

MINUTES
CITY PLANNING AND ZONING COMMISSION
Bonnors Ferry City Council Chambers
7232 Main St.
(208) 267-3105
October 21, 2021
5:15 pm

Vice Chair Andy Howe called the Planning and Zoning meeting for October 21, 2021 to order at 5:15 pm. Planning and Zoning Commissioners present were: Andy Howe, Glenda Poston, Sue Larson, Dave Gray and via zoom was Chris Rawlings. Also present were: Contract Planner Clare Marley, and Planning & Zoning Clerk Julie Fairchild

PUBLIC COMMENTS

No Public were present.

CONSENT AGENDA

1. Approval September 16, 2021, Minutes: **ACTION ITEM.**

Commissioner Glenda Poston suggested a minor change of the September 16, 2021 minutes on page 2 which states: The City and we routinely been telling people fences could be on the property line, that but we're working on a change so we would not be disobeying our law. The phrase should say: The City has been routinely telling people...instead of and "we routinely." Commissioner Glenda Poston moved to approve the minutes with that change made from September 16, 2021. Commissioner Sue Larson second the motion. The motion passed all in favor.

OLD BUSINESS

2. Pending projects:
 - a. Comprehensive plan update- **DISCUSSION**

Clare said The City Council received a recommendation from the selection committee and that recommendation was to choose SCJ Alliance. Clare said they are from Spokane, and they were one of two finalists. Clare said the next step is to work through a contract with them, so Lisa has begun that process. Aaron Qualls, the former City Planner from Sandpoint will be the lead in this project and will be the most direct contact but there will be 2 or 3 others who will be involved with the public interaction and performing the tasks of eventually preparing the document for hearing. Sue said it was nice because they are familiar with Boundary County and the City.

- b. Draft appeal Section 11-15-5, Bonnors Ferry City Code-
DISCUSSION/DIRECTION TO STAFF

Clare said there was a drafting mistake in our ordinance. Clare said typically the P & Z Commission doesn't have appeals because P & Z decisions are recommendations in almost all matters. Clare said Lisa usually signs administrative written decisions. Clare said people have the right to appeal to the elected officials and so this is a rewrite of procedures. Glenda asked if the 15 days and 30 days are calendar days and should they be defined. Clare replied the procedures act states they are calendar days unless otherwise stated and if you feel it strengthens it then it's not hard to change. Glenda said if it's a simple addition of a word. Clare said the way it's written is you must file within 15 days of the written decision, and you must file a written appeal with the City clerk along with the fees. Clare said, as drafted, a failure to file the

appeal in a timely manner with proper fees shall cause an automatic dismissal of the claim. Clare said the appeal must be properly filed, and the City schedules it for consideration, with council within 30 days and to allow sufficient time for meeting notice. Clare said a copy of the appeal needs to be given to the council and city staff. Clare said after that happens then the city schedules for a meeting to hear that appeal and the city shall notify the appellant in writing of the council's decision. Clare said the council has 3 choices which is they can reverse, modify, or affirm. As drafted, Clare said they can't grant a special privilege or provide an exception to the regulations of this title. Clare said once this happens then it is up to the applicant to address through Idaho Code to look at that if they don't agree with it if they don't agree with that administrative decision.

c. Subdivision ordinance update- **DISCUSSION/DIRECTION TO STAFF**

Clare said a condominium is an estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with a separate interest in real property, in an interest or interests in real property, or in any combination thereof. Dave asked if it would depend on the lay of the land. Clare replied that if the land is too small then they can't subdivide it into separate lots. Clare said the condominium act says it requires a description of the unit, they need to know the percentage of ownership, so the appraiser knows how to divide it and the treasurer knows how to bill it. Clare said they must file a declaration to condominiumize. Clare said the common area and limited common area needs to be shown and defined and they need to have the diagrammatic floor plans and they need to have bylaws. Clare said one of the questions is timing of condominium plats. Clare said state law says that that you can file a condominium plat that are already existing or ones that are to be built. Clare said she would favor allowing a condo plat after a building permit is filed, but even doing a building permit doesn't guarantee that placement of the building on the ground will match the plat. Andy said concrete sounds reasonable to him. Glenda said she's seen different projects never completed. Andy asked how it will affect an existing structure if they want to convert into a condo. Clare replied since its already a built building then they already have the foundation, they would need it surveyed on the ground to 2 survey points and their diagrammatic floor plans must be filed with the plat. Clare said our current City code for a condominium is an apartment house, office building, or other multiple-unit complex, which they have a recorded deed, the right to sell, mortgage or lease a unit but it doesn't say it's a recorded document or filed with a recorder or exists through the Idaho condominium act. Clare said so that needs to be tuned up and need to put that in the subdivision ordinance. Clare said state law says we need to treat condominiums as we would any other plat. Clare said her suggestions in condo platting is to amend city code to match state definition as closely as we can and provide for process and timing. Clare said to advise the developer to either meet state law or choose to allow administrative review of it. Clare suggested restricting to buildings under construction and not future buildings. Clare said our code doesn't talk about boundary line adjustments and whether they must file anything or have anything reviewed. Clare said in Boundary County if it's a new lot then it gets a new number and if it's an adjusted lot then the number gets a letter A after it. Clare said Boundary County requires all unplatted lots to go through a process to verify they meet the minimum acreage. Clare said our options are first do nothing or require review of property line adjustments for both platted and unplatted.

Clare said our ordinance doesn't say anything about building across property lines, but we've allowed it. Clare said the current process of permitting is a lot combination agreement form, which basically says we're aware that we're building across the specific property lines and then they record that document so that if and when it's sold, there's awareness that they built across property line. Clare presented from another city's regulation, which allows buildings constructed across parcel boundary lines, provided legal and contiguous parcels of record are owned by the

same property owners, building that have been developed across property lines shall merge the properties into one parcel for the determination of zoning standards. Clare said that instead of saying “have been” developed, that we need to say ones that are being developed. Clare said if someone comes in for a building permit across multiple lots, we’ll be able to count them as one.

UPDATES & ANNOUNCEMENTS

3. Schedule Updates & Announcements-DISCUSSION/DIRECTION TO STAFF

Clare said the City thought they were successful in their first parklet project so they would like to make that permanent. Clare said we City would need to amend our zoning code to allow for that. Clare said while the current pilot project set firm dates for removal of parklets to allow for street snow plowing and after spring thaw is over, the suggested draft would allow for some flexibility as weather permits. Sue asked if Under The Sun was happy with their parklet. Clare replied she gathered that they were, and it gave them a bit more room. Dave said at Tuesday’s council meeting that they really like the parklet. Sue asked if other businesses are interested in having one. Clare replied that last year three other businesses were interested but one of the worries was if they invest in outdoor furniture and the parklet doesn’t stay then they didn’t want to be stuck with the investments they cannot use.

- a. Pending files, special use permits
- b. Pending agenda for November
- c. Draft 2022 calendar
- d. Council, Commission, and staff announcements

Commissioner Gray moved to adjourn the meeting. Commissioner Larson seconded the motion. The motion passed all in favor. The meeting adjourned at 6:05.