

**PLANNING COMMISSION
MINUTES
MAY 9, 2023
LOWER LEVEL – LIBRARY COMMUNITY ROOM
702 E. FRONT AVENUE**

COMMISSIONERS PRESENT:

Tom Messina, Chairman
Lynn Fleming
Phil Ward
Peter Luttrupp
Sarah McCracken
Brinnon Mandel

STAFF MEMBERS PRESENT:

Hilary Patterson, Community Planning Director
Shana Stuhmiller, Public Hearing Assistant
Randy Adams, City Attorney

COMMISSIONERS ABSENT:

Jon Ingalls

CALL TO ORDER:

The meeting was called to order by Chairman Messina at 5:30 p.m.

APPROVAL OF MINUTES:

Motion by Ward, seconded by Fleming, to approve the minutes of the Planning Commission meeting on March 14, 2023. Motion approved.

PUBLIC COMMENTS:

Justin O' Connell shared various comments/critiques associated with the Planning Commission and the concept of central planning.

Natalie Keanu stated that she would like to issue a complaint that she had a radiation reaction due to a cell tower located in her neighborhood. She asked that the commission consider regulating all wireless towers especially in residential/school districts and require a National Environmental Policy Act (NEPA) report.

Tanya Osterson stated that she recently worked on the Wireless Ordinance for the City of Dalton Gardens and suggested the city take a look at that ordinance to get ideas on how to improve/ update their wireless code. She added that she would like all residential neighborhoods free of Wireless Telecommunication Facilities (WTF's).

Ingrid Cassel stated that she has concerns about the current wireless ordinance. She suggested that the code be rewritten to not have WTF's in residential neighborhoods and will provide additional documentation for the commission to review.

Ann Wilder stated that she belongs to a group Wire Idaho that advocates for wired internet at the municipal level that educates governments about the hazards of wireless microwave radiation from WTF's. She suggested that the city adopt the Dalton Gardens Wireless Ordinance.

Brook Leggit discussed the health issues associated from wireless towers to children and discussed the differences of 3, 4 and 5G networks and how 5G sends out more radiation than the other two. She suggested to please support the Dalton Gardens Wireless Ordinance.

Commissioner Luttrupp stated that he appreciates public comments and suggested that this group to talk to the city or state who would have the power to change legislation.

STAFF COMMENTS:

Hilary Patterson provided the following statements:

- We scheduled a Development Impact Fee workshop next week on May 17th at 12:00 p.m. with updates from the consulting team relating to the Capital Improvement Plans for the different departments.
- We won't be having a June meeting since we didn't receive any applications.
- She announced that the Historic Preservation Commission received a grant from the State Preservation Office (SHPO) to do a nomination for the Garden District Neighborhood to be placed on the National Register of Historic Places with an internal kickoff meeting with our consultant on Thursday, May 11th and to do a community kick off meeting the week of June 19th. She added, if goes through, this is an honorary designation/ recognition of historic properties in the area.
- She mentioned that the commission received a flyer for Connect Kootenai, an organization that is merging with the Regional Housing and Growth Issues Partnership and formerly CDA 2030 that expanded its focus to be more regional. They are scheduling an open house with two options either June 1st or June 2nd which is open to the community.
- She noted that staff and Connect Kootenai will be scheduling a fall Regional Joint Planning Commission Workshop.

COMMISSION COMMENTS:

Commissioner Luttrupp noted in our packet we received a copy of the Idaho Ethics in Government Manual and curious if staff will be holding a workshop to cover some of the items in this manual. Mr. Adams responded and said if the Planning Commission wants a workshop, staff would be able to schedule that workshop at a later date.

PUBLIC HEARINGS

1. Applicant: Tilford Homes Homeowners Association Inc.
Location: Tilford Place
Request: A modification of the open space area within the Tilford PUD.
QUASI-JUDICIAL, (PUD-2-17m1)

Hilary Patterson, Community Planning Director, provided the following statements.

- In 2017, the applicant was approved for 13-lot preliminary plat and a residential planned unit development (PUD) known as "Tilford Place" PUD.
- The 2017 PUD was approved on 1.66 acres that allowed 13 residential lots, private streets and open space tracts.
- The proposed modification is to reduce the approved amenities in the open space areas, modifying what was previously approved by the Planning Commission.

Previous actions:

- On October 10, 2017, the Planning Commission approved the "Tilford Place" PUD and "Riverwalk" Preliminary Plat, which included one phase. The total number of dwelling units approved in the proposed project was 13.

- On January 9, 2018, approved a minor modification of the “Tilford Place” approved Planned Unit Development which is a 13-lot (6 tract) residential development for two existing parcels totaling +/- 1.66 acres. The request is to reduce the minimum rear yard setback from 15’ to 10’.
- On July 10, 2018, the Planning Commission approved the request to allow additional design elements and design flexibility for the future homes within “Tilford Place” PUD, and to allow the homes to have “Craftsman” style elements, in addition to the “Bungalow” style that was approved for the project.
- The original PUD, approved in 2017 met the 10% open space requirement. During the public hearing, testimony from the applicant described the open space areas as Tract “A, B, C, D, E and F”. The Planning Commission approved the requested PUD with the proposed open space tracts and amenities.
- The applicant is requesting to modify amenities in Tract “A, B, C and E” noted in the applicants narrative
- The applicant’s representative has noted in the Narrative that the Association is requesting the modification and revision of the original approved amenities because the Association desires low cost, low maintenance, amenities in the open spaces.

Ms. Patterson concluded her presentation

Commission Comments:

Commissioner Luttrupp stated he has concerns that a PUD is being used as a tool by developers to have some give/take to the property and once we approve a PUD he feels there shouldn’t be a lot of changes coming forward by the developer. Ms. Patterson explained staff has met with the applicant representatives for a couple years trying to get this property into compliance. A few of the residents didn’t want some of the original amenities approved with the original request because of the maintenance and because they wouldn’t use them – such as the dog park, garden boxes, and green house. She added we have in the past, approved PUD modifications such as Bellerive who also requested changes to their open space.

Commissioner Fleming inquired what is the width of those tracts. Ms. Patterson estimated the tracts to be 20-30 feet wide. Commissioner Fleming explained that she reviews landscaping plans and is concerned with the type of tree selected for that open space explained that the Silver Maple gets up to 80-90 feet tall with a 2/3rd diameter resulting in a 65 foot diameter tree and suggested the applicant might rethink that type of tree. Ms. Patterson stated maybe a specific tree shouldn’t be part of the request.

Public testimony open.

Matt Wiemela, applicant representative, provided the following statements:

- He explained that this is a straight forward request brought forward by the Bellerive Homeowners Association (HOA) to make the open space easier for them to maintain and user friendly.
- He explained that they would like to replace previous amenities with trees and benches where the community can gather with minimal maintainance .
- He explained that this is not about cost saving for Riverstone Holdings. We have an approved PUD listing the approved open space amenities that they could have been completed, but would be going against the wishes of the HOA who has requested these modifications.
- He added no objection to the type of tree and will work with staff on a different variety/species and the placement of those trees.

The applicant concluded his presentation.

Commission Comments:

Commissioner Ward commented that the HOA is made up of 13 homeowners who are the ones who filed the application for the modifications to the open space. Mr. Wiemela stated that's correct and explained we did submit with the application with a consent signed by the president of the HOA authorizing us to bring this application forward.

Commissioner Luttrupp inquired if the residents knew that these amenities weren't done and would be responsible to pay and not the applicant. Mr. Wiemela commented that he can't answer if the existing homeowners knew about this, but clarified that the HOA wanted these changes that would require minimal upkeep. Chairman Messina explained when this PUD was approved there weren't any houses built yet, so the open space plan was sufficient and once developed the 10% open space requirement remains but the way the open space is used has changed based on the needs of the current residents. Ms. Patterson explained that one of the conditions in the staff report references that there is a bond that the city is holding for open space.

Jeramie Shute President of the Tilford HOA agrees to these changes pertaining to the open areas. The HOA discussed the open spaces at a meeting scheduled last August. He explained that, if approved, the revisions to the open space will best serve the current needs of the residents. Within the three years since he bought his home, they have had to increase the HOA dues to help with the lawn and snow removal. He explained that this area gets a lot of snow and they have been challenged keeping the snow onsite. They had to move snow in some of the tracts from year to year. He added that they have had to move the snow outside the Tilford HOA community and now will have to use trucks to remove the snow to an alternate area. He added this is a private community. The modification requested will keep things minimal but effective and the plan proposed will benefit all of us.

Chairman Messina inquired that the snow was removed from the Tilford area and now that's not being done. Mr. Shute explained snow will be removed by a loader and will be transported out of the area.

Public testimony closed.

Discussion:

Commissioner Ward commented if the HOA is happy with the reduction to the open space amenities, he supports the request.

Commissioner Mandel concurs and understands within three years things can change and it is not our responsibility to dictate what amenities are important to the HOA.

Commissioner Luttrupp will support this request.

Commissioner Fleming concurs and will support this request.

Motion by Fleming , seconded by Mandel , to approve Item Motion approved.

ROLL CALL:

Commissioner Fleming	Voted	Aye
Commissioner Mandel	Voted	Aye
Commissioner McCracken	Voted	Aye
Commissioner Luttrupp	Voted	Aye
Commissioner Ward	Voted	Aye
Chairman Messina	Voted	Aye

Motion to approve carried by a 7 to 0 vote.

ADJOURNMENT:

Motion by McCracken, seconded by Fleming, to adjourn the meeting. Motion approved.

The meeting was adjourned at 6:30 p.m.

Prepared by Shana Stuhlmiller, Public Hearing Assistant