

# *City of Kootenai*

## Special MEETING MINUTES

DATE: July 27, 2022

TIME: 6:00 p.m.

### City Code Review Workshop

**Members Present:** Mayor Lewis, Councilman Schock, and Councilwoman Mjelde. Councilman Sundquist and Councilman Rafferty were not present

**Staff Present:** City Clerk/Treasurer, Ronda L. Whittaker

**Others Present from the Sign-In Sheet:** No others were present

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

**City Code Review** – Council and Staff discussed the following:

Clare brought to Council's attention that the new 2020 Census showed that the City's population was now standing at 1,002.

Several topics were discussed:

- **RVs and RV Occupation** – Clare advised that the RV Standards needed to be addressed. She advised that the definition for a dwelling unit excluded recreational vehicles, travel trailers, boarding houses, sorority and fraternity houses, hotels, motels, and inns. She stated that there was no separate RV/Recreational vehicle definition, but there was a restriction that camping is prohibited, and that equipment shall not be used as dwellings, nor shall overnight camping be permitted in equipment storage areas. She advised that the State definition of RVs is a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its on motive power or is mounted on or drawn by another vehicle. This includes travel trailer, camping trailer, truck camper, fifth-wheel trailer, park model recreational vehicle and motor home. Mayor and Council discussed this issue at length. They agreed that there should be a proposed code amendment to Title 6, Traffic to not allow on-street parking or occupancy and for safety reasons there should be no projection into alley, sidewalk or rights-of-ways, and no overnight camping. They also agreed that Title 8 – zoning should be amended to depict that RVs cannot cause loss of minimum off-street parking and that there should be a maximum stay of 7 days and agreed that occupancy would be allowed if a property owner had a valid building permit. They also agreed that there should be no storage of RVs within a property front setback.

- **Additional Living Units (ALU)** – Clare advised Council that the current code defines an ALU as a dwelling unit that is accessory to a principal dwelling unit, where the total habitable floor space of the accessory dwelling is no more than thirty percent (30%) of the total habitable floor space of the principal dwelling unit. She stated that "total habitable floor space" is confusing. What is habitable and what defines principal dwelling unit. Council agreed that this section should be amended to remove "principal dwelling" but keep "not greater than 30% of gross floor area of the existing home. They agreed that this amendment would also allow 1 ALU per lot/parcel instead of 1 per "principal dwelling." Clare also advised that the current code does not allow a new driveway approach, regulates the placement to be behind the existing dwelling, and that there must be fifteen feet (15') between structures. Council agreed that these regulations stay in place. Clare also advised that the current code states that an ALU is allowed if attached if the parcel/lot is smaller than 13,300. Council agreed that this regulation should be removed; if an ALU can meet setback regulations then it should be allowed attached or unattached. She also advised that the current code only allows an ALU by special use procedures. Council agreed that the code should be amended as mentioned to allow an ALU if it meets setback regulations and all other regulations mentioned but that if the parcel/lot is non-conforming then a special use should be in place. This way Council can determine the impact and safety of adding an ALU to a small non-conforming parcel/lot.

- **Wireless Communication Facilities** – Clare advised that she had sought legal review of the proposed code additions related to wireless facilities as previously discussed in previous workshops.

She stated that the City's legal counsel had advised that the City not change the name (communication transmission facilities), since "Wireless" causes a complete shuffle of current alphabetical arrangements once the ordinance is codified. Council agreed that the proposed ordinance was in good shape and agreed that any new antenna structures must require a special use permit. This way Council can be aware and make sure a new proposed antenna will meet set standards. Councilman Schock questioned the definition of "antenna. He wanted to make sure that there would be no question as to what an "antenna" is), Clare advised that the definition of "antenna" is described as a device or system of wires, poles, rods, dishes, or other devices of similar function, used for the transmission and/or reception of radio frequency signals for wireless communications, as described in the telecommunications act of 1969. Included are: omnidirectional antenna (whip), a directional antenna (panel) and parabolic antenna (disk), Support structures are not included. She stated that she had also updated the zoning ordinance for wireless facilities to include protection of public health and safety of the community by allowing wireless facilities in commercial areas at a safe distance from residential zones and schools and daycares.

- **Downtown District** – Clare advised that the current code restricted offices and did not prohibit repairs. She advised that she had removed restrictions from definitions and added the prohibition for vehicle repairs (but still allow camera repair, sewing machine repair, etc.) as discussed in previous workshops.

Clare advised that she had reviewed the comprehensive plan to make sure all the proposed code amendments were in accordance.

Meeting adjourned at 8:20 p.m.

Submitted by:

Ronda L. Whittaker/City Clerk