

**MINUTES OF THE PLANNING AND ZONING COMMISSION
FOR THE CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO**

December 14, 2020

**Workshop: 5:30 PM
Council Chambers**

Hayden City Hall, 8930 N. Government Way, Hayden, ID 83835

CALL TO ORDER

Chair Petersen called the meeting to order at 5:30pm.

ROLL CALL OF COMMISSION MEMBERS

Chair Brian Petersen	Present
Vice-Chair Alan Davis	Present
Commissioner Benjamin Prickett	Present
Commissioner Shawn Taylor	Absent
Commissioner Mary Howard	Present
Commissioner Brandon Bemis	Present
Commissioner Corey Anderson	Present

STAFF IN ATTENDANCE

Donna Phillips, Senior Planner
Shannon Drappo, Commission Clerk

FLAG SALUTE

The flag salute was led by Commissioner Prickett.

CALL FOR CONFLICTS OF INTEREST

Chair Petersen asked the Commissioners if there were any conflicts of interest with any of the items on the agenda. None were stated by any of the Commissioners.

CONSENT CALENDAR

There were no items on the Consent Calendar.

PUBLIC HEARING

There were no public hearings.

NEW BUSINESS

There was no new business.

CONTINUING BUSINESS

There was no continuing business.

REVIEW OF UPCOMING MEETING CALENDER AND REPORT ON COUNCIL ACTIONS

WORKSHOP

Title 11 – Mixed Use Zone

Donna Phillips, Senior Planner led the workshop. She mentioned the Land Use chart was shortened based on the details from the last meeting. She asked the Commission if there were any other questions to address on the Land Use chart. Commissioner Mary Howard brought up Group Living, Community Residential and Treatment Facilities and why it would not be conditional use. Ms. Phillips clarified this type of facility usually requires a larger size building, where in Mixed Residential, because they are smaller lots, it may not fit well there. Commissioner Howard then asked about mortuaries being conditional in Mixed Use and R-1, but not in MR. Ms. Phillips mentioned that was for the same reason as the prior question. Commissioner Howard asked about Agricultural Uses in Commercial - Bakery, Wholesale, and why it was not mentioned in Light Industrial. Ms. Phillips stated that as a result of the dairy and farm products conversation, she left it out as a separate line item since it falls under the category of the others. Commissioner Howard then asked about Recreation & Entertainment – Indoor Firing Range. She believed it should be in LI. Commissioner Prickett agreed that placing it under Conditional for LI would be appropriate. Commissioner Anderson asked if there was a demand for that type of business, and if Hayden currently has one. Chair Petersen stated he would vote to have it Conditional due to parking if, for example, they held a contest of any sort for 200 or more people. Vice-Chair Davis also mentioned it would be wise to have that as Conditional to be sure that type of business is appropriate for surrounding businesses. Ms. Phillips asked the Commission if they looked at all land uses across the chart, or just those in the MU zone. A comment was made that all land uses have been reviewed. Vice-Chair Davis asked why an auction was listed as conditional in Agricultural. Commissioner Prickett made the comment that it was geared more towards stockyard sales of auctioning off animals. Ms. Phillips stated she would change the definition to reflect that. Commissioner Howard asked about Sexually Oriented Businesses and if we have any safety net in that category. Ms. Phillips stated she would like to defer this topic to Caitlin Kling, City Attorney, and Melissa Cleveland, Community Development Director, as there are many First Amendment laws that deal with that, as well as an entire chapter in City Code. Ms. Phillips went on to state that in the Comprehensive Plan, it has a Recreational Use area. Does the Commission wish to designate park areas with its own design standards, or have those as a use area when people have parks? Chair Petersen asked if there was a benefit to having a zone like that. Ms. Phillips stated she does not know of any, as those areas are already being used for those reasons. There were no other comments with that piece of the workshop.

Sign Code was the next topic covered. Ms. Phillips asked the Commission if they want the same signage as the current allowed signs code, with Mixed Residential taking the place of Residential Multi-Family. She referenced a chart showing the allowed signs in each zone. Chair Petersen asked about “Civic Use.” Ms. Phillips stated it is not currently defined in Code, so will need to be something to define in the coming Code changes. Chair Petersen then commented that he would need to know more about Civic Use before making any recommendations on allowing in Residential Zones. Ms. Phillips agreed and then moved to Commercial, which allows all sign types, with the exception of Mural & Roof signs. She would like the Commission’s opinion on if they would like to see these sign types in Mixed Use, or follow the Residential uses. Commissioner Howard asked if there is any difference in a lit or dark sign. Ms. Phillips indicated there is no difference, but there are regulations on what can be in a Residential. Commissioner Prickett was of the opinion of not allowing freestanding signs in MR due to aesthetics because the Residential should have the pull in signs. There was conversation regarding the freestanding signs in the Mixed Use. Ms. Phillips said she will send a flyer with the types of signage so there is a good understanding of how these signs fit in Mixed Residential and in Mixed Use areas that can be Commercial or Multi-Family – or both.

Ms. Phillips introduced Mixed Use business parks, which was next for discussion. The intent was for Light Industrial uses to be able to be developed in Commercial property that were more like Commercial businesses. Self-storage and offices, mechanics, light assembly, with a minimum of two choices for the parcel. The requirement was to have a type II landscape buffer around the entire property, and to maintain the two uses. This has not been well utilized and there are many complaints about the landscape buffer requirement. In looking at the existing code it shows up to ten percent of the land area allowed for use of something other than the underlying zone. It requires a 25’ structure setback and requires a dedication of ten percent to open space. Ms. Phillips stated she has worked on some proposed changes with Rob Wright, City Engineer. Those include proposing a Type 2 landscape buffer up to some percentage of uses not allowed in underlying zone and the city

will weigh in on location of non-conforming use to ensure compatibility with neighboring parcels. The 25' perimeter setback would only occur where it abuts up to residential zone. Another proposal is that the PUD requires areas to create a campus feel with art, walkability and aesthetics. Ms. Phillips showed an example of self-storage and offices that had come to the City. One office for the storage business and the other two were accounting businesses. The type 2 landscape buffer was disagreed upon with the developer, because it would not buffer anything with Light Industrial all around. The structures are also 10' from each property line, so planting trees would not suffice. Mr. Wright's thoughts on applying a PUD to that development, is they would need to meet minimum setbacks for LI around the back and sides, have art requirements or perhaps a picnic area for employees. There would be many options for the front of the property. The question at hand is should the City delete the Mixed Use Business Park Code from Title 11 and change the PUD standards for non-residential PUDs, to allow for flexibility in the PUD Codes? Is that mix of uses okay during the PUD process? Commissioner Prickett asked about landscape buffers and why it is still in the proposed Code. Ms. Phillips commented that the buffer would only be for commercial uses abutting residential. Chair Petersen believed deleting MU Business Parks from the Code and exchanging it with the proposed seems appropriate. He is not certain the areas to create campus feel is something that can be agreed upon unless it is more tangible and objective. What the City thinks and what the developer thinks will always be two different things. Ms. Phillips stated part of the PUD process is subjective because the developers are looking for exceptions. Commissioner Howard believed the changes need to be as measurable as possible because the PZC is responsible for hearing the PUD cases. Commissioner Prickett asked where in the City we would see this type of PUD. Ms. Phillips mentioned the Commercial corridor between Hwy 95 & Government Way is a good fit. There are several trying to decide how to develop their land. There are other pockets as well, and because there is such a housing boom, many people are looking for self-storage. That is why the city was taking the uses out and requiring them to propose the uses, whereas in the MUBP, all they saw were storage units. The current developers have been asking about the percentages of space that needs to be put aside. Commissioner Howard understands the developers not wanting to have the buffer, but at the same time, we do not want a sea of concrete, and would like it to be more of an aesthetically pleasing. Commissioner Prickett mentioned he is against self-storage due to job creation, worst use of land on all points, etc., but he was curious as to why the City has not received more applications for these Storage Parks. Ms. Phillips went on to discuss the benefits of a PUD. Conditional Use Permits being one of them and another is Density Bonuses. In today's code, Density bonuses are given for the following:

- A. Landscaping and Common design features, in excess of the minimum – 10%
- B. Design feature beyond those required in code – 5%
- C. House that addresses special needs populations - 10%
- D. Workforce housing – 20%
- E. Significant Recreation Area Improvements – 5%

People can only get up to a 20% combined density bonus. Workforce housing is very hard to obtain, maintain for the long term. In our world in North Idaho, it has become apparent that population of Retirees with special needs is important. Ms. Phillips would like the Commission to consider making them all worth 10%, to be able to combine two for the 20% bonus. Chair Petersen's opinion was that there are more of these important to city of Hayden than others. Workforce housing is important and again, there is the missing middle, so having that be the bigger incentive for the workforce housing seems like a better option. Commissioner Howard asked how significant a design feature would need to be to receive that bonus, and that each of them need to be defined and specific so we have a good starting point. Vice-Chair Davis asked how many developers actually look at these. He does not recall having many in front of the Commission, and would like to know how much the City sees. Ms. Phillips replied that these only occur with PUDs. She has seen requests for Landscaping and Workforce Housing. She has not seen special needs come through the door. Vice-Chair Davis then asked what we are buying ourselves with these bonuses. They sound great on paper, but how much of this are we holding on to just because it is Code? Commissioner Howard inquired if developers are getting around the densities in different way. Ms. Phillips gave the examples of Hayden North, Hayden Canyon, and Honeysuckle Glade PUDs. Ms. Phillips clarified Workforce Housing by reading the City Code which applied. She then agreed with Commissioner Howard that this type of Density Bonus is difficult because the pricing of the home needs to be so much lower than others. Commissioner Prickett asked if the City is trying to incentivize developers, and if the City gets any sort of financial benefit from other governmental

agencies for these. Ms. Phillips commented we do not, but that density bonuses are common and people weight them according to the needs at that time. Commissioner Anderson addressed the special needs population in our area, stating that every builder in our area already have those things put in place. If they have something needed additionally, they may not spend the time just for that density bonus. In regards to Landscaping, in the Rocking R development, people wanted that extra space with design features, landscaping features, but they have the larger lots and are looking for those things. As for Workforce Housing, he agreed it is tough to meet. If a developer can put the time and energy in for that, it should be a better density bonus. He liked what is presented tonight. Chair Petersen asked if the Commission has recommendations for Ms. Phillips in regards to making all of the bonuses the same, or weighted. Commissioner Anderson recommended a weighted chart. The bonuses that take a builder more time and effort to meet should be given a higher percentage. Commissioner Bemis also recommended to keep it weighted and agreed with what Commissioner Anderson stated. Vice-Chair Davis stated he does not see the value of the concept at all and it should be removed. Commissioner Prickett agreed with Vice-Chair Davis, stating the City is forcing the free market to a certain degree. The market will dictate how this goes. His second choice is to keep it weighted. These bonuses should be for those in the smaller developments with smaller homes, not the larger ones like Rocking R. The builders should be incentivized financially. Commissioner Howard stated big builders do not need the density bonuses, but the smaller ones might take advantage. She opted to keep it weighted, but be sure to define them so they are clear. Chair Petersen added his opinion that he would like to keep the bonuses weighted. The consensus is the current bonuses do not seem to incentivize and asked if there is a better way to incentivize them. Ms. Phillips stated she would look into surrounding jurisdictions Density Bonuses and try to find something that would draw developers to those. She also agreed that Code requirements should be defined better as well. Ms. Phillips went on to discuss the Condominium Plat portion of Code. It has been in existence in a very long time and has only been applied once, which did not go well. The Condominium Plat with PUD is submitted in lieu of a Subdivision Plat, which is developed where the building envelopes will be. She gave the example of Honeysuckle Glade: this project worked well in the front end, they condo platted the building envelope, which works fine when you know what building you are putting in those lots. However, when the dip in the market came, the developer left with roads built, footings in, etc. for particular building slots. Now the new developer is left trying to figure out how to put homes on the plats that already exist. Each section now needs to be replatted into lots that will work for this development, with the HOA that has already bought in for a particular look and feel of the community. She is proposing to eliminate Condominium Plats in the PUD Code and have developers follow Condominium standards in the Subdivision Code rather than in the PUD Code. These can still run concurrently, but they would follow Subdivision Code. Condominium plats should be tied to the exterior boundaries of the foundations. Having developers plat before the building foundations are in the ground, should allow us to not run into this issue again. Chair Petersen clarified the proposal. In doing so, developers would not be able to condo plat until foundation is in the ground and ready, so the use will not change. The Commission was in agreement.

Ms. Phillips went on to comment on current lighting standards. She stated that the City would like to make sure design professionals and City staff are on the same page and that it is interpretable. Glare from lighting is the big concern. It is the number one complaint from citizens. The City is trying to find good standards to bring lighting down a bit. She has had good conversation with Avista Electric and Kootenai Electric about LED lights. In the past, we would use cutoff lights, so the light would shine down, but it is not resolving the glare issues. She also asked the Commission to drive around the City and surrounding jurisdictions to get a good feel of ground cover. We have been asked to not require live ground cover. The current Code requires it, not that it needs to be grass, but irrigated live ground cover is required. There has been a sizable request within the CBD, LI, and Commercial zones to allow river rock, mulch, etc. Ms. Phillips also asked for comments regarding buffer areas. When driving through surrounding cities, if a Commission member sees something that is aesthetically pleasing and would fit in Hayden, she asked for an address or parcel number.

Next meeting will be held Monday, January 4, 2021. We are down to one Public Hearing and she will also bring what was discussed tonight to that meeting.

Chair Petersen asked Ms. Phillips to re-cap a conversation they had after the last meeting, regarding Title 11. She stated Title 11 will be an entire restructure. Code will come together and to the Commission by the end of January to early February. Staff is working on creating a clean file with strikethroughs, comments, etc. removed. We will be repealing the Code as it exists today and adopting a new Title 11. The City up against time, but they are trying to make the hearing in front of PZC during the last meeting in February, in front of City Council the first meeting in March, and have the Code adopted by the end of March. Staff will also be working on sending a letter to each resident currently in one zone, who will change after the new Zone Map is adopted. Property owners will have the option to stay as the current zoning if they wish. We have many developers waiting for these changes so they can move forward with their projects.

Chair Petersen asked if there were any other comments to add from the Commission. There were none.

ADJOURNMENT

Chair Petersen adjourned the meeting at 6:44pm.


Shannon Drappo, Commission Clerk