MINUTES

CITY PLANNING AND ZONING COMMISSION

Bonners Ferry City Council Chambers

7232 Main St.

(208) 267-3105

Thursday, May 16th, 2024

5:15 pm

Chair Andy Howe called the Planning and Zoning Commission meeting for May 16, 2024, to order at 5:17 pm. Planning and Zoning Commissioners present were Chris Rawlings, Sue Larson, and Darci Price. Also, present were Contract Planners Clare Marley and Sam Stringer, and City Clerk Stephanie Lewandowski.

**CONSENT AGENDA**

1. Approval of April 18, 2024, Minutes: **ACTION ITEM.**

Commissioner Darci Price moved to approve the minutes of April 18, 2024. Commissioner Chris Rawlings seconded the motion. The motion passed all in favor.

**OLD BUSINESS**

1. 2024 Zoning Code: **DISCUSSION/DIRECTION TO STAFF:**
   1. Review of revisions to draft Appendix A use table.

Contract Planner Clare Marley shared that she talked to City Administrator Mike Klaus and a draft zoning map will be started, based on the comprehensive plan mapping.

After completing discussion of the Table of uses, The P&Z Commission suggested the following changes.

* Remove the specification of 10,000 square feet designation on Wholesale, Bakery and adding the wholesale definition. “Wholesale establishment: A place of business primarily engaged in selling and/or distributing merchandise to retailers or to industrial/commercial end users, or other wholesalers. This is not considered a general commercial or retail use.”
* Designate the differences between nursing homes, assisted living facilities and single-family dwellings, which include any group residence with eight or fewer unrelated persons.

A nursing home or "nursing facility” is a facility whose design and function shall provide area, space and equipment to meet the health needs of two or more individuals who, at a minimum, require inpatient care and services for twenty-four or more consecutive hours for unstable chronic health problems requiring daily professional nursing supervision and licensed nursing care on a twenty-four-hour basis, restorative, rehabilitative care, and assistance in meeting daily living needs. Permitted in Residential zones B, and AB with a Special Use Permit and in Medical, Downtown, Mixed and Commercial with a Site Plan Review.

The definition of an assisted living facility is an establishment that provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to age, physical or mental conditions, but who do not need the skilled nursing care of a nursing home. Permitted in Medical and Commercial zones outright, in the Downtown Zone with a site plan review and allowed in Residential B, Residential AB and Mixed with a Special Use Permit.

A group residence is a single-family dwelling which shall include any group residence in which eight or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age-related infirmity. This is permitted in all zones where residential is allowed, as a matter of law.

* Addition of food trucks under Accommodations & Food Services.
* Addition of Landscaping Materials under gardening centers.
* Addition of the definition of Adult Business as regulated by Idaho Code. “No person or entity shall own or operate any store, shop or business which sells or rents any materials defined as obscene materials in section 18-4101, Idaho Code, within twenty-five hundred feet of any school, church, or place of worship measured in a straight line to the nearest entrance to the nearest entrance to the premises.”
* Definitions added to the end of Appendix A:

Waterparks: A large, outdoor area with water features such as swimming pools, water slides, splash pads, wave pools, and other such water-based attractions.

Assisted Living Facility: (defined earlier)

Contractor Yard: Any land or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

1. 2024 Zoning Code Update: **DISCUSSION/DIRECTION TO STAFF:**
2. Zoning districts and density
3. Standards for multiple primary structures in residential, commercial, industrial & mixed zones
4. Current parking standards and draft updates
5. Setbacks and dimensional standards (time allowing)
6. Public outreach

Ms. Marley initiated discussion on density standards for the code update including how big parcels have to be and how many units can be on each parcel.

The City of Bonners Ferry’s ordinance does not talk about density but does have a minimum parcel size of five thousand square feet.

Density is the number of dwelling units permitted per net acre of land or the number of dwelling units per gross are devoted to residential development.

There are two ways to look at density. The first is net density, which is the total number of dwelling units per acre of land, excluding dedicated streets, sidewalks, parks, and open spaces. The second way of looking at density is gross density, which is calculated over the whole land area, including urban and non-urban land uses where people do not live.

Bonners Ferry’s comp plan refers to “net residential density” including ADU’s, so streets etc. will need to be subtracted out. The Bonners Ferry zoning code addresses density as a minimum lot area of 5,000 square feet for all zones except Downtown with a lot width minimum of 50 feet except Downtown. The code is silent on dwelling units/acre and the number of primary structures per parcel or per acre.

What needs to be addressed relative to density is:

* Minimum acreage per zoning district
* Number of acres required per dwelling unit.
* Number of principal structures permitted per parcel.

Residential (exceptions could be manufactured home park w/SUP or a PUD under one ownership)

Mixed

Commercial, Medical, Downtown

Industrial

* Multi-family, multi-unit standards for density
* Comp plan is guide for density.
* Single-family dwelling density will differ from multi-family, where permitted by zone.

The comp plan policy on density, per land use section, currently shows.

Residential Single-family (AA zone): Up to 10 units to acre; moderate to large-sized lots (10 to the acre is 4,356 square feet not counting the R-O-W)

Residential Low Density (B zone): Up to 10 units/acre, moderate-sized lots or 4,356 square feet

Residential Medium Density (AB zone): Up to 16 units/acre small to moderate-sized lots or 2,723 square feet

Masterplan Mixed Use (Mixed Use): No specified minimum acreage/lot size or density

Downtown, Medical and Commercial: No minimum lot size or density

General Commercial and Mixed Use: No minimums

Industrial and Public: No minimums

The way the comp plan is written, the residential zones all have up to a certain number of square feet but does not address minimal zoning for Mixed Use, Commercial, Medical, Downtown, or Industrial. For zones with multi-family, it will need to be decided how many units they can have per acre.

Ms. Marley suggested that the City approach defining density in these ways:

* List lot size minimum in each zoning district (for all newly created lots or parcel adjustments)
* Recognize lawfully created “grandfathered” lots and parcels (which can allow development but could be limited in density, such as only single-family might be allowed if lot is smaller than standard)
* Provide unit densities in each zone.
* Set number of units/per acre in residential zones where townhome, duplex, or apartments are allowed.
* Allow setbacks, parking, height maximums, street frontage, to dictate unit numbers in non-residential zones.
* Allow density increases through PUDs (already written) or in mixed use outright where special PUDs are created that benefit public amenities.

The commissioners had discussion on what minimum lot size should look like per zone. The consensus was that the existing minimum of 5,000 square foot lot size for new divisions of land is too small for low density and single-family neighborhoods. The suggested single family minimum lot size was 12,000 square feet (about ¼ acre) for newly created residential lots. For residential B, the suggested minimum for newly created lots is 8,000 square feet and 12,000 for duplexes.

The current code on “grandfathered” property states:

* Legal, Nonconforming Vacant Lot: Any vacant lot, that was legal under the act which was of record at the time of its creation, that does not meet the requirements of this act for yards, courts or other area of open space, may be utilized for single residence purpose, provided, the requirements for such yard or court or lot area, width, depth or open space are within seventy five percent of that required by this act.

Ms. Marley suggested the following amendments:

* Change the word lot to lot or parcel.
* Should not be limited to residence only; commercial zones could be affected.
* Should allow development as long as can meet setback, coverage standards.
* Could set minimum lot/parcel size in residential zones where duplex, multi-family allowed.

Commissioner Larson asked what would happen in a situation where someone had a non-conforming home, and it burns down. Are they then allowed to rebuild the same home? Ms. Marley explained that in the code there is an allowance for that. The requirement is that the home is rebuilt within a year and so long as it does not increase the nonconformity.

The comp plan indicates that ADU’s are included in density count so residential zones should account for this potential added density. The current code says:

* One ADU per lot/parcel
* Lot or parcel must be at least 5,000 square feet.
* Fifty percent of primary house square footage or eight hundred square feet, whichever is less.
* The minimum livable space is four hundred square feet if detached.

Ms. Marley shared that City Administrator Mike Klaus will be attending the June P&Z meeting. It is important to get him in on discussions concerning infrastructure. A couple of sessions ago Mike informed Ms. Marley and Mr. Stringer that there were about 328 sewer hook-ups available and even less water hook-ups and that is definitely something that needs to be considered.

Ms. Marley explained that there had recently been a parking update which stated:

* No requirement for off-street parking for the Downtown zone for commercial uses; required residential to provide 50% of residential parking standards (1 for each dwelling rather than 2 studio is 50% of 1.5 spaces)
* Reduced total parking requirements by discounting halls, utility areas, storage, restrooms, and other such non-public areas from the total floor area calculation.
* Updated parking agreement to allow administrative consideration.
* Revised table of parking requirements.

There was previous testimony from Eric Pipitone and a previous recommendation from David Sims who requested the minimum parking requirements for residential uses in the downtown zone be eliminated. P&Z needs to have a discussion on what that would do to downtown businesses and where residents will park. Does the City involve downtown businesses in this discussion? The city street department should also be included in this discussion.

Ms. Marley stated that the group will address setbacks at the next meeting. Also, to move forward on street trees, there will need to be some standards set in place. Andy Bliss, the new city engineer, is writing a hillside code and it will dovetail into a stormwater code. If those are separately adopted, references should be provided in the zoning code.

Ms. Marley would also like to discuss how to reach the public and get some public notices out. The Chamber of Commerce might be a good way to reach the downtown businesses, the Commission suggested.

Commissioner Sue Larson moved to adjourn the meeting at 6:38 pm. Commissioner Darci Price seconded the motion. The motion passed all in favor.