

MINUTES
CITY PLANNING AND ZONING COMMISSION
Bonnors Ferry City Council Chambers
7232 Main St.
(208) 267-3105
September 16, 2021
5:15 pm

Andy Howe called the Planning and Zoning meeting for September 16, 2021 to order at 5:15 pm. Planning and Zoning Commissioners present were: Andy Howe, Glenda Poston, Sue Larson, and Dave Gray. Also present were: Contract Planner Clare Marley, and Planning & Zoning Clerk Julie Fairchild

PUBLIC COMMENTS

No Public were present.

CONSENT AGENDA

1. Approval July 15, 2021, Minutes: **ACTION ITEM.**

Commissioner Glenda Poston moved to approve the minutes from July 15, 2021. Commissioner Sue Larson second the motion. The motion passed all in favor.

PUBLIC HEARING

2. **File #AM015-21 Amendment to Title 11, Zoning Regulations:**

The City of Bonnors Ferry has initiated an amendment to its land use regulations to: add a housing option and provide standards for accessory dwelling units(ADUs) adjust setback standards to allow eave projections; provide reduced setbacks for lots 50 feet wide or narrower; allow a 1 foot administrative setback exception; require common party wall agreements for shared wall construction; require special use permits for RV parks in the Commercial zone, where they are permitted outright currently; adjust RV park stall standards; and provide fence, structure, and yard definitions.

The Chair called for conflicts and declared is no apparent conflict of interest within the Commission. The Chair said there is no public present.

Clare said the setbacks can now be as little as 8 feet on one side and 12 feet on the other side if they equal out to 20 feet. Clare said there is a narrow lot relief to setbacks which allows them to be at least 5 feet from their side property line, but they can't include the eave discount; they cannot be closer than 5 feet to the eave. Clare said the new allowance for administrative hardship exception is up to one foot. Clare said Commissioner Poston caught an error in Paragraph "C" regarding conversion of single-family dwellings. The words "less than" should have been crossed out. This section currently gives confusing requirement about the converting single-family dwelling & minimum 1,000 square feet. Clare said that is changed to clarify this is conversion to multi-family and dwelling unit size now matches ADU minimum of 400 square feet. Clare said there was some issues early last year with RV standards, so City officials asked that we look into that as a change. Clare said the proposal is that this be listed as a special use permit for the commercial where it is currently permitted outright. Clare said the word "lot" is to be changed to "stall". Clare said the draft contains a new prohibition for tiny homes and park models on foundations otherwise you get a village that's developed into an RV park setting and

that's not what we're permitting. Clare said those are the three main points of the RV standard changes of 11-11-6.

Clare said the ADU option is affordable housing, and it was response to 2018 Fair Housing Assessment which pointed out that we didn't have a lot of affordable housing options, so this adds a new addition to our code. Clare said that it is limited to one per lot or parcel. She noted other standards, including the use is allowed in all zones except industrial and they are not required to match the main house because that would be too hard to police and too intrusive for the private desires. Clare said they can be attached or detached, and they must be on a lot that's at least 5,000 square feet and maximum size can't exceed 50 percent of the main home with the minimum square feet of 400 for a detached. Clare said they must meet minimum residential code sizing. Clare said the maximum of bedrooms is 2, one added parking space, and they must meet building permit and service connection approvals.

Clare said for yard setbacks, the front is based on the primary access point. Clare said the apex of a triangle shaped lot is the rear yard setback and that there will be 2 sides and one front. Clare said the side setbacks get determined because we know what front is and the rear is opposite of the front, so the sides are perpendicular.

Ms. Marley advised that a correction to the draft amendment needed to be made on page 1, row D to add note "m" to the interior/side yard setbacks for downtown.

Clare said the fence is defined as a structure and our ordinance says every structure has to meet the 20-foot front yard setback and the 10-foot side yard setback which means the fences had to be set back that far. The City has been routinely 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.

Clare said Accessory dwelling units are allowed in all zones, permitted by right except for industrial. Clare said Commercial uses that we changed Recreational vehicle park to a special use permit in the commercial zone where it was permitted outright and industrial it stays the same as a special use permit.

The Chair said since there is no public then they will move right into deliberation. Andy asked if there was any deliberation. Commissioner Larson said she didn't have any concerns. Commissioner Poston said they've been discussing this for a long time.

Commissioner Poston moved to recommend approval of File #AM015-21, amending Bonners Ferry City Code, Title 11, regarding Housing and Development Standards, as written (as amended) with the correction on page 1 and page 3,(as discussed) finding that it is in accord with the general and specifics 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 Larson second the motion. The motion passed all in favor.

OLD BUSINESS

3. Pending projects:

a. Comprehensive plan update: **DISCUSSION**

Clare said she is still waiting for the hospital sign project to come to hearing and we need to get a legal from them. Clare understands they're getting some legal help so they can get that to us. Clare said the comprehensive plan selection committee is ready to do interviews. Details are

considered confidential and as soon as we have an announcement, we'll get that to you and then work will begin.

- b. Correction to drafting error in appeal Section 11-15-5, Bonners Ferry City Code.
DISCUSSION/DIRECTION TO STAFF

Clare said the City code has a couple of flaws and needed to be fixed in the appeal section. Clare said any person aggrieved by a commission decision can appeal, respecting the interpretation of this act or any officer, department, board, or bureau of the City concerning the interpretation of this act. Clare noted that typically Commission decisions are recommendations that go on to Council. Clare said staff can make final decisions on building permits, lot line adjustments, interpretations of law and such and they must be appealable to an elected body. Clare said an appeal of an administrative decision must be taken to council. Clare said she needs to get with Lisa about whether it's called a hearing or a meeting. Clare said all sides should be able to explain to council. Commissioner Poston asked if something was issued and there was a complaint, do you notify the neighbors. Clare replied not typically. Clare said if council receives an appeal they can't go outside of their code and give a variance, they must go through a variance process.

- c. Subdivision ordinance update- Condo projects and lot line adjustments-
DISCUSSION/DIRECTION TO STAFF

Clare said a private individual property owner approach them to do a condo plat and Lisa had asked to add it to the ordinance and what it would take and how it would look. Clare said a project must be in accord with zoning before it becomes a condo plat. Clare said the meaning of a condo plat is where buildings are divided not land. Clare said the condominium act of Idaho says that it must be recorded in the county and contain a plat of the ground sits on, diagrammatic floor plans of the building, and a certificate consenting to the recordation of such documents also need to be recorded. The City needs to determine whether the condo plat is reviewed by the City or recorded following requirements of state law. Clare said the City could do a light review but not sure that is the way to go. Commissioner Poston asked if condos could ever become an apartment. Clare replied that state law provides for that. Clare said everybody must agree and surrender it. Andy asked if we didn't have a review process, could someone put a condominium in any zone that we have as long as they meet state code. Clare replied first we have to look at to see if it's allowed in that zone. Andy asked if the permit process the enforcement and who reviews it. Clare replied if they refer to the state then they would go right in to get it recorded.

UPDATES & ANNOUNCEMENTS

- 4. Schedule Updates & Announcements- **DISCUSSION/DIRECTION TO STAFF**
 - a. Pending files
 - b. Pending agendas for October
 - c. Council, Commission and staff announcements

Commissioner Poston moved to adjourn the meeting. Commissioner Larson seconded the motion. The motion passed all in favor. The meeting adjourned at 6:08.