

MINUTES
CITY PLANNING AND ZONING COMMISSION
Bonnors Ferry City Council Chambers
7232 Main St.
(208) 267-3105
November 16, 2023
5:15 pm

Chair Andy Howe called the Planning and Zoning Commission meeting for November 16, 2023, to order at 5:15 pm. Planning and Zoning Commissioners present were Chair Howe, Chris Rawlings, Dave Gray, Sue Larson, and Darci Price. Also, present were Contract Planner Clare Marley and City Clerk Stephanie Lewandowski.

Present from the public were Dottie Gray, Larry Bighouse, Tim Gorshe, Judy Gorshe, and David Vandevort.

CONSENT AGENDA

1. Approval of October 19th, 2023, Minutes: **ACTION ITEM.**
Commissioner Dave Gray moved to approve the minutes of October 19, 2023.
Commissioner Chris Rawlings seconded the motion. The motion passed all in favor.
2. Approval of 2024 P&Z calendar: **ACTION ITEM**
Commissioner Chris Rawlings moved to approve the 2024 P&Z calendar.
Commissioner Darci Price seconded the motion. The motion passed all in favor.
3. **NEW BUSINESS: PUBLIC HEARING: Files #SUP012-23 & #S03-23 PLANNED UNIT DEVELOPMENT & PRELIMINARY PLAT: ACTION/RECOMMENDATION.** Graubart-Gorshe Trust, Timothy Gorshe & Judith Graubart-Gorshe are requesting approval for a residential mixed housing planned unit development and preliminary plat to create five residential lots and private open space. The proposed Judy's Subdivision on 2.18 acres is zoned Residential B and is located at and adjacent to 6613 Alderson Lane. The applicants propose to develop the five lots with one- and two-story duplexes on lots of about one-third acre each. They are seeking variations to development standards to allow reduced setbacks and a restricted access road. The property is located in Section 34, Township 62 North, Range 1 East, B.M.

Chair Howe reviewed the public hearing. The public hearing started at 5:21 p.m.

Clare Marley shared a summary of the staff report. She explained that this is a request for a residential planned unit development that seeks to create five duplex lots and open space. The planning commission makes a recommendation on this file, which then goes to the council for a final decision.

This lot is located on Alderson Lane. The closest address is 6613 Alderson Lane. There is currently one home on the property and the rest is proposed for the development of the duplexes, access roads and open space. This is in Residential B. The area is surrounded by A, AA, and Commercial zones.

This is a planned unit development; therefore, a master plan was required to be created. The master plan is a showing of what the future housing units are going to be. The PUD amenity is shown to be a 22,000 square foot open area proposed to be a parkland. Clare shared several photos of the property.

Clare explained that certain allowances to standards can be requested. In this case, they are asking for private road setback variations to interior lots for future duplexes. Clare pointed out that in the review of the master plan, lots besides 1 and 3 may need a variation of standard. Because the measuring is done to easements and not to property lines, the property line on Unit 2 might also need an allowance.

The PUD also cannot deviate from the overall density. They can have smaller lots in the subdivision than what the zone allows but overall density must meet the density of the zone. They had to meet at least a 5,000 square foot minimum over the entire 2.1 acres.

The amenities that were chosen are the open space parkland. They proposed a park bench and a connection to the city sidewalk system. These are shown as conditions of approval and are included in the master plan.

The south end of the property is hilly and provides some buffer to the adjoining property. The parkland is the buffer to the south, she said.

After this hearing, and after approval by the council, there is a certain amount of time for the owner to complete the conditions of approval. Then there is a final plat that comes back to the council but does not go back to a hearing, Ms. Marley explained.

The agency comments are located on pages 4 and 5 of the staff report.

The City Administrator provided written comment about the ability to extend the new city road, located to the north of the property, and that it be built to city standards. Also, there is some clarification necessary on the T design with easterly extensions to the boundary line.

Commissioner Gray expressed concerns about traffic coming off the Paradise Valley Hill and further clarification was provided about where the traffic would be entering Alderson Lane. A traffic study was not required based on the size of the project.

The City Engineer advised in writing that he initially looked at some street designs and sewer/water infrastructure and noted that those need to be included in the development agreement. The City Engineer also commented that DEQ approval must be obtained for sewer/water and stormwater systems that need to be developed and must retain run-off on site. The conditions also state that the roads need to be paved. Also, the developer must complete the public access road to the north.

DEQ provided two written comments: The first one stated that requirements for water and sewer improvements must be completed before construction. The second comment went into greater detail with recommendations that the city owns and maintains the water and wastewater lines in public easements in case something needs to be addressed.

There was no written public comment.

The conditions are listed on page 9-11 of the staff report. They state that the future plan must be in substantial compliance with what is approved by the city. They also state that the development agrees to address the master plan, construction, warranties, variations to standards, stormwater, street construction, maintenance of private streets and amenities, fire protection, plans and inspections of infrastructure, homeowner formation and duties, open space and final plat dedications and correction. There will be no construction without city engineer approval.

Chair Howe asked if there were any conflicts of interest amongst the commissioners for this hearing. None were declared. He also asked if anyone needed any special assistance to see or hear this hearing.

There were no questions for Clare after her presentation.

Larry Bighouse, the builder for the subdivision, spoke next. He thanked Clare for explaining the project so well. Larry further explained that the access road for the subdivision is at the north end of the property as far from the intersection as possible.

Clare explained that Mr. Bighouse had an exhibit he would like to submit and asked Larry to speak to it. Mr. Bighouse explained that his exhibit is the sewer plan for the subdivision. Clare marked it as Exhibit A and explained that it is being entered as the water supply plan, sewer main plan and profile and site plan.

Mr. Bighouse explained the sewer plan and how the houses will be connected to the new manhole.

Chair Howe asked for clarification on the setback concerns on Lot 2 with the way the roads are laid out. He also had further questions about how the roads are laid to the easement.

Clare explained that Lot 2 has a measurement of 13 feet and the current city law requires a setback of 20 feet for a front yard. She wanted to stress that a setback variation should be included for that lot. Clare explained that interior lots can have an allowance for a variation if they are inside a PUD, but it should be addressed at the hearing.

Chair Howe asked for clarification on the interior road that extends east to west, wanting assurance that it will not connect with Alderson Lane. Mr. Bighouse explained that will be a dead end in both directions and is mostly for access for fire vehicles and for the tenants.

Commissioner Rawlings stated that this type of situation is why the code was written the way it was. If the developer and the owner agree that the setback is agreeable, a variation can be put in place. In this situation, the street separates Lot 2 and Lot 4. He believes that this is why we the city has a variance written into the city plan.

Commissioner Price asked if there is sufficient parking for the subdivision. Mr. Bighouse explained the traffic pattern for the subdivision and explained that there will be plenty of parking for each lot. Dave Gray explained that the duplex near his house has broken down cars all the time and that the city will not do anything about it, and he wanted to know how they plan to deal with that. Larry explained that there will be association rules put in place. They are building nice homes, and they want to keep them that way so the association will help to ensure that.

Commissioner Price encouraged them to put sufficient CCR's in place to ensure that the association rules can be enforced.

Chair Howe asked Clare about the variances for Lots 1 and 3. The builder has asked for those variances already and Lot 2 should be added. Clare stated that draft condition 4f in the Staff Report states, "Note approved variations to standards for affected lots."

Clare left that open unless the builder said if it were more than Lots 1 and 3. Clare suggested that the setback variations should be per the master plan, and they could not go less than that. That would capture everything with variations.

Clare stated that the question proposed by the City Engineer and City Administrator was about the T-road that goes east and west and why it is not shorter with a turnaround area. They want to know if eventually there will be through traffic there. Larry Bighouse explained that there will never be through traffic there. Clare suggested adding a fire turnaround and not extending the road to the edges of the property. Clare further explained that the conditions of approval say that a fire turnaround is required to the fire chief's standards. Larry stated that they would follow the city's standard.

Clare stated that condition 5e states "construct fire code turnarounds, pursuant to Section 12-6-6."

Commissioner Price asked if the development would include landscaping and green space and sidewalks. Larry stated that there will be grassy open spaces and that each unit will be fenced for privacy. There will be a path with public access to the park.

Commissioner Price asked if there will be any lighting included in the subdivision. Larry explained that lighting was something they had not addressed. Commissioner Gray agreed that lighting should be addressed. Commissioner Price asked what the requirements would be. Commissioner Rawlings asked Clare what the standards are, and Clare stated that lighting was not addressed under subdivisions but may have been addressed under street standards. Larry explained that each house would have porch lights and that he is not a fan of streetlights shining in the bedroom at night.

Clare stated that city street standards do state that streetlights should be included at intersections built to the standards of the city electric department. Commissioner Rawlings asked if the private intersection is included in that. He also asked if the city would install streetlights on the new city street. He shared that if there was a streetlight on the city street intersection, it should be enough light to cover the subdivision. Mr. Rawlings also stated that there are no other streetlights along Alderson Lane. Larry Bighouse stated that the nearest streetlights are on Highway 95.

Chairman Howe asked Clare if she had anything else to share and she just noted that draft condition 4f regarding standards to variations would need to be amended to state, "as shown on the approved master plan."

Chair Howe opened the hearing to the applicant Tim Gorshe. Mr. Gorshe stated that he and his wife Judy have been in Bonners Ferry for about 25 years. They have history here and have watched it grow and change. He bought this property and tore down two drug houses. Their vision is to improve Bonners Ferry and to put in a nice subdivision for Bonners Ferry. They care about this community, and they want to see it prosper. Mr. Gorshe stated that he is a contractor and between Mr. Bighouse and him, they will be

doing most of the work themselves. Concerning lighting, he stated that he would like to install motion detector lighting on each unit rather than installing streetlights.

Chair Howe asked for public testimony in favor of the project, neutral and opposed to the project. There was no testimony.

Commissioner Price asked if the project would be done one unit at a time or if everything would go in at once. Tim Gorshe stated that the infrastructure will go in first and then their goal is to build the entire subdivision out in the next two years.

Clare stated that condition #2 states that they have two years to finish the project.

The public hearing closed at 6:17 p.m.

Commissioner Larson stated that this area is in desperate need of housing and this housing development would provide several new homes. Commissioner Price stated that she believes this PUD will be a benefit to this community and she thinks they are going about it the right way and meeting all the requirements.

Commissioner Rawlings stated that it is his feeling that this project will slow down the traffic coming off the Paradise Valley Hill because instead of a big open space there will be a development there. He acknowledges that new families living there will create more traffic, but he does not see it as a concern. Mr. Rawlings stated that he is not concerned about the lighting in the area with lighting happening organically from the school and the Mormon Church. He believes that all the requirements are being met and has no concerns. Chris says this is a good example of what the committee was hoping to do in Bonners Ferry.

Chair Howe shared that he appreciates people investing in the community. He does not see anything concerning but would like the lighting to be looked at some more. A streetlight on Alderson might be the answer. Other than that, he is hopeful that this project can be pushed through.

Commissioner Gray said the committee had done an excellent job of stating the benefits of the project and he agrees that this is an uptown project which will give people a decent place to live.

Commissioner Price moved to recommend to city council approval of File #SUP012-23 and #S03-23 for a residential mixed housing planned unit development and preliminary plat to create five residential lots and private open space finding that it IS in accord with the standards of Bonners Ferry City Code and the adopted comprehensive plan, as enumerated in the findings as presented in the staff report and based upon testimony received at the Commission Hearing. I further move to adopt the conditions of the approval as written with allowing for a variance as shown on the master plan.

Commissioner Rawlings seconded the motion. The motion passed unanimously on a voice vote.

4. 2024 ZONING AND SUBDIVISION CODE UPDATE: DISCUSSION/DIRECTION TO STAFF:

Clare shared that in the last meeting the agreement was to not put any zoning code discussion on the same night as a hearing because the energies would not be there.

Clare shared that the work that will be done for code update will be done by the Ruen-Yeager staff. Their intention is to be at the Planning and Zoning meeting in January with a good discussion on what direction the city is headed with zoning districts. The comp plan sets the policies and then the zoning code has to be re-written to enact the policies.

At the last meeting it was determined that the Commission would try to avoid a hearing night to have zoning code updates. So far this subdivision that was discussed tonight has another component with an additional section to the north that still needs to go to hearing. So far, they have not finished the paperwork. The P&Z discussed getting the comp plan sub-committee back together to run the zoning code update past them. As far as outreach, everyone agreed that the city would not go as hard as the city did before with the fair and farmer's market. There will still be some outreach going out to the public especially when discussing zone changes and the industrial and commercial changes.

Very roughly, Clare is planning to come back to P&Z in January with a tabletop discussion. Discussion will include names and boundaries for all the new areas created in the comp plan and what stays and what goes. This will be the first discussion. At the January meeting the commissioners can present what changes they want to see, and Ruen-Yeager will put together a rough draft and then come back in February with an early draft of that.

Later, there will be discussion on setbacks, lot combinations, zoning minimums, and lot size minimums. But the first step and big lifting is setting those zones and deciding what the uses will be within that.

Clare has outlined how the code will look. She wants to preserve all the things P&Z has worked so hard on like the parklets and the parking ordinance and the appeal process. Clare encouraged everyone to have their bucket list in front of them because of all the time spent talking about street trees, the lot combination and surveying requirements, and addressing building across property lines.

Clare shared that the pharmacy permit plans were approved today. Ruen-Yeager heard back from Main Street America, and the organization was excited to hear Bonners Ferry might be interested. Clare will need to address the council as far as paying for the \$300.00 fee.

On the next agenda, Clare has the chair and vice-chair elections, the code workshop, and the Main Street American update. The commission had no further announcements.

Commissioner Gray voted to adjourn the meeting at 6:34 pm. Commissioner Larson seconded the motion. The motion passed unanimously on a voice vote.