

City of Kootenai
Special MEETING MINUTES
DATE: March 13, 2023
TIME: 6:00 p.m.
City Code Review Workshop

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

Staff Present: City Clerk/Treasurer, Ronda L. Whittaker, City Planner Clare Marley, and Assistant Planner Tessa Vogel.

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:

Several topics were discussed:

- **RVs and RV Occupation** – Tessa advised that the City’s Code needed a definition for Recreational Vehicle (RV): She explained that the definition for a recreational vehicle was defined by Idaho Code and suggested the City use that same definition. 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 own 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. Councilman Sundquist stated his concern that the definition did not include boats. Clare advised that she would check the definition. Council agreed that boat needed to be added to the City’s definition. There was a discussion about what a boat could be. Council agreed that there no need to include a specific definition for boat as it is know that a boat is a floating devise. Tessa went on to discuss the need for occupancy time limits. Council discussed this issue and agreed that a Recreational Vehicle is not considered a dwelling unit and occupancy of any recreational vehicle on a lot or parcel shall not exceed fourteen (14) days in any consecutive 12-(twelve-) month period, unless located in a permitted recreational vehicle park. Different temporary guests shall be permitted to occupy a RV for the permitted fourteen (14) days at different times throughout any consecutive 12-(twelve-) month period. They also agreed that the number of occupied RVs is limited to one such vehicle per lot or parcel regardless of size. Tessa suggested that occupancy should mean living, sleeping, eating, cooking or other use of the unit for human habitation. Setbacks were discussed. Council agreed that a five foot (5’) from rear and side property lines and up to zero (0) front yard setback, provided that an RV is parked or stored within a private driveway – no blocking rights-of-ways, sidewalks or public walkways. They also agreed that an RV shall not be parked on any public street or parking area for longer than 12 hours and shall not impede traffic flow. Clare stated she would look into whether lengthy parking violations can be addressed if “no parking” is not posted. Council then discussed temporary dwelling units while a dwelling is under construction. Council agreed that RV temporary dwelling would be permitted if a building permit was issued and shall not be longer than 180 days that can be extended with Council approval. They also agreed that the temporary dwelling will cease when the certificate or temporary certificate of occupancy has been issued for the dwelling. Council agreed that an RV temporary dwelling unit be equipped with egress windows, a smoke detector with carbon monoxide detector, and fire extinguisher. The also agreed that there should be approved water and sewer provision if available. At last Council agreed that the number of off-street parking spaces required by Chapter 13 of the title shall not be reduced or eliminated with the parking of an RV.

- **Additional Living Units (ALU)** – Clare advised Council that the new state code states that no county or city may enact or enforce any ordinance that bans accessory dwelling units in any residential zoning area within its jurisdiction although it may implement reasonable regulations that it deems necessary to safeguard the public health, safety, and general welfare of its residents. The code defines an accessory dwelling unit to be classified as a residential land use for zoning purposes subject to all applicable zoning requirements and means a self-contained living unit that includes its own cooking, sleeping, and sanitation facilities, and that is located within a detached, owner-occupied homestead, as defined in section 63-701, Idaho Code, or the homestead’s attached or detached garage. An accessory dwelling unit does not include a motorhome, camper, recreational vehicle, tiny home on wheels, or other such similar dwellings on wheels and must and emergency existing. Clare advised that the Code needed to tune up “Habitable Space” and measuring floor space. Council agreed that the percentage of gross floor space for a accessory living unit should not exceed forth percent (40%) of the gross floor space of the principal dwelling unit or eight hundred (800) square feet whichever is less for detached units on a lot or parcel meeting the minimum acreage for the zone and thirty percent (30%) of the gross floor space of the principal dwelling unit for or six hundred (600) whichever is less for attached units located on legal, non-conforming parcels or lots of record. The agreed that only one accessory living unit shall be allowed per lot or parcel. Council discussed exiting ingress/egress. They agreed that an alleyway could be used but that it would be the owner’s responsibility to keep the ingress/egress accessible. Clare suggested that attached units means that an attached accessory living unit shall mean units that are attached to a garage or similar residential accessory structure or the principal residence to serve as an in-house apartment. She advised that detached units be separated by a minimum separation of fifteen feet (15’) between the accessory living unit and other structures on the site. Council agreed. She also recommended that a minimum of two (2) off street parking spaces shall be required for an accessory living unit and shall conform to the off-street parking and loading requirements of chapter 13 of this title. Council agreed. There was discussion related to site requirements within the multi-family residential zone. Council agreed that a minimum site area for a Single-family dwelling with attached accessory living unit be 10,650 sq feet and a Single-family dwelling with detached accessory living unit be 13,300 sq feet. Council discussed permitting. Clare advised that in the zones where permitted, an accessory living unit shall be allowed by right – meaning through the building permit process with staff approval – with a principal residence on a lot or parcel meeting the minimum acreage size for a single-family residential use in that zone. For legal, non-conforming lots or parcels, an attached accessory living unit shall only be permitted with an approved special use permit and shall meet the minimum, standards of this section.

- **Communication Facilities, Wireless, (WCF):** - Clare advised that she had only one concern with the review of this section. She advised that number 4 – location of WCF. She recommended editing the section where it was written that any zone where a school or daycare center is located be restricted from transmission structures. Council agreed that any zone could house a school or daycare center and this section should be edited to state a “safe distance.” Clare advised that she would research what is a safe distance and bring her information to Council at that next workshop.

Council agreed that an additional workshop was needed to tighten up said review and to address additional sign regulations, and downtown zoning areas. Council agreed to hold an additional workshop on April 17th at 6:00 p.,m.

Meeting adjourned at 8:15 p.m.

Submitted by:

Ronda L. Whittaker/City Clerk