

City of Kootenai

Special MEETING MINUTES

DATE: May 25, 2022

TIME: 6:00 p.m.

City Code Review Workshop

Members Present: Mayor Lewis, Councilwoman Mjelde, Councilman Sundquist, Councilwoman, Councilman Schock, and Councilman Rafferty

Staff Present: City Clerk/Treasurer, Ronda L. Whittaker, City Planner, Clare Marley

Others Present from the Sign-In Sheet: John Fitzgerald, Developer, Bob Dressel, City Resident, and Larry Hofmann, City Resident

Mayor Lewis brought the meeting to order at 6:00 p.m.

City Code Review –

- **Accessory Dwelling Units (ADUs) / Accessory Living Unit (ALU).** Clare advised Council that the current City Code allowed ADUs/ALUs only if a lot meets minimum size for the zone, it cannot be greater than 30% of gross floor area of principal home, only 1 per lot/parcel and detached must be separated 15' from other structures and that within single-family & multi-family zones only 1 attached ADU or on lots 13,300 or more, 1 attached or detached. She also advised that the definition of Accessory Living Units within the City's Code does not define attached or unattached. She stated that the City's Residential Use Table provides specially permitted ADUs/ALU within most all the City's zoning excluding: commercial, commercial light industrial, and downtown zoning. She advised that impact to services needed to be considered. She stated that typically a single-family unit allows 1 ERU (utility hook-up) per home, by definition, though some utilities have adopted tiered ERU definitions to differentiate low water users from high water users. Some utilities have also established policies for assigning a greater number of ERUs to homes with (ADUs.) She also advised that development of ADUs will impact city water and sewer availability and that some cities have adopted a rate of 50% of SFD, ADU similar to apartment unit in usage. She provided some examples of what other cities have implemented for ADUs. Council agreed that specialty permitted ADUs /ALUs should stand but that the Code could consider revising the area of coverage of gross floor area, lot size, and that attached/detached needed to be defined. They discussed whether owner occupancy or maximum bedrooms could be enforced but would like to limit an ADU/ALU to one bedroom and agreed that there should be only 1 ADU/ALU per parcel/lot that meet design elements of the neighborhood. They agreed that specialty permitted ADUs/ALU was important as access, safety issues and ERUs needed to be consider for each consideration.
- **Downtown District Permitted Uses.** Clare asked that the downtown district allowed several types of services such as eating or drinking establishments (without drive-through), business service operations, community assembly halls, financial institutions and banks (without drive-through), indoor commercial recreational and/or entertainment facilities, medical and dental clinics and services offices and multi-tenanted office buildings, one family residential dwelling units on upper floors or rear of a principal commercial structure, personal service establishment, public and private parking lots and structures (as accessory use, public and private parks, public offices, retail and wholesale sales and services <15,000 sq ft and temporary building or construction office purposes. She asked if it had been Council's intention to not permit maintenance, repair and office uses, such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, ordinance research and real estate type business as these are listed as unpermitted uses. Council agreed that they did not recall proposing the unpermitted uses listed and thought that it may have been something that they

had missed during the original process of drafting the City Codes. They did however propose that maintenance and repair such as landscaping and/or lawn service equipment, car and truck repair should not be permitted within the downtown district. They suggested that these types of businesses including waste collection and septic tank services should be limited to office only.

- **Wireless Facilities** – Clare advised that the FCC had added changes in 2018 imposing restrictions on municipalities: application fees, limited aesthetic requirements; existing cell sites must be ruled upon within 60 days. In August of 2021 the Children’s Health Defense won their case in U. S. Court of Appeals for the DC circuit (this may have been overruled and we will keep our eyes on it.) The court remanded FCC rules back to the FCC who must take the studies into account for new rules concerning health and the environment. She advised that the current City regulations need new definitions and title, clarification of locations, and that the existing use charts do not allow wireless in residential zones. She also advised that the distance of facilities to residential/school/daycares needed to be addressed. She advised that the City should consider adding a clause that new wireless that does not serve the city of Kootenai citizens should not be allowed and that the service provider should submit assessments providing proof of need for service in the city of Kootenai and should consider a third-party review by an RF engineer (fees paid by the applicant.) She advised that existing facilities -new antenna- should be permitted through a special use permit procedure. She advised that she had the City Attorney look over the draft revisions and that he had suggested keeping the same name as current code (communication transmission facilities), since “Wireless” causes a complete shuffle of current alphabetical arrangements. He also suggested the arrangement of utility pole prohibition in separate section and to keep short titles for consistency. Council agreed to the suggested revisions.
- **RV Occupancy and Tiny Homes** – Clare advised Council that the City’s code currently has no RV or tiny home/park model ordinance and that the street or “Urban” Campong is defined loosely as camping in areas other than campgrounds or remote areas. She advised that the State definition of RVs defines Rvs as “park model recreational vehicle.” And that Recreational vehicle is defined as a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Includes: travel trailer, camping trailer, truck camper, fifth-wheel trailer, park model recreational vehicle and motor home. (All separately defined). She stated that the City’s definition and standards are: Dwelling Unit: Any structure, or portion thereof, providing separate and independent living facilities for one “family”, as defined in this section, including provisions for living, sleeping, eating, cooking and sanitation. For the purpose of this title, recreational vehicles, travel trailers, boarding houses, sorority and fraternity houses, hotels, motels and inns are specifically excluded from this definition. There is NO separate RV/Recreational vehicle definition. Outdoor recreational Vehicle and boat storage facilities states that use as dwelling; camping prohibited, equipment shall not be used as dwellings nor shall overnight camping be permitted in equipment storage areas. She offered several different city definitions She stated that the city of Dover amended their RV Occupancy Ordinance: Storage & Parking was recommended for denial by the Commission due to it not being in accord with the comp plan policies, specifically private property use. Clare asked if Council would like to address RV occupancy and that there were several issues to address: permit temporarily or as dwelling unit or both, setbacks, definition, and parking requirements. Council agreed that this is an issue that needs to be addressed. They agreed that it will be a very controversial issue, but that they need to consider safety, and impact issues.

Mayor Lewis adjourned the workshop at 8:30 p.m.

Ronda L. Whittaker/City Clerk

