

**MINUTES OF THE CITY COUNCIL MEETING  
FOR THE CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO**

**November 17, 2020**

**Joint Workshop with Planning and Zoning Commission: 3:30 PM**

**Special Meeting: 5:00 PM**

**Hayden City Hall, Council Chambers  
8930 N. Government Way, Hayden, ID 83835**

**CALL TO ORDER**

Mayor Griffiths called he the meeting to order at 3:30 PM

**ROLL CALL OF COUNCIL MEMBERS**

Council President Saterfiel and Council Members Panabaker, and DeLange were present. Council Member Roetter joined us at 3:40.

Planning and Zoning Commissioners Brian Peterson, Alan Davis, Corey Anderson, Mary Howard, Shawn Taylor, and Ben Prickett were present. Brandon Bemis joined the meeting at 4:00 PM.

**PLEDGE OF ALLEGIANCE**

Mayor Griffiths led the pledge of allegiance.

**1. WORKSHOP – Joint Workshop with Planning and Zoning Commission at 3:30 PM**

Title 11 Subdivision Code Amendments were presented by Senior Planner, Donna Phillips. Ms. Phillips explained that the Comprehensive Plan indicated housing prices have increased and housing is now a cost burden to many citizens in Hayden. We also found that Hayden is missing middle housing.

There are flaws in the code and perceptions.

- A Residential (R-1) zone in every other community means that one residence is allowed on each lot (R-1) or on larger lots that can meet lot coverage requirements a separate detached, and sometime attached, accessory dwelling unit is allowed.
- A Residential (R-1) zone is not a residential (R-2) zone as that allows for duplexes by special use permit. PZC has heard from many, many people that a “two-family” allowed use is not what they bought “next to” for their neighborhood community. It isn’t a “not in my back yard”, but an understanding of what R-1 means by definition.
- A Residential Multi-family zone gives the illusion that it is multi-family - but only truly multi-family if by Special Use Permit for a 5 dwelling unit or more. Additionally, each multi-family building must be on a separate lot, so a traditional apartment complex is not an allowed use in the Residential Multi-family zone.
- A Residential Multi-family zone does allow for single family through four family dwellings in a building structure with one building per lot, but it requires larger and larger lots based on the number of increasing dwellings per structure and it and requires 10% more open space than Residential (R-1) requires.
- A single family dwelling in the Commercial zone is considered non-conforming if constructed prior to 2002. Two-family and three-family dwellings are not identified in the Commercial Zone; however, residential uses in the upper floors and/or rear of the principal structure (not more than 25%) is an allowed use. Therefore, the application of the allowed residential uses in the Commercial zone for those structures with less than four dwelling units per structure is really hard to interpret.
- The multi-family allowed use in the Commercial zone by special use permit must meet the open space and setback requirements of the Residential Multi-family Zone, where a Commercial use can have a zero lot line construction if fire and building codes are met.

Ms. Phillips presented new visions for residential development:

**Residential Suburban** has a vision of the following:

Residential suburban land uses apply to one specific section of town that is far less dense than other developed portions in the city. These land use types represent very low densities of two units per acre or less, and homes sit on large parcels.

Purpose: The Residential –Suburban zone is a land use classification suitable for single-family dwelling units on larger lots and agricultural uses only.

Density: 2 units per acre

**Residential** has a vision of the following:

This land use type represents a classic Hayden neighborhood where single-family homes dominate and densities are low, typically ranging from three to four units per acre. Accessory dwelling units are permitted, but two-family dwellings and other types of “missing middle” housing are not.

Purpose: The Residential Zone is established to protect stable neighborhoods of single-family dwellings on smaller lots.

Density: 4 – 5 units per acre

**Change:** No two-family dwellings allowed by special use permit.

**Commercial** has a vision of the following:

Commercial land uses allow most types of businesses. Small retail businesses, service oriented businesses, and professional offices constitute the majority of commercial activity in the City. The Central Business District is an overlay zone within the commercial zone that has further restrictions on use and character as well as allows for specialized residential components.

Purpose: The Commercial Zone is a land use classification for a district suitable for wholesale and retail sales and service.

Density: 0 units per acre

**Change:** No residential (single family or multi-family) allowed outright or by Conditional Use Permit.

**Caretaker Residence:** A dwelling on a nonresidential property occupied by a person, and the immediate family of the person, who oversees or guards the operation.

Currently it's believed Caretaker Residences would only be used in conjunction with storage, are there other uses? This could be used for a Nursery or Sports Facility. Commissioner Howard asked that if allowed there be a requirement for off street parking. Ms. Phillips indicated that each dwelling unit will require two parking spaces.

**Central Business District** is an overlay district of the Commercial Zone.

Purpose: The Central Business district zone is intended to provide supplemental land use, development, and design standards that promote a pedestrian oriented mix of commercial uses, including small scale retail, restaurants, and professional services with residential uses intermixed, within the community center in support of a sustainable downtown business core.

**Mixed Residential** has a vision of the following:

Mixed Residential areas can accommodate a range of residential structures, including single family, two-family, and three family units as well as accessory dwelling units.

Purpose: The mixed residential zone is land use classification for a district suitable for a mix of residential dwelling types to include single -, two-, and three-family dwelling units.

Density: 6 to 8 dwelling units per acre

**Accessory Dwelling Unit (ADU)** are allowed only if lot coverage and setbacks can be met, in addition to other design standards.

Should ADU's over a garage have a Height Set back to avoid looking over neighbors?

Mayor Griffiths like the idea if it will work the way we want it to, he just doesn't want ADU's taller than the primary dwelling. Commissioner Taylor likes the idea of height setbacks.

**Townhomes** – Must meet the following as well:

1. Up to three dwelling units per building.
2. Zero lot line on middle unit.
3. Front and rear yard setbacks combined must be a minimum of 40' with a minimum setback at the garage of 25'; minimum front yard setback of 10', and 0' at rear adjacent to private alley. May be staggered per unit.
4. Condo/Townhome Plat up to three units on one lot.
5. Each unit must touch land (no second or third floor units, without part of the unit on the ground).
6. Cannot have more than one building on one lot.

Is three the right number for Townhomes, should we consider five units?

Council President Saterfiel has concerns with street parking if more than three units are allowed. Council Member Panabaker and Commissioner Ben Prickett both agree that three is the right amount.

**Cottage Court** – Must meet the following as well:

1. Individual lots or condo allowed
2. Up to five units allowed on one driveway (5 dwelling units/driveway)
3. Sheds prohibited.
4. 600 SF of common open space provided for each cottage home (setbacks are not included), may be combined area, and HOA maintains open space.
5. Front and rear yard setbacks combined must be a minimum of 40' with a minimum setback at the garage of 25' and a minimum front yard setback of 10'. May be staggered per unit.
6. Maximum lot size TBD

Council President Roger Saterfiel wondered if Tiny Homes would be a form of Cottage Ct. Ms. Phillips indicated that the Idaho Building Code (IBC) regulates a home by the size of the rooms and most Tiny Homes don't meet IBC standards. Our code does not define what constitutes a Tiny Home. We don't like the term Tiny Home as these homes can be small but meet the IBC Codes. Cottages are very popular in CDA Place.

**Mixed Use** has a vision of the following:

Mixed use areas allow for both residential multi-family (three or more units per structure) and commercial land use types, creating a flexible environment for development with fewer restrictions on structure types and densities.

Purpose: The Mixed Use zone is land use classification for a district suitable for a mix of residential multi-family of three or more units per structure and low impact service oriented commercial uses.

Density: No more 20 units per acre or for a non-residential or combined use, then no more than the equivalent sewer flow estimate of 20 units per acre.

The Mayor indicated he liked that Mixed Use defines commercial and residential.

Community Development Director Cleveland will send Council the Allowed Uses Chart and would like their feedback on the allowed uses in Mixed Use. Questions and comments should be sent to Ms. Cleveland by phone or email.

Mayor Griffiths thanked Ms. Phillips and Ms. Cleveland for the time, effort and detail required to put this together. Directionally this was superb.

City Administrator Boyer appreciates the forward thinking and information that was provided.

**2. UNFINISHED BUSINESS**

**A. ACTION ITEM Stone Creek North Subdivision – Continued Deliberations from October 27, 2020 City Council Meeting**

Mayor Griffiths recused himself from deliberations and turned over leadership of the meeting to Council President Saterfiel.

**DELIBERATIONS:**

Legal Counsel Kling reminded Council that they were resuming deliberations for the Stone Creek North Preliminary Plat. She also felt one area required clarification. The request by the Marks Development Property to have Right of Way dedicated ahead of Phase IV did not require the completion of the infrastructure just the dedication of Right of Way. Ms. Kling further stated our Code does not require the completion of infrastructure in any order just that the infrastructure is completed. The applicant is willing to dedicate right of way with the plating and only objected to the requirement that the infrastructure be completed in the first phase.

Council President Saterfiel confirmed that this meeting is a continuation of the deliberations and that no comments will be taken from the applicant or the public. He explained the meeting was tabled was to allow Council time to talk with staff for better understanding and to get questions answered.

Council Member Roetter appreciated the additional time and agrees that the approval of the right of way for the road needs to be a condition of approval. He also agreed that the timing of the infrastructure was not required and should be left up to the contractor.

Council Member DeLange was glad that the applicant agreed to the dedication of the right of way. Her only remaining concern is for the wetlands. Should there be conditions for building in regards to the wetlands?

Council Member Panabaker's only concern was with access to Lancaster and that will be addressed later. He also questioned wetlands.

Council President Saterfiel spoke with staff about his concerns with the 10% slope but staff informed him it was only 800 feet so those concerns were relieved. He knows traffic will increase but the traffic study was done and it can be managed. Discussion with the Engineer made him confident that the drainage can all be worked out. There are rules and regulations and the codes are written to ensure that the right things are done. Council President Saterfiel ended with a desire to have the park completed in Phase I but understands that may be easier said than done.

There was no further discussion.

**MOTION:** Council President Saterfiel motioned to approve the Stone Creek North Modified Preliminary Plat with conditions to dedicate the Right of Way for the North/South Road for connectivity with future development and all other conditions required by staff and Planning and Zoning. Council Member Panabaker provided the second.

**ROLL CALL VOTE:**

Council Member DeLange	Yes
Council Member Panabaker	Yes
Council Member Roetter	Yes
Council President Saterfiel	Yes

All members were in favor and the motion was approved.

**3. EXECUTIVE SESSION ACTION ITEM**

A. Idaho Code 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency.

MOTION: Council Member Panabaker motioned to enter Executive Session. Council President Saterfiel provided the second.

ROLL CALL VOTE:

Council President Saterfiel	Yes
Council Member Panabaker	Yes
Council Member Roetter	Yes
Council Member DeLange	Yes

All members were in favor and Executive Session was entered at 5:27 PM.

The meeting returned to regular session at 5:46 PM.

**4. ADJOURNMENT ACTION ITEM**

The meeting was adjourned at 5:46 PM.



Shawn Langenderfer, Deputy City Clerk



Steven J. Griffiths, Mayor

