCIL MEETING
Bonners Ferry City Hall
7232 Main Street
267-3105
April 20, 2021
6:00 pm

Join video Zoom meeting: <https://zoom.us/j/17672764>

Meeting ID: 176727634

Join by phone: 253-215-8782

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Each speaker will be allowed a maximum of three minutes, unless repeat testimony is requested by the Mayor/Council

REPORTS

Police/Fire/City Administrator/City Engineer/Economic Development Coordinator/Urban Renewal District/SPOT/Golf

CONSENT AGENDA – {action item}

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the April 6, 2021 Council meeting minutes and the April 12, 2021 Special Council meeting minutes
4. Treasurer's report

OLD BUSINESS

NEW BUSINESS

5. **Electric** – Discuss authorizing the purchase of the power poles for Phase 2 of the Highway 95 project (attachment) {action item}
6. **Planning and Zoning** – Discuss projects regarding setbacks and accessory dwelling units (attachment) {action item}

ADJOURNMENT



MEMO

CITY OF BONNERS FERRY
OFFICE OF THE CITY ADMINISTRATOR

TO: Mayor and City Council
FROM: Lisa Ailport, City Administrator
DATE: April 15, 2021
RE: Admin Update

The following update is provided to the Mayor and Council for review and consideration.

City Flag-

Over the weekend of April 10th, the city flag tangled due to high winds we received. There were several dispatch calls as well as post on Facebook regarding the flag's entanglement. Initially it appeared the cord was wrapped around the pole at the top. The flagpole is around 100-feet tall. Given the height of the entanglement, we learned that none of our existing equipment was tall enough to investigate the entanglement. It was determined that a crane was likely necessary to hoist a staff employee to the top to fix the flag.

On Tuesday, April 13, the City Mechanic was able work the cord enough to dislodge the entanglement and retrieve the flag for assessment of damage. Seeing none, staff this was able to straighten out the cord and hoist the flag back up.

Special thanks are owed to the City Mechanic, the Police Chief and Councilman Alonzo who assist with the flag. We received great responses from the public regarding the flag being fixed.

This concludes my update.



MEMO

CITY OF BONNERS FERRY
CITY ENGINEER

Date: April 15, 2021
To: City Council
From: Mike Klaus, City Engineer
Subject: Highway 95 Phase 2 - Electric Infrastructure Relocation

The City has been working with ITD to coordinate the relocation of our utilities along highway 95 in preparation for the upcoming Phase 2 of the highway reconstruction. Attached with this memo is the Board Order from ITD directing the City to move its electrical infrastructure in two stages. The first stage is from Alderson lane to Eisenhower which is to be relocated prior to November 1, 2021. The second stage is from Eisenhower to Labrosse Hill Road which is to be relocated prior to August 27, 2022.

With this memo, I am requesting that Council approve staff to spend up to \$100,000 to begin moving poles. This amount is intended to cover the following:

- The poles for both stages.
- Cross-arms, wire, equipment, and other materials for the first stage.
- Labor for the first stage.

The City has been budgeting for this expense for various fiscal years, but the timing was not exactly known until this year. Now that the Board Order has been issued, I can provide Council with a better estimate of how these projects will affect the Electric budget for FY21 and FY22.

Please call me or email with any questions you may have for me.

Thank you,

Mike

BOARD ORDER
from the Idaho Transportation Board

Project No.: A019(916) Key No.: 19916
US-95, Labrosse Hill Street to Alderson Lane, Bonners Ferry
Boundary County, Idaho

Bonners Ferry Electric and Street Lights ("Company"), having been informed of the project and afforded an opportunity for a Utility Hearing via letter dated October 17, 2019, and having failed to request a Utility Hearing by the deadline of November 27, 2019 set forth in the letter, has waived its right to further written notice and opportunity for a hearing under the provisions of Section 40-312(3), Idaho Code.

The Idaho Transportation Department (ITD) finds:

Certain utility facilities owned by the Company are located within the construction limits of the proposed project. The construction of this project is neither feasible from an engineering nor traffic safety standpoint with the utility facilities in their present location. It is necessary that these utility facilities be removed, relocated, or adjusted as shown by the plans.

THEREFORE, IT IS HEREBY ORDERED:

1. Certain utility facilities owned by the Company be removed, relocated, or adjusted as shown by the plans.
2. The Company shall accomplish the work by relocating the utility facility prior to ITD's project construction. Work between Alderson and Eisenhower shall be relocated prior to November 1, 2021 and work between Eisenhower and Labrosse shall be complete by August 27, 2022.
3. The removal, relocation, or adjustment of these utility facilities shall be coordinated with the Resident Engineer. *The Company shall give the Resident Engineer at least forty-eight (48) hours advance notice of intention to start work or to resume work subsequent to suspension.* The Resident Engineer contact data is:
Justin Wuest, Resident Engineer
Idaho Transportation Department, District 1
600 W. Prairie Ave
Coeur d'Alene, ID 83815
Phone No: (208) 772-1223 Email: Justin.Wuest@itd.idaho.gov
4. The Company shall verify with the Resident Engineer, prior to using road right-of-way being acquired for this construction project, that the ITD has obtained right of access and construction activities are allowed on the property.
5. The Company shall coordinate with business owners to maintain access during regular business hours. Company may need to schedule work outside of regular business hours so as to not interfere with customer access.
6. The Company shall provide a Temporary Traffic Control Plan conforming to the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as adopted by the State. Work within the right-of-way is prohibited without an ITD approved Temporary Traffic Control Plan. The Company shall submit the Temporary Traffic Control Plan to the Resident Engineer and ITD's Contractor's Traffic Control Manager, allowing ten (10) working days for review.
7. The Company shall work with the Resident Engineer to obtain a Right-of-Way Encroachment Permit (form ITD-2110), which shall serve as confirmation of the relocated utility facility. No fee shall be charged for this "confirming permit."

IDAHO TRANSPORTATION BOARD

By: 
Dan McElhinney, Chief Operations Officer
(For the Board per Board Policy B-4029)

Dated this 14th day of April, 2021.



MEMO

To: Bonners Ferry Mayor, City Council, and City Administrator
From: Clare Marley, AICP, Contract Planner
Date: April 15, 2021

Re: **Planning & Zoning Commission work on zoning standards and housing**

Bonners Ferry Planning and Zoning Commission has been working for the past several months on two land use code projects involving standards and an opportunity for an additional housing element known as “Accessory Dwelling Unit” or ADU. Before preparing these topics for public hearings, the Commission would like to inform the City Council of their draft provisions and receive feedback on the proposed code amendments. All ordinance amendments would require final approval from City Council. Below are summaries of the two topics:

Accessory Dwelling Units (ADUs): Bonners Ferry received a Fair Housing Assessment in 2019 following the successful pool grant. The assessment pointed out impediments to affordable housing included a lack of Accessory Dwelling Unit options in the city land use codes. ADUs are smaller detached or attached housing units placed on the same lot or parcel as the primary dwelling without counting against density standards. Units are generally limited in size to reduce impacts to the neighborhood and municipal services. The Planning and Zoning Commission tackled this proposed housing option by reviewing model ADU codes and researching other communities’ ADU experiences. Planning also reviewed impacts to sewer and water services with the city engineer. The Planning Commission is proposing an amendment adding an ADU option in zones where residential uses are allowed, with the following standards:

- Maximum size 800 square feet or 40% of primary home, whichever is less;
- Minimum size 400 square feet (to ensure quality, durable housing stock);
- Maximum 2 bedrooms;
- One additional off-street parking spot;
- Limited to one ADU per lot/parcel;
- Required to confirm availability of city services. The land use code does not address sewer/water hookup fees and other service line requirements. The city engineer has recommended the ADUs be assessed full hookup fees to ensure fairness with other housing developments, such as apartments.

Standards: In response to citizen and city staff input on setback standards and the challenges to meet certain yard setbacks on smaller lots, the Planning and Zoning Commission examined numerous like-sized community standards and proposed the following:

- Changing the current residential 10-foot side yard interior setback to allow “combined” interior side yard setback of 20 feet, with neither side less than 8 feet. (If one side is 8’, the other must be at least 12’ to equal a combined 20’; if one side is 9’, the other must be 11’, etc.) The purpose of allowing the combined setback standard would be to give some flexibility to new subdivision yard

layouts and to existing sites that might be challenged by slope or other restrictions, thereby avoiding a need for variances.

- Providing a requirement for a common/party wall agreement, to address issues that arose in the commercial area, where zero lot line setbacks are permitted.
- Allowing an administrative exception of up to 1 foot for setback standards, upon a showing of undue hardship. There have been several cases where additions and new construction were just inches from meeting a setback standard. The administrative exception could be used to address minor deviations, upon a showing of cause.
- Allowing eaves, gutters, bay windows or other above-ground features to project up to 2 feet into the required yards. Current code does not discount any such features.
- Establishing a 5-foot side yard interior setback for lots 50 feet or narrower, inclusive of eaves.
- Listing RV parks as a use requiring a special use permit in the commercial zone, where they are currently permitted outright, and adjusting some standards and prohibiting tiny homes on foundations in RV parks.
- Cleaning up vague yard (setback) definitions and fencing standards. Current code defines a fence as a structure, requiring standard setbacks. The draft would list fences as an exception to the structure definition.

Please advise of any suggested revisions or additions and any concerns Council may have.

TITLE: ACCESSORY DWELLING UNITS

DRAFT

**TITLE 11, ZONING REGULATIONS
Chapters 12, APPENDIX B, TABLE OF USES**

CHAPTER 12, DESIGN STANDARDS FOR SPECIFIC USES

11-12-1: PURPOSE:

The purpose of this chapter is to establish basic development standards consistent with the goals and policies of the Comprehensive Plan and to set specific conditions for various uses or areas within the City. The regulations set forth are adopted to serve, protect and promote the public health, safety and welfare and to preserve and enhance the aesthetic qualities of the City, while allowing for the orderly and efficient development of property in accordance with all State and Federal regulations. All design standards require the use is first provided for and allowed under appendix B, "Table Of Uses", of this title. (Ord. 564, 4-18-2017)

11-12-2: BULK STORAGE OF FLAMMABLE LIQUIDS AND GASES OR CORROSIVE MATERIALS, ABOVEGROUND AND FOR RESALE:

11-12-3: HOME OCCUPATIONS:

11-12-4: IN-HOME FAMILY DAYCARE:

11-12-5: WRECKING YARD, IMPOUND YARD AND JUNKYARD:

NEW 11-12-6: ACCESSORY DWELLING UNITS (ADUS):

- A. Purpose: To provide an additional, affordable housing option that meets changing family and community needs while keeping the character of the single-family developments by setting minimum and maximum standards.
- B. Defined: An accessory dwelling unit is a smaller, secondary dwelling on the same lot or parcel as the primary dwelling that is independently habitable and provides the basic requirements of a residential shelter, including heating, cooking, and sanitation.
- C. Eligibility: An accessory dwelling unit (ADU) is permitted in the zoning districts specified in Appendix B, Table of Uses.
- D. Number: One ADU is permitted per parcel or zone. Construction or placement may occur before, during, or after construction of the primary dwelling.
- E. Design: ADUs may be attached to the primary dwelling or detached, new construction or conversion of an existing structure and shall meet the following standards:
 - 1. Location on a lot or parcel of not less than five thousand (5,000) square feet.
 - 2. Maximum size of forty percent (40%) of the primary dwelling unit on the lot or parcel or eight hundred (800) square feet of livable floor space, whichever is less. Livable space shall include

areas for living, sleeping, eating or cooking, but exclude garages, decks, covered porches, and utility spaces.

3. A minimum livable floor space of not less than four hundred (400) square feet.
4. A maximum of two (2) bedrooms.
5. Provisions for minimum of one additional on-site parking space.
6. Approved building permit demonstrating construction or modification complies with applicable building and fire code.
7. Confirmation from respective agency or department that the existing utilities are adequate to accommodate the future ADU.
8. Occupancy and use shall be the same standards as those applied to primary dwelling unit.
9. Compliance with setback, height, and lot coverage of the respective zoning district.
10. Design consistent with the primary residence, including roof pitch, siding, color, materials, and windows is encouraged.

11-9-1: REGULATIONS:

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district use and area regulations appearing elsewhere in this act:

C. No existing single-family dwelling may be so converted if it contains less than ~~one thousand (1,000)~~ four hundred (400) square feet of livable floor area per individual household.

APPENDIX B TABLE OF USES

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

(P = Permitted uses; S = Special uses; [Blank] = Not allowed; * = Zoning permit required)

Any use as proposed in the table below shall also be required to follow any supplementary and standards regulations as provided for within this title and specifically where provided for at chapter 9 or 12 of this title.

Those uses not specifically provided for are therefore prohibited, unless in conformance with this title.

	Zoning Districts						
	AA	A	B	C	I	M	D
Residential use:							
Accessory structures	P	P	P	P	P	P	P
<u>Accessory dwelling units</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	
Animals, domestic livestock			P				
Dwelling, duplex (two-family)		P	P	P		P	P
Dwelling, multi-family				P			P
Dwelling, single-family	P	P	P	P		P	P

**TITLE: ZONING STANDARDS
SETBACKS, RV PARKS**

DRAFT

**Chapter 2
SCHEDULE OF BUILDING HEIGHT AND LOT AREA
REGULATIONS 11-2-4**

11-2-4: SCHEDULE OF BUILDING HEIGHT AND LOT AREA REGULATIONS:

Zoning District	Maximum Height ^{c,i,j}	Front Yard Setbacks	Rear Yard Setbacks ^f	Interior/ Side Yard Setbacks ^f	Corner Lot Yard Setbacks	Minimum Lot Area ^f	Minimum Lot Width ^{f,h}
AA	35 ft.	20 ft. ^{a,d,e,f,g}	10 ft.	10 ft. <u>Combined</u> 20 ft. ^{n, o}	20 ft. ^{a,d,e,f,g}	5,000 sq. ft.	50 ft.
A	35 ft.	20 ft. ^{a,d,e,f,g}	10 ft.	10 ft. <u>Combined</u> 20 ft. ^{n, o}	20 ft. ^{a,d,e,f,g}	5,000 sq. ft.	50 ft.
B	35 ft.	20 ft. ^{a,d,e,f,g}	10 ft.	10 ft. <u>Combined</u> 20 ft. ^{n, o}	20 ft. ^{a,d,e,f,g}	5,000 sq. ft.	50 ft.
C	35 ft.	See notes a, b, d, e, f, g	See note ^{b, m}	See note ^b	See notes a, b, d, e, f, g	5,000 sq. ft.	50 ft.
M	35 ft.	20 ft. ^{a,d,e,f,g}	10 ft.	10 ft.	20 ft. ^{a,d,e,f,g}	5,000 sq. ft.	50 ft.
I	35 ft.	See notes a, b, d, e, f, g	See note ^{b, m}	See note ^b	See notes a, b, d, e, f, g	5,000 sq. ft.	50 ft.
D	35 ft.	0 ft. ^{b,g,k}	0 ft. ^{b,g,k,m}	0 ft. ^{b,g,k}	0 ft. ^{b,g,k}	See note ^l	See note ^l

Notes/conditions:

All measurements are from the closest building line to the property line, except as provided at Section 11-9-1 A. The Administrator may grant an exception not to exceed one foot to any setback or height standard, upon a showing of undue hardship or extraordinary physical conditions of the property or structure.

- a. In addition to the setbacks listed in the official heights and area regulations table, the front and corner lot setbacks must also be a minimum of 20 feet from the edge of street(s) and ingress/egress easements.
- b. As per the adopted Building Code regulations for exterior wall location to property line.
- c. The stricter of the stated maximum height or the currently adopted Building Code.
- d. Additional 5 feet per story setback for apartments, condominiums or other residential multi-story structures.
- e. Front yard setbacks may be less than 20 feet, provided, that in each block in which 50 percent or more of the lots on the same side of the street have been built upon in conformity with a fairly even and determinable front building line of less than 20 feet from the property line, all buildings thereafter erected, established or rebuilt may be in conformity with said front building line as shown by 50 percent of the buildings erected on any such lots. In determining whether or not a front building line has been determined or established, the fair intent and purpose shall be considered and minor irregularities ignored and where any dispute arises in the determining of any such front building line, a determination shall be made by the City Council.
- f. Exception to schedule of building height and lot area regulations: Manufactured or mobile home parks shall meet the yard setbacks in the district in which the manufactured/mobile home park will be or is located. The minimum lot size and width shall be as indicated in the manufactured/mobile home park chapter.
- g. Federal highway setback; no building shall be placed or erected within a distance of 60 feet each side of the centerline of the street variously known as U.S. Highway 95, U.S. Highway 2 and South Main Street.
- h. The minimum lot width is the distance measured from property line to property line where the front building line of the structure will be placed. The minimum distance on the front property line along the curve on a cul-de-sac is 40 feet.
- i. Building height is measured from the highest point accessible to fire personnel.
- j. Building heights may exceed these values upon special approval from the City Council after consideration of fire safety.
- k. Buildings shall not project into or over a public right-of-way except for awnings, eaves, parapets, or signs where allowed in this title. No awning, eave or parapet shall be closer than 2 feet, measured in horizontal distance, to the curb and shall be at a minimum 8 feet above the adjacent or closest grade that the public utilize for walking, parking or other public uses.
- l. The size of the lot or lots shall be adequate to accommodate the use.
- m. A recorded common/party wall agreement addressing construction, maintenance, repair, and rights of access is required to be filed with the city for zero setback/shared wall construction.
- n. Combined side yard interior setback shall be 20 feet, with neither side less than 8 feet, except as otherwise provided.
- o. Side yard interior setbacks for lots or parcels fifty feet (50') or narrower shall be a minimum 5 feet, inclusive of eaves. Structure shall be designed and constructed to retain snowshed and stormwater runoff on site.

11-9-1: REGULATIONS:

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district use and area regulations appearing elsewhere in this act:

- A. Each part of a required yard shall be open to the sky, unobstructed by other buildings or structures, except for cornices, gutters, eaves, bay windows or other similar above-ground architectural projections, which shall not encroach more than two feet (2') into any required yard. The structure or building shall be constructed and maintained to contain stormwater and snow shed on site
- B. All single-family dwellings converted to multiple-family dwellings must conform to the following latest edition of the Building Code.
- C. No existing single-family dwelling may be so converted if it contains less than one thousand (1,000) square feet of livable floor area per individual household. (Ord. 564, 4-18-2017)

RECREATIONAL VEHICLE (RV) PARKS, TRAVEL TRAILER/MOTOR HOME PARKS OR COURTS

11-11-1: PURPOSE:

To provide the standards and requirements for the location, operation and accommodations for a park or court for the purpose of providing short term camping facilities. (Ord. 504, 1-8-2008)

11-11-2: APPLICATION/PARK PLAN:

The application/park plan shall contain the following:

- A. The extent and area used for camping purposes.
- B. The roadways and driveways, including the width and type of surface.
- C. The location of sites or units for RVs, motor homes or travel trailers.
- D. Location and number of service buildings, including facilities within.
- E. Method of sewage and trash disposal.
- F. Plan for water and electrical supply.
- G. Landscaping provisions. (Ord. 504, 1-8-2008)

11-11-3: SITE DEVELOPMENT:

- A. The park/court shall be adequately lighted from dusk to dawn, with lights that shall not obstruct the visibility of any oncoming traffic.
- B. Each space shall be provided with water, sewage, and electricity.
- C. Each ~~lot~~ RV stall shall contain a minimum of one thousand (1,000) square feet, shall be at least twenty feet (20') wide. There shall be a minimum of ten feet (10') of space between RVs/motor homes/trailers.
- D. Each ~~lot~~ RV stall shall have one extra parking space and shall be graveled, paved or provided with other means for a dust free surface.
- E. No greater number of RVs, travel trailers or motor homes shall be allowed in any park/court than the number of ~~lots~~ RV stalls permitted, based upon the standards of subsection 11-11-13 C. (Ord. 504, 1-8-2008)

11-11-4: SERVICE BUILDINGS AND ACCOMMODATIONS:

- A. Each park/court shall provide one or more service buildings, adequately equipped with electrical and plumbing facilities. Restroom facilities shall be provided.
- B. The service building shall be a permanent structure and meet requirements of the current building code. All service buildings shall provide proper lighting within the structure twenty four (24) hours a day. Each service building shall provide exterior lighting after dusk and before dawn.
- C. Each park/court shall provide trash disposal areas for each twenty (20) spaces. Disposal areas shall be fenced with a site obscuring fence, the height of which shall be a minimum four feet (4').

D. Landscaping shall be addressed in the park plan. (Ord. 504, 1-8-2008)

11-11-5: PROTECTION:

The park/court shall be subject to all the provisions of this title, other city ordinances and current fire codes. (Ord. 504, 1-8-2008)

11-11-6: RESTRICTIONS:

A. It shall be unlawful for any RV, motor home or travel trailer to be used as permanent living quarters.

B. Tiny homes on foundations, park model homes, as defined by Idaho Code (check), are prohibited.

APPENDIX A DEFINITIONS

FENCE: An enclosure or barrier, such as wooden posts and rails, masonry, stone, wire, iron, or other such common fencing materials used as a boundary or enclosure for privacy, protection, or confinement, but not including hedges, shrubs, trees, or other vegetation. Materials such as scrap or junk materials such as tires, vehicle parts, broken glass or similar materials, shall not be used for fence construction. [last sentence technically a regulation and not a definition]

STRUCTURE: Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, manufactured homes, walls, fences and billboards, but not including fences or walls used as fences not exceeding seven feet (7') in height, when measured from pre-development elevations.

YARD:

Front Property Line: The front property line shall be the front lot line as shown upon the official plat or legal description of the property in question less any access easements. Unless there is a road existing by prescriptive right in which case it is twenty five feet (25') from the centerline of the existing road.

Front Yard: Any open unoccupied space on the same lot with a building between the front building line of the building (exclusive of steps) and the front property line.

Rear Yard: An open unoccupied space on the same lot with a building between the rear building line of the structure and the rear line of the lot.

Side Yard: An open unoccupied space on the same lot with the building between the side building line of the structure and the side property line of the same lot.

Front Property Line: The front property line shall be the front lot line as shown upon the official plat or legal description of the property in question less any access easements. Unless there is a road existing by prescriptive right in which case it is twenty five feet (25') from the centerline of the existing road.

Corner Yard: An unoccupied space on a corner lot that is not the primary access point for the property.

Front Yard: An unoccupied space extending across the full width of a parcel or lot that abuts a street or access easement that is the primary access for the property. Property fronting on parallel streets shall be deemed to have two (2) front yards. Property on intersecting streets shall have one front yard determined by the primary access point and a corner lot yard.

Rear Yard: An open unoccupied space on the same lot or parcel as the structure that is most opposite the front yard. For triangular lots, the rear yard shall be measured from the apex of the triangle.

Side Yard: An open unoccupied space on the same lot or parcel as the structure that is generally perpendicular to the front and side yards. Any yard not defined as front or rear shall be considered a side yard.

APPENDIX B TABLE OF USES

Commercial use		AA	A	B	C	I	M	D
	Recreational vehicle park				<u>PS</u>	S		