

# **Minutes**

## **Ashton Planning and Zoning Commission**

January 19, 2023  
7:00 pm

**Attendees:** Commission Members: John Finley, Dallas Hill, Rosie Owens, Danya Liebert, Trenna Howell, Administrator Sara Bowersox, and Deputy Clerk Jan Warnke.  
Also attending the meeting was City Clerk Cathy Stegelmeier, Susan Sullivan, and Andrea Simpson

### **1. Approve minutes from November 17, 2022:**

Commissioner Liebert made a motion to approve the minutes. Commissioner Finley seconded the motion. Motion passed.

### **2. Potential Setback Exceptions for Disability Access:**

#### **Suggestions from Sheryl Hill and Susan Sullivan**

Administrator Bowersox read the suggestions that she received in an email from Sheryl Hill. Her suggestions came from the Idaho Falls Code. Susan Sullivan told the commission that she had the same suggestions. Chairman Hill called for discussion. Commissioner Owens questioned the verbiage in the Idaho Falls code about the length of time that someone could have a temporary ramp. The code has a two-year permit with a renewal process. She thought a permit for one year would be better. Commissioner Finley feels that a ramp should not encroach on the city's sidewalk and must be set back a distance. Administrator Bowersox informed the commission that the city does not require curbs, gutters, and sidewalks. There are only a few places in town where sidewalks exist. She suggested that the code should talk about a distance from the property line, not a sidewalk. Chairman Hill stated that the commission's task is to provide research and recommendations on specific issues as requested by the City Council. He then told the commission that he liked how the Idaho Falls Code addresses an uncovered ramp to eliminate the possibility of impaired vision. He also questioned the verbiage of the two-year permit and how the code defines requirements. Administrator Bowersox told them that the Fair Housing Act may have some guidance on what is allowed to be required. Commissioner Howell thought that a two-year permit would be fine with a provision that the ramp would be removed if circumstances change. Deputy Clerk Warnke suggested that the commission looks at other cities to get a few more ideas. Commissioner Owens has looked at other city codes. One is like the Idaho Falls Code but states the ramp must be the minimum intrusion necessary to construct a functional handicap ramp. Commissioner Liebert thinks a year is sufficient for a temporary ramp. If it's going to be longer than it needs to be a permanent structure. Administrator Bowersox posed a question if it is a permanent ramp then should it be required to adhere to the setbacks or should it also be an exception? Commissioner Finley feels that a permanent ramp should meet the setback. Chairman Hill thinks the two-year interval sounds reasonable. The commission discussed different reasons for a temporary ramp for example end of life care, injury, or health issues. Chairman Hill asked the commission if anyone would feel

comfortable drafting up the ideas from the commission. Commissioner Liebert volunteered to put a draft together with the suggestions from the commission. The commission is to email their suggestions to Ms. Liebert so that she can have a draft ready for next month. Commissioner Liebert wondered how many times a temporary permit be renewed. Could it go on for fifty years? Administrator Bowersox told the commission that the Idaho Falls code defines temporary as something that can be disassembled quickly and not a time limit. The commission discussed ideas about how long a temporary ramp be permitted and what they thought the difference between temporary and permanent should be.

### **3. Potential Residential Usage in Community Core Zone – P & Z Admin Draft Ideas:**

Administrator Bowersox told the commission that residential use in the Community Core Zone has been part of discussions for a couple of years. The Comprehensive Plan and Development Code calls out that residential uses are allowed above the first floor in the Community Core Zone. A lot of buildings on Main Street do not have a second floor. Some of the ideas that have come from town hall meetings are if a building does not have a second floor, then the building should be allowed to have residential use in the non-street or back of the building. That would allow the building owner some flexibility. The administrator then told the commission the following suggestions. Residential use is allowed as an accessory use to active commercial operations where the commercial use fronts the street and residential use is less than fifty percent of the building. Parking needs to be addressed. She suggested that off-street parking must be provided for residential use. Buildings with overnight residential usage must provide off-street parking in accordance with the code. If they don't have space on their own property, then they must have space somewhere else. Commissioner Liebert stated that there is a huge housing need in Ashton. She wondered if the whole building could be residential. Administrator Bowersox explained that the Comprehensive Plan for the Community Core Zone is intended for a traditional main street development pattern. If the commission would like to change that it can be done but the Comprehensive Plan and the Code because must match. If the commission would like to propose that the city does not need a commercial main street area and would like to turn it into a residential area, then they can propose that. Chairman Hill told the commission they needed to be forward-thinking. In twenty years, what is going to happen to Ashton? There are changes that are going to happen on Highway 20. More people will be moving here. What decisions can the commission make today that will ensure Ashton has a beautiful community in twenty years? He feels that if some of the buildings become short-term rentals then it incentivizes other owners to turn their commercial property into residential. Once they make that shift it would be difficult to incentivize a return. The commission decided that if a building has two stories, then the residential space must be on the second floor. Administrator Bowersox asked the commission if they were comfortable with the proposal with changes to differentiate between two-story buildings and one-story buildings. The next step would be to put it on next month's agenda as an action item to vote on the changes. Then it can go to a public hearing.

### **4. Updating Comprehensive Plan:**

**A. Existing with Markups** - There have been changes since the last update. The markup changes show the demographic data changes. In some of the training that the administrator has received she has learned that those updates

should be appendices not in the basic plan. That way you can change the appendix whenever that needs to be done. She has reviewed the plan and has some points to consider and other things to look at. There could be changes in what is allowed in a residential zone to allow more flexibility. The low-density residential zone limit is two dwelling units per lot. The code could be reworded to give property owners more flexibility. High-density residential allows multiple units on a piece of property. She has looked but cannot find where it shows what the distance is between buildings.

**B. P & Z Admin Ideas** – The city has two residential zones, a community core zone which is a main street, a highway commercial zone on highway 20, and an industrial zone which is around the grain elevators and railroad tracks. If you look at the definitions of these usages, it says manufacturing must be done in the industrial zone. Maybe there should be more flexibility. If someone wanted to sell bikes in their business the on main street and build the bikes in the back of the store as the code reads now it is not allowed. There could be more flexibility in terms of light industrial versus heavy industrial and what could be allowed in the commercial zones. The Comprehensive Plan calls out the Gateway Zone that is at the intersection of Highway 20 and Highway 47. The code doesn't mention a Gateway Zone. Should the code define that zone or take it out of the Comprehensive Plan? The Highway 20 project may change the future of that area. In the code the only place hotels are mentioned is in the water and sewer sections. By the Standard Use Planning Act, anywhere someone sleeps is a residential usage. Administrator Bowersox would like to add hotels to the Highway Commercial Zone. She then asked the commission if they would like to create any more zones like institutional for schools and government, and open space zone for parks. The commission talked about the Conditional Use Permit and that it was adopted for a particular scenario and then didn't get used for that scenario. So far it has only been used for putting residential usage in the Community Core Zone on Main Street. If there were more flexibility in the code, it would eliminate the need for the Conditional Use Permit. The Comprehensive Plan is a vision of what a city would like to look like in the future. Community input is important. The commission could hold more town hall meetings and focus groups. The changes in code for ramps and residential use on Main Street are the two things that need to be addressed immediately. The Comprehensive Plan needs to be addressed but it is a bigger broader project. Before the Planning and zoning commission had been dissolved, they had gone around to different businesses to get their input. They also received some helpful ideas from the town hall meetings that were held. Commissioner Owens suggested having a questionnaire on the website that people could answer. Maybe each week or month the site could have a different questionnaire. The commission decided what their next steps would be. Commissioner Owens volunteered to work with the IT department on the questionnaire ideas. Commissioner Liebert would like to get things ready to take to the council on handicap encroachments. She will put something together and the commission can email her their suggestions. Then they can go over it at the February meeting. The commission then went back to discussing residential usage in Community Core. They would like more verbiage about what an active business is. Administrator Bowersox suggested adding that if a business goes out of business, then they have an amount of time to get another business in the building before the tenant must move. Chairman Hill asked if they would need a renewable permit. Deputy Clerk Warnke thought they would only need a building permit to have everything inspected. Chairman Hill asked if the new addition to the code would be enforceable. The Administrator told the commission that certain things can be enforced. There must be an owner or property manager

that can respond within fifteen minutes. You cannot regulate how many people are spending the night.

#### **5. Schedule Next Meeting:**

The commission has decided to hold its monthly meeting on the third Thursday of each month at 7:00 pm. Therefore, the next meeting will be on February 16, 2023.

Commissioner Liebert made a motion to adjourn the meeting. Commissioner Finley seconded the motion. Motion passed.

Minutes respectfully submitted by Jan Warnke