

City of Dalton Gardens
Planning & Zoning Meeting Minutes
Thursday, April 21, 2022 @ 6:00 PM

Meeting was conducted via teleconference and in person.

1. **CALL TO ORDER:** Chairman Becker called the meeting to order at 6:02 PM
2. **ROLL CALL OF COMMISSION MEMBERS:** Physically present were Commissioners Melissa Cleveland, Ron Sampert and Chairman Mike Becker. Commissioner Caitlin O'Brien attended via Zoom. Also present were Ryan Hughes- City Planner (began the meeting on speaker phone and arrived in person at 6:14 PM), Teresa Janzen- City Clerk/Treasurer, and Candace Baker- Deputy Clerk.
3. **APPROVAL OF MINUTES:** CO'Brien made a motion to approve the regular meeting minutes from March 21, 2022. MCleveland seconded.
RSampert: aye **CO'Brien:** aye **MCleveland:** aye **MBecker:** aye Motion Carries.
4. **PUBLIC HEARING UPDATE TO THE CITY'S ZONING ORDINANCE AS IT RELATES TO THE DEFINITION OF ACCESSORY DWELLING UNITS IN TITLE 5 AND TITLE 7 OF DALTON GARDENS CITY CODE: APPROVAL OF MINUTES:** Opened at 6:11PM; Closed at 6:42 PM

Erik Ketner, Environmental Program Manager of Panhandle Health District provided clarification on the Sewer Management Agreement with the City of Dalton Gardens. In the early to mid 1970s ground water studies were done as no municipalities had sewer treatment facilities and it was found that contaminants were present at down gradient wells. All municipalities entered into Sewer Management Agreements with the goal of protecting the Rathdrum Prairie Aquifer- the sole source drinking water for all residents of the prairie. Municipalities were to be moving towards sewer treatment facilities. In 1977, Dalton Gardens was 70-80% developed and bound by the Cities of Hayden and Coeur d'Alene and was not deemed to have a future of expansion. Additionally, Dalton Gardens was already confined to 1 acre lot minimums. At that time PHD allowed the density to continue and did not require installation sewer treatment facilities. It further upheld the 1 acre minimum and prohibited Accessory Living Units (ALU). ALUs are essentially a second house and can lead to contamination in the down gradient wells that was experienced in the 1970s. Potential legal repercussions if Dalton Gardens contaminated a neighboring city's wells.

Public Testimony

Sue Supp- 7024 N. 16th St: questioned removal of 2009 IRC habitable space definition. Suggested having a checklist for enforcement. Questioned multi-acre parcels. Desires the word 'permanent' in the description in 3-7-4-1 and to change it the word 'and' to 'or'. Wanted verification that the proposal meets code for safety for egress and emergency access.

**Chairman Becker clarified the draft ordinance revision is attempting to define 'dwelling unit' and not 'habitable space'.*

Carrie Chase- 7512 N 4th St: questioned ‘permanent provision’ for living language. In 7-4-1 questioned if all conditions needed to be met to be considered an ALU. Would like it to be clarified in the code. Suggests adding bathing facilities to the definition.

**City Planner, Ryan Hughes, clarified that application of the code is a judgement call of the City. The effort is trying to not narrowly define accessory living unit so there are not loopholes. Additionally, the proposed change in definition makes is universally consistent as it comes directly from the 2018 International Residential Code (IRC).*

5. CONSIDERATION OF RECOMMENDATION TO CITY COUNCIL FOR UPDATES TO THE CITY’S ZONING ORDINANCE AS IT RELATES TO THE DEFINITION OF ACCESSORY DWELLING UNITS IN TITLE 5 AND TITLE 7 OF DALTON GARDENS CITY CODE:

RSampert made a motion to recommend the proposed draft update to the City’s Zoning Ordinance as it relates to the definition of Accessory Dwelling Units in Title 5 and Title 7 of Dalton Gardens City Code with the minor changes indicated. MCleveland seconded.

MCleveland: aye **CO’Brien:** aye **RSampert:** aye **MBecker:** aye Motion Carries.

* May 2022 meeting was moved from 5/26/22 to 5/19/22 to accommodate the Telecom Ordinance Public Hearing.

* Commissioners Melissa Cleveland and Caitlin O’Brien had to leave at 6:48 PM

6. DISCUSSION ON SUBDIVISION ORDINANCE:

City Planner spoke with the City Attorney. Attorney wants to make sure the following items are addressed; the appeal process for a P&Z decision remains, dedication of easements are clarified, and noticing requirements are spelled out.

2 options; beef up the short subdivisions section or do away with ‘short subdivisions’ and make that section mirror subdivisions but retain P&Z authority to decide 4 or less lots. It is not required to have 2 separate processes.

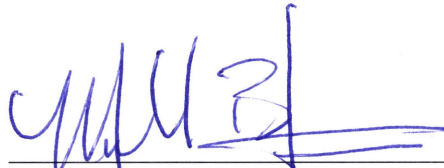
7. AGENDA ITEMS FOR 05/19/2022 AGENDA ITEMS:

- Telecom Ordinance Public Hearing
- Discussion on Subdivision Ordinance

8. PUBLIC COMMENT: Opened at 7:08 PM. Closed at 7:22 PM

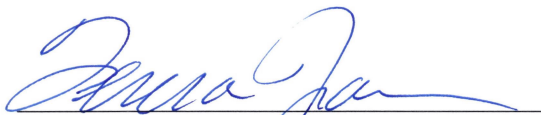
- Sue Supp- 7024 N. 16th St: asked for it to be clarified that multi-family dwellings are not allowed in the residential district.
- Eileen Wilson- 7454 N. Valley St: asked for clarification if any accessory living units are allowed and will it be retroactive?
- Carrie Chase- 7512 N. 4th St: asked if shops with showers but no one living in them are considered accessory dwelling units.

9. **ADJOURN**:- Chairman Becker adjourned the meeting at 7:23 PM.



Mike Becker, Chairman

ATTEST:



Teresa Janzen, City Clerk/ Treasurer