



Agenda for Regular Planning & Zoning Meeting

Thursday, March 28, 2024 @ 6:00 PM

Location: DALTON GARDENS CITY HALL,
6360 N 4th St., Dalton Gardens, ID

The meeting will be conducted in person and with online access using ZOOM:

<https://us02web.zoom.us/j/83487353908?pwd=NVR0MUtoa0JoQjVvQ0lwV0Q1UmNZQT09>

Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782

Webinar ID 834 8735 3908; Password: 427519

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES OF THE FEBRUARY 29, 2024 MEETING- **ACTION ITEM**
4. CITY PLANNER REPORT
5. **PUBLIC COMMENT:** Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
6. DISCUSSION ON LIGHTING STANDARDS IN THE COMMERCIAL COORIDOR
7. DISCUSSION OF SHORT-TERM RENTAL REGISTRATION REGULATIONS
8. DISCUSSION ON COMMERCIAL STANDS FOR SUBDIVISION OF PROPERTIES ON COUER D'ALENE SEWER
9. DISCUSSION OF AGENDA ITEMS FOR APRIL 25, 2024 MEETING
10. ADJOURN- **ACTION ITEM**

Original Posting: 3/22/2024

The purpose of the Agenda is to assist the Commission and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Commission on any other subject should plan to speak when Item: Public Comments is identified by the Chairman. The Chairman and Commission will not normally allow audience participation at any other time. Please no repetitive or abusive comments. Workshops are for Commission Members discussion only on a topic, no action or decisions occur at this time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling, City Clerk at (208) 772-3698 x102.

City of Dalton Gardens

Planning & Zoning Meeting Minutes

Wednesday, February 29, 2024 @ 6:00 PM

Meeting was conducted in person and via Zoom.

1. **CALL TO ORDER:** Chairman Becker called the meeting to order at 6:02 PM
2. **ROLL CALL:** Present were Commissioners Chad Haunschild, Melissa Cleveland, Caitlin O'Brien, Ron Sampert and Chairman Mike Becker. Also present, Ryan Hughes- City Planner and Teresa Janzen- City Clerk/Treasurer.
3. **APPROVAL OF MINUTES FROM JANUARY 24, 2024 MEETING:**
MCleveland made a motion to approve the regular meeting minutes from January 24, 2024. CHaunschild seconded.
CHaunschild: yes CO'Brien: yes MCleveland: yes RSampert: yes **Motion Carries.**
4. **CITY PLANNER REPORT:** Remains a consistent amount of building permit reviews this month. Also had a notice to title for an ADU. The ADU has been decommissioned. The council had presentation by PHD discussing their request of the city to update the SMA with a MOU between the entities. Also asking for an ordinance for handling Critical Materials. With the change in IDAPA rules, they are not approaching cities directly. The council will be working with PHD for next steps.
 - CO'Brien asked if PHD had any concerns with Dalton Gardens septics, ADUs, water usage, etc
 - RHughes explained the high quality of the aquifer, the risk to the aquifer and how the SMA allows enforcement to protect the aquifer.
 - Clerk shared that the City Planner and Clerk had a meeting with PHD a few months prior and received high praise from PHD for the City's efforts to uphold the SMA and proactively do their part to protect the aquifer.
 - Chairman Becker commended City Staff and Council for their diligence work in ensuring we have the SMA and continuing to pursue protecting it.
5. **PUBLIC COMMENT:** No public comments.
6. **CONSIDERATION AND PUBLIC HEARING FOR SU 24-1:** City Planner gave an overview of the application for Automotive Practice at 6680 N Government Way. Applicant originally came in for a Business License for a new business. During that review it was ascertained that their proposed use falls under the 'special use permit' provisions of city code. (DGCC 5-7) There is another automotive use on the same site that received a special use permit last year (Ray Vallero).

All city procedures have been followed, the notice for public hearing sent to surrounding properties and published in the CdA Press. The proposed business is a general auto repair shop working on 1-2 cars per day. Shared parking lot. All fluids are contained, and a

professional service has been contracted to dispose of all fluids in approved containers. No loud machinery will be used.

Staff finds that the findings conform or can be made to conform to the city code.

Agency Comments came back with a late response from CdA “if there are any floor drains in shop or service area connected to septic, they will have to install an oil- water separator prior to connection to CdA Sewer”. The Planner recommends incorporating this in as a City of Dalton Gardens condition if SU 24-1 is approved.

Applicant Russel Kinzer was present for questions from the Commission. He stated the facility was previously an automotive repair shop. He also stated there are no floor drains in the facility. He already has the oil containment systems in place.

Public Hearing opened at 6:17 PM; No public testimony. Closed at 6:17 PM

CO’Brien made a motion to approve SU 24-1 with the following findings and conditions:

Conditions of Approval

- 6.01 Applicant to provide verification that a Commercial/ Industrial application for Critical Materials inspections has been made with the Idaho Panhandle Health District.
- 6.02 Conformance with DGCC 5-3-12 "Performance Standards" be met to include building maintenance, lighting, nuisance prevention, construction activity, vibration, noise, dust, odor, and smoke. (see DGCC 5-3-12) This is an ongoing condition.
- 6.03 As per request from CDA wastewater, applicant must install oil water separator prior to any CDA sewer connection.

The proposal as presented does warrant approval for the following reasons:

- 7.01 The application does meet the minimum requirements for a special use permit.
- 7.02 The use will be harmonious with and in accordance with the general goals and policies of the Comprehensive Plan.
- 7.03 The use will not be hazardous or disturbing to existing or future neighboring uses.
- 7.04 The use will be served adequately by essential public facilities and services.
- 7.05 The use will not create a public cost that will be detrimental to the welfare of the community.
- 7.06 The use will not generate excessive traffic, noise, smoke, fumes, glare or odors.

7.07 The use will have vehicular approaches to the property which will not interfere with traffic on surrounding streets.

7.08 The use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major importance.

Based on the Findings of Fact and Conclusions of Law set forth in this document, the Planning Commission APPROVES WITH CONDITIONS the application for a special use permit to operate an automotive repair shop in the Commercial District. **MCleveland seconded.**

CHaunschild: yes CO'Brien: yes MCleveland: yes RSampert: yes MBecker: yes Motion Carries.

7. **DISCUSSION OF COMMERCIAL CORRIDOR SURVEY RESULTS:** The city planner gave an overview of the survey results. There were not many businesses that participated. Chairman Becker and Commissioner Haunschild went door to door for the business that had their surveys marked undeliverable by USPS. Indication is we may need to do more outreach before we are able to make strides towards policy recommendations.

From the approximately 50 businesses contacted face to face the feed back was largely positive to move in a direction of improvement for a cohesive aesthetic in the district but desire to see an increase in the City's responsibilities instead of greater financial burden on the business owners. The potential aesthetic requirement to maintain painting of the buildings met with approval. A need for pedestrian walkway consistency needed- some gravel, some paved, some sections narrow was also brought to light.

Survey was open through the end of February 2024.

Direction for Staff Priorities: Design standards for subdivision for commercial sewered properties; signage for consistency with code and pedestrian safety, lighting, parking and driveways before those on sewer divide to smaller lots. City Planner is bring a review of commercial subdivision code to March meeting with potential revision ideas.

The clerk advised that there have been no new sign permits in almost 2 years, only replacement for damage. Administrative staff is concerned about commercial properties being subdivided into small lots without the City being prepared with design standards.

8. **DISCUSSION OF SHORT TERM RENTAL OBJECTIVES:** City Planner presented the Hayden Lake Ordinance for Short Term Rentals. Trying to balance not regulating what people can do with their private property, safeguarding the SMA, prohibiting party houses, cannot negatively impact neighbors with the use of my private property. Are STRs subject to sales tax? Should they be considered a type of home business permit? Who enforces? Rental of entire property? Rental of part of the house? Unless the City Council has an enforcement policy for it, it might not be time to address it.

Commission like the thought of a registration of STR with the City versus a require permit. Could have conditions like trash disposal, notification of neighbors, no feeding the deer and other common city codes.

9. DISCUSSION OF 2024 PLANNER PRIORITIES:

Dalton Market improvement possibilities- waiting to hear back from Bonnie Pooni
Continue to work on the matrix of priorities and revisit every few months for reprioritization.

10. DISCUSSION OF AGENDA ITEMS FOR MARCH 28, 2024 MEETING:

- Commercial Standards for Subdivision of properties on CdA Sewer
- Short Term rental registration regulation suggestions

11. ADJOURN:

CO'Brien made a motion to adjourn. MCleveland seconded.

All in favor. Meeting adjourned at 7:27 PM.

Mike Becker, Chairman

ATTEST:

Teresa Janzen, City Clerk/Treasurer



City of Dalton Gardens

6360 N Fourth Street, Dalton Gardens,
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(208) 772-3698

Monthly Planner Activity Report

February 29, 2024

Code amendments

The Planning and Zoning (P&Z) Commission continues to take steps in establishing a commercial district vision. At their February meeting, P&Z Commissioners discussed results from the Commercial District Online Survey. Commissioners directed staff to begin proposing updates to the City's Code regarding lighting and signage. No code amendments are currently under review by the P&Z Commission. However, Commissioners discussed objectives for establishing a short-term rental policy, and directed staff to prepare recommendations for code updates.

Variances / Special Use Permits

A Public Hearing was conducted for special use permit SU-24-1 at the P&Z February 2024 meeting.

Subdivisions

No new subdivision requests have been submitted.

Building Permits

The City continues to receive and manage a variety permit request. Building permits are received weekly and are reviewed on a rolling basis. Other permit types include home based business permits, commercial business licenses and others. The City consistently receives permit applications for both accessory structures and new home construction.

Code enforcement

The City has an extensive backlog of code compliance cases logged in OpenGov. Without additional staffing resources, only priority cases (per the Code Compliance Policy Manual) are currently being reviewed. This includes issuing Notice of Violations on unpermitted Accessory Dwelling Units. One ADU inspection was conducted in the month of February. Staff recommends that a dedicated code compliance staff member is hired and trained to ensure timely processing.

Respectfully submitted,

Ryan Hughes,
City Planner

Signage & Lighting in Dalton Gardens

Planning & Zoning Commission Meeting

March 27, 2024



Looking NB on Govt Way

Current Signage

- Freestanding signs, banners, and above door attached signs.



Looking NB on Government Way.

Current Signage

- Monument sign & attached signs above doors.



Current Signage

- Standard freestanding signage.
- Some attached signage (see Rodda Paint).



Monument Signage

Generally, more professional, clean appearance than standard freestanding signs.



Monument Sign Lighting

- This shows how potential lighting for monument signage could be done.

Design Ideas for Signage

- Rather than form, this focuses design standards for any signage code amendment.
- Would be more natural materials that would fit with Dalton Gardens' aesthetic as a rural small town.



CHAPTER 14
SHORT-TERM RENTALS

5-14-1: Purpose

5-14-2: Definitions

5-14-3: Registration Required

5-14-4: Standards

5-14-1: PURPOSE:

- A. The purpose of this chapter is to establish regulations for the use of residential dwellings as short-term rentals, to safeguard the public health, safety and general welfare, to protect the integrity of the City's neighborhoods, to establish a system to track the short-term rental inventory in the City, to ensure compliance with local performance standards, and to allow private property owners the right to fully and efficiently utilize their property without undue regulation or interference.

5-14-2: DEFINITIONS:

For the purpose of this chapter, certain words and terms are defined as follows:

OCCUPANT:	Shall mean the person or persons who contract with the responsible party for use of the short-term rental.
RESIDENTIAL DWELLING:	Shall mean a single unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Tents, recreational vehicles, campers, and similar units not designed for permanent residential use are excluded from this definition.
RESPONSIBLE PARTY:	Shall mean the owner of a residential dwelling being used as a short-term rental, as well as any person designated by the owner who is responsible for compliance with this chapter by an occupant and any guests utilizing the short-term rental. The responsible party shall provide for the maintenance of the property and ensure compliance by the occupant and any guests with the provisions of this chapter, or any other applicable law, rule, or regulation pertaining to the use and occupancy of a short-term rental. The owner of the property shall not be relieved of responsibility or liability for noncompliance with the provisions of this chapter, or any other applicable law, rule, or

regulation pertaining to the use and occupancy of a short-term rental because of the designation of another responsible party. All responsible parties shall be at least twenty-one (21) years old.

SHORT-TERM RENTAL: Shall mean a residential dwelling which is rented for thirty (30) days or fewer, and which is sometimes referred to as a "vacation rental".

5-14-3: REGISTRATION REQUIRED:

- A. An applicant for a short-term rental registration must be the owner of the residential dwelling to be offered for rent.
 - 1. A short-term rental registration is valid only for the residential dwelling identified in the application. An applicant shall file a separate application and obtain a separate application for each residential dwelling to be used as a short-term rental.
 - 2. A short-term rental registration is non-transferable.
- B. Prior to offering a short-term rental to the public, the owner of the residential dwelling shall complete an application on a form provided by the City and file it with the City Clerk or his/her designee. The application shall include:
 - 1. The owner's legal name, date of birth, contact number, both physical and mailing addresses, and email address;
 - 2. If the short-term rental is to be operated or managed by someone other than the owner, the name, date of birth, contact number, both physical and mailing addresses, and email address for a responsible party with day-to-day authority and/or control over the short-term rental;
 - 3. The address of the short-term rental;
 - 4. The signatures of the owner and other responsible party, if any, agreeing and acknowledging that they are jointly responsible for the compliance by the occupant and any guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental, and for any unreasonable noise, disturbances or disorderly conduct by the occupant and/or guests while utilizing or while on the property of the short-term rental; and
 - 5. The fee established by resolution of the City Council.
- C. If any information required by subsections B1 through B4 of this section changes, a responsible party shall promptly advise the City.
- D. Short-term rentals are not a grandfathered use. All short-term rentals in the City must be registered to operate.

- E. A short-term rental registration expires on March 31 of each following year; provided, if the residential dwelling identified in the application is sold or title is otherwise transferred, the registration shall automatically expire upon the transfer of title.
1. To renew a short-term rental registration, the holder shall submit an application for renewal on a form provided by the City to the City Clerk or his/her designee, together with the renewal fee.
 2. The renewal application must be submitted by March 1 of each following year. A registration for which a renewal application is not submitted by March 1 shall expire on March 31.
 3. If a registration has expired, a new application shall be required.
 4. Subject to subsection 5-14-1.B of this chapter, any residential dwelling in the City may be rented without a registration for no more than fourteen (14) days per calendar year, where those fourteen (14) days are divided into no more than two (2) stays. (Ord. 299, 10-20-2020)

5-14-4: STANDARDS:

A. Duties of Responsible Party:

1. A responsible party shall obtain the name, address, and contact number of each occupant of a short-term rental.
2. A responsible party shall provide the information required in subsection B.2 of this section to the City at the City's request, if available.
3. A responsible party, upon notification that any occupant or guest has created any unreasonable noise or disturbance, engaged in disorderly conduct, or committed a violation of any applicable law, rule or regulation pertaining to the use and occupancy of a short-term rental, shall promptly respond in an appropriate manner within sixty (60) minutes and require an immediate halt to the conduct, and take such steps as may be necessary to prevent a recurrence of such conduct. Failure of the responsible party to respond to calls or complaints regarding the condition, operation, or conduct of an occupant or guest in a short-term rental in an appropriate manner within sixty (60) minutes shall constitute a violation of this chapter.
4. A responsible party shall prepare a written notice, and shall mail or deliver the notice to all residents and owners of property abutting or across the street from the short-term rental, which notice shall state the intent to operate a short-term rental and the number of bedrooms that will be rented to overnight guests, and include information on how to contact the responsible party by phone.
5. A responsible party shall post on or near the front door of the short-term rental a notice which includes the address of the rental, emergency contact numbers, and a diagram showing emergency exit route(s) approved by the Fire Department.

B. Information Provided to Occupants:

1. At the time of each occupancy of the unit, the responsible party shall provide to the occupant of a short-term rental the following:
 - a. A current copy of the short-term rental registration;
 - b. The name and contact number of all responsible parties;
 - c. A notice of the trash pick-up day, and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the dwelling; and
 - d. Parking locations and requirements.

C. Occupancy:

1. The maximum number of overnight guests occupying a short-term rental shall not exceed the definition of "family" as provided in subsection 9-2-1 of this title.
2. Guests of an occupant may use a short-term rental only when an occupant is present and may not stay overnight.
3. A responsible party may rent either the entire residential dwelling or one room of the residential dwelling to an occupant. Under no circumstances shall a responsible party rent individual rooms in a short-term rental to different occupants for the same night or nights.
4. No recreational vehicle, travel trailer, tent, or other temporary shelter shall be used as a short-term rental or in conjunction therewith to provide additional sleeping areas or otherwise.

D. Signs and Advertising:

1. No sign indicating that the residence is a short-term rental or that it is for rent or lease shall be displayed such that it is visible from any other public or private property.
2. The street number of a short-term rental shall be posted in accordance with Fire Department IFC requirements.
3. All advertising for the short-term rental shall include the City registration number and the maximum number of vehicles accommodated by off-street parking spaces.

E. Trash:

1. Trash and refuse shall not be left stored within public view except in proper containers for the purpose of collection by the authorized waste hauler on scheduled trash collection days.
2. The short-term rental property shall, at all times, be kept in a neat and sanitary condition, in compliance with the requirements of this Code.

F. Zoning:

1. Subject to the standards and restrictions applicable to such zone, the standards and restrictions contained in this chapter, and any registration requirements, the use of a residential dwelling as a short-term rental is registration as a right in the residential district only. (Ord. 299, 10-20-2020)