

# City of Ashton Minutes Planning and Zoning Commission

**Thursday, March 16, 2023  
7:00 p.m.**

**In Attendance:** Dallas Hill, Rosie Owens, Danya Liebert, and John Finley.

**Also, in attendance:** Administrator Bowersox, Deputy Clerk Warnke, City Clerk Stegelmeier, Kathy Scafe, Ronnie Palmer, Paul Jensen, Cory Sorensen, Teresa Hansen, Susan Sullivan, John Sullivan, Chayla Teske, Tyler Teske, Andrea Simpson, Teddy Stronks, Blair Dance, Laurie Dance, Sheryl Hill, Lynette Baum, David Pace, John Toenjes and John Scafe.

Chairman Hill welcomed everyone and opened the meeting at 7:00 pm

## **1. Approve Minutes from February 16, 2023: ACTION ITEM**

Commissioner Liebert made a motion to approve the minutes as submitted. Commissioner Finley seconded the motion. The motion passed unanimously.

## **2. Administrator's Report – Sara Bowersox**

Administrator Bowersox informed the commission of the projects that have been happening since the December 15, 2022, meeting. There was a permit for stabilizing a foundation and North Fork Village has started on the construction on their first two buildings.

## **3. Public Hearing:**

Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the P & Z Commission

### **Change Comprehensive Plan and Code for Community Core Zone**

Chairman Hill turned the meeting over to City Clerk Stegelmeier who then opened the public hearing concerning changing the Comprehensive Plan and Ashton Municipal Code for the Community Core Zone. City Clerk Stegelmeier called the hearing to order. The purpose of the hearing is for the commission to hear public comments and testimony concerning an amendment to the City of Ashton Comprehensive Plan and related changes to the Ashton Municipal Code. The commission will decide whether or not to recommend these changes to the city council. City Clerk Stegelmeier then asked Deputy Clerk Warnke if the hearing notice was published. Deputy Clerk Warnke replied that yes, it had been published. The hearing officer then asked the commission by roll call if any had a conflict of interest. They each replied that they did not have a conflict of interest.

City Clerk Stegelmeier then asked P & Z Administrator Bowersox to give her report on the proposed changes.

Administrator Bowersox stated that for the past few years there have been multiple conversations around the fact that residential usage is not allowed on Main Street on the ground level. There are citizens that have requested that as long term and short-term rental usage. In the Standard Land Use Code, it categorizes any place that people sleep overnight as residential usage. It does not differentiate whether that is long term or short term. After holding the town hall meetings, the city would like to make a

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change to allow more flexibility while maintaining Main Street as a commercial zone. A lot of the buildings in the Community Core Zone, which is the basic commercial zone down Main Street, do not have a second floor. When the code was written it allowed residential usage above the ground floor, but a lot of the buildings don't have a second floor. Administrator Bowersox explained that the Comprehensive Plan is sort of like the blueprint for the community and the code is how that plan is implemented. By state law the code and plan must coincide. You cannot have the code say one thing and the plan say another. To make a change to one you must make a change to the other. To reiterate the Community Core Commercial Classification from the plan recognizes the main street development plans that serve the day to day needs of the community as well as the surrounding neighborhoods and residential areas. The existing comprehensive plan says residential uses are allowed, but above the first floor. We do want the community core zone to continue to recognize the traditional main street development pattern and to continue to serve the day to day needs of the community as well as the surrounding areas. What we want to change is that last sentence, to say, residential usages are allowed as accessories to active commercial operations, where the commercial use fronts on the street and the residential use is less than fifty percent of the building. If the building has two floors, the residential use will be on the second floor. So, this would allow a property owner to have residential use of any sort in less than half of the building that does not front on the street. This would include side streets, as well as Main Street. The front of the building must be maintained by an active commercial business. That is the proposal for the Comprehensive Plan. In the City Code, Chapter 17.36.020 (Community Core Zoning District) The Class One Permit Uses currently reads, residential use of upper floors in commercial buildings, would be changed to read, residential use as accessories to active commercial operations, where the commercial use must front on the street and residential use, must be less than fifty percent of the building. If the building has two floors, the residential use must be on the second floor. Off-street, overnight parking must be provided for residential use. This refers to section 17.44.010, as the specs for parking. Currently, the Community Core Zone has no parking requirements, except for two-hour parking limitations and no overnight parking on Main Street. This needs to be clarified to say that if there is residential use in the Community Core Zone, there must be off-street, overnight parking provided. We would change that in the specs from none for Community Core Zone to calling out a note for Community Core Zone that says that buildings with overnight residential usage must provide off street parking in accordance with Chapter 17.60, of this title. Lodging places need one parking space per unit, plus one extra, and dwellings need two per unit. Some of the lots in the Community Core Zone do not provide enough space for adequate parking, but the Ashton Code already provides for places like that to be able to provide off-street parking in another location, through contract. So, this is the proposal to make those changes to the code.

City Clerk Stegelmeier asked the commission if they have any questions for Administrator Bowersox. Commissioner Hill asked, how will the city anticipate defining an active commercial operation, and does that need to be spelled out anywhere? Administrator Bowersox replied that when you write code for a city, you don't spell out every little detail, because you could box yourself into a corner. But active commercial operation would be at the discretion of the enforcement.

City Clerk Stegelmeier reminded everyone that the public comments address the changes being proposed to the comprehensive plan and to the city code. Each speaker will be given three minutes to speak and everyone, at the beginning of their time, must state their full name and physical address. She then said she would start with the comments for the changes.

Kathy Scafe, 687 Idaho Street, Ashton Idaho. Kathy began by saying she thinks there is a need for affordable housing. She said that most of the buildings have much more than fifty percent of commercial space and plenty of space in the back for storage or living. As long as there is off street parking, she believes there is no reason why there shouldn't be residential use in the back of the buildings. She feels if a business owner can provide a rental unit that someone could live in then it would be very beneficial. She supports this change and would like to see it pass.

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Tyler Teske, 421 Main Street, Ashton Idaho. Tyler is in favor of the changes, mostly because of all the empty buildings. The winter is slow income for the businesses, and they still must pay rent, utilities and heat the buildings. If there can be residential in the back it can supplement the business owner's income where it can help pull them through the winter months. This would give them something to fall back on when business is slow.

Blair Dance, 1684 Aspen Heights Drive, Ashton Idaho. He owns 523 Main Street that was converted to residential housing over twenty years ago. He has some concerns. He wanted to know how far the Community Core Zone went down the side streets. City Clerk Stegelmeier informed Mr. dance that it was only time for testimony, and he could ask questions after the public hearing. Mr. Dance went on to say that he provides affordable housing in the community and was concerned that his business, which was in place before the code was adopted, is out of compliance in a few ways with the new code. He wondered where he stood with the new enforcement. City Clerk Stegelmeier told Mr. Dance that she would speak to him afterward.

Cory Sorensen, 1041 Country Road, Sugar City Idaho. He said the plan was great. He believes that vibrant main streets are a thing of the past and usually these mains streets kind of die off as these towns grow. He added that it is exciting to see main streets keep their vibrancy. If you can create living close to the shopping, then that is a great option. He believes that the shops on main street need as much help as they can get. It makes it so much nicer you can walk next door to make your purchases.

City Clerk Stegelmeier asked if there was anyone that would like to speak neutral to the proposal. Seeing none, she called on those who would like to speak against the proposal.

Sheryl Hill, 308 Highland Street, Ashton Idaho. She started off by saying that she was not opposed to increasing the flexibility of building owners to use their property for residential uses for short-term and long-term. However, she is opposed to what has been presented to be passed along to the City Council. She said the commission had been given various motions to present and she thinks that there are a lot of details that need to be worked out. She is opposed to restricting commercial use to fifty percent of the building. She said there is a vacant building down the street that the owner has been trying to rent out for commercial use for three years, yet it remains vacant. Vacant, unused buildings become damaged. She feels the emphasis needs to be on occupancy not necessarily residential use. She also feels that restricting residential use to fifty percent is arbitrary, it doesn't work for all types of buildings, the physical therapy building has two front entrances. One size does not fit all, and the emphasis needs to be on occupancy and use. She feels the commission needs more time to look at the buildings and consider everything on the main street. She is concerned about how the changes are written. It is very difficult for her to figure out what was being proposed as changes. She stated that the way to change the code is to cross out what you want to eliminate and underline what you do want to add so that you can read it and understand it and it should be done in context. She added that there are sixty-eight references to parking in the code. If you change one sentence in the code, you could be creating conflict with other portions of the code and that takes time.

City Clerk Stegelmeier then asked Administrator Bowersox if she had any rebuttal statements to clarify any of the earlier statements. She explained that she did.

Administrator Bowersox said that she would like to answer some of the questions that were brought up. One question was how far down the side streets did the community core zone extend. She stated that generally it extends half a block off Main Street, however that is not an exact thing. On the Fremont County GIF map server, under layers, there is a place called Land Use Planning, there is a block you can check for municipal zoning. That will show you where the zones are. It is not one hundred percent up to

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date. There have been some zone changes in the past couple of years that haven't gotten put on the GIS server yet but in general it's half block from Main Street back. The buildings on the back half, across the alley, for the most part, are not in the Community Core Zone. Ms. Bowersox wanted to highlight a statement that was made about a vibrant main street is a thing of the past. She firmly disagrees with that. In the last week she had had an opportunity to visit three separate small towns in a different state and all three of them had vibrant main streets with businesses and restaurants. She feels, in general, allowing a total turnover to residential on main street would eliminate a commercial zone and eliminate the vitality. There are a lot of things that can be done to boost vitality and she hopes this will be one of them. There was a reference to all the different references to parking and it's a valid point that before they implement the code she will go back and make sure there are no unintended consequences with parking. She thinks that she has done so but will go back and check that.

City Clerk Stegelmeier asked the commission if they had any questions for the administrator. Commissioner Hill stated that procedurally at this point whatever decision that is made by the commission is not the final say so. He understands that will go to the City Council and get reviewed by the City Attorney to make sure things are being done properly. He asked if that was correct. The administrator confirmed that it was correct.

City Clerk Then closed the Public Hearing and reminded the commission that they did not have to decide that night. They have sixty days if they want to wait to decide. She then turned the time back over to them for discussion.

#### **4. Change Plan and Code for Community Core Zone: ACTION ITEM**

Chairman Hill asked if there were any comments that the commission wanted to make. Commissioner Liebert was thinking that if they changed it so that upper floor was residential, would it matter how many units were there? She wondered if they cared if someone took the back of a building and put in seven units. She wondered if things like that needed to be addressed. Chairman Hill thinks that the current code regarding building, occupancy and density must comply with current zoning requirements. He asked the administrator if that was correct. She said it was a valid question but doesn't believe there is anything in the code in the community core that limits the number of units. All it states today is that residential must be above the ground floor. Low Density Residential has a maximum of two units per lot. Higher density can have more than that. Chairman Hill added that when someone comes to her to get a permit, then it must get approved through building inspections and there is a process to make sure things are safe. It's on a case-by-case basis. If they moved forward with the changes, that wouldn't give anyone in the community the ability to put six units in a hundred square foot building. Administrator Bowersox stated that she didn't know if it would preclude it the way it is written right now. You get into fire code and those things that fall under Blake Bowmans purview as building inspector. He would make sure that whatever fits the existing building code would have to be met like a fire wall or sprinkler system. They are currently not putting in any statement about the number of units. Chairman Hill thanked the administrator for clarifying. Commissioner Liebert stated that she has not been upstairs in any of the buildings on main street. She doesn't know how much space that is. She wondered if it would be feasible to put two or three units in them. Chairman Hill added that every building varies in size and that would be very hard to create verbiage for all the different sizes. Commissioner Owens wondered about the comment that Ms. Hill brought up about the fifty percent and how do you decide how much space is essential for a business. She knows there needs to be requirements but wondered if fifty percent was a good number. Chairman Hill reminded the commission that if the building had two floors, then residential is only allowed on the second floor, regardless of the size. He does agree that maybe they should consider the fifty percent but believes it should be measurable so that it can be enforceable. If it is too

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flexible, then they lose the commercial real-estate that the city has. He added that when the highway is done and Ashton continues to grow, he feels there will be more people wondering what main street there is. Main street has buildings that have been for sale that haven't sold, however that is not always going to be the case. We need to have the foresight to say, are we going to do something today that will damage our community in the future. Commissioner Liebert asked if anyone knew the approximate square footage of the buildings. The administrator told the commission that the lot sizes are thirty feet by one hundred forty feet, but the buildings do not fill the entire lot. Chairman Hill replied that if you round down, it would be approximate three thousand square feet. He reiterated that the commission did not have to decide that night and they could take sixty days to make their decision. He asked the commission if any of them were uncomfortable in deciding that night. The members felt that they were ready to make their decision. Hill then asked if anyone would like to make a motion.

### **a. Changes to Comp Plan**

Commissioner Owens made a motion to recommend to the City Council to change the City of Ashton Land Use Plan to reflect the proposal and the document provided by the administrator. Commissioner Finley seconded the motion. Chairman Hill called for a roll call vote. The vote passed unanimously.

### **b. Changes to Ashton Municipal Code 17.36 COMMUNITY CORE ZONING DISTRICT**

Commissioner Owens made a motion to recommend to the City Council to change the Ashton Municipal Code 17.36 Community Core Zoning District to reflect the proposal and the document provided by the administrator. Commissioner Liebert seconded the motion. Chairman Hill called for a roll call vote. The vote passed unanimously.

### **c. Changes to Ashton Municipal Code 17.44.010: SPECIFICATION STANDARDS FOR ZONING DISTRICTS**

Commissioner Owens made a motion to recommend to the City Council to change the Ashton Municipal Code 17.44.010 Specification Standards for Zoning Districts to reflect the proposal and the document provided by the administrator. Commissioner Liebert seconded the motion. Chairman Hill called for a roll call vote. The vote passed unanimously.

## **5. Potential Changes to Impact Area Zone – Ron Palmer, Paul Jensen, Sara Bowersox ACTION ITEM**

Paul Jensen explained that he owned property, in the impact area, on Highway 47 (1300 North). As of now it is zoned as Low Density Residential. He would like to change the zone to Highway commercial so that he could put in storage units. He added that there was an old potato cellar next to his property that is used for storage. He would like to know if this change is possible. Administrator Bowersox explained that the impact area is a mile surrounding the city limits. The area is in the county, but it is close enough to the city that if the city ever grows, that is the area that is going to grow first. It makes more sense to have that area governed by the zoning laws of the city versus the laws of the county so that it doesn't create future conflict. When the Comprehensive Plan and code was first put into place the thought process was that on the east and south side of the city, they did not want to encourage anything that

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might obstruct views of the Tetons, so they zoned it Low Density Residential. There are some areas to the north and west of Ashton that are zoned High Density. After looking over the plan she realized that Highways 47 and 32 are state highways just like Highway 20 is. Highway 20 is currently zoned Highway Commercial. Which is to encourage the types of businesses that need to be visible from the highway. She feels that, especially close to the intersection of these two highways, for long term planning growth for the city, it would make sense for that area to be Highway Commercial along those two highways instead of Low Density Residential. The ITD has restrictions on adding new driveways to their highways. They also have guidelines on how close things can be together. She does not want to encourage single family homes with driveways on Highways 47 and 32. In her view, part of the area on 47 and 32 should be Highway Commercial. It doesn't have to go the entire mile and maybe the first hundred feet off the road on each side. If Someone would like to build a housing subdivision in the area, then there would be one entrance into the subdivision. The city would have to go through the process with the county to get the zoning changed out there. Buildings that existed prior to the code and plan that was adopted in the nineties that have a different use than what it currently zoned for are grandfathered in and it would not change them. For example, the potato cellar that is already out there that was already storage units and the homes in the surrounding are not going to have to change anything. They are grandfathered in. As the zone is today, Mr. Jensen cannot put in storage units, but it is a good place for storage units. She would be in favor of taking the proper steps to take some portion of this property, where it fronts on these two highways, and change that zone. Chairman Hill would like to explore options and start the process.

Chairman Hill made a motion to add this matter to next month's agenda and have the administrator create a plan. Commissioner Finley seconded the motion. Motion passed unanimously.

### 6. Potential Setback Exceptions for Disability Access **ACTION ITEM**

Chairman Hill stated that the commission had been exploring different verbiages and how they would recommend changes to the city council. He asked the commission if anyone had made any progress on the written samples that Commissioner Liebert brought to the meeting last month. Commissioner Liebert asked if there had been any research with the attorney on how things need to be worded. There hadn't been any discussion with the attorney, so the commission decided to wait until they received direction from the attorney. Chairman Hill reminded the commission that they should email Deputy Clerk Warnke with potential ideas that they come up with so that she can sent them out to the group for review to discuss in the next meeting.

Chairman Hill made a motion to add this matter to next month's agenda and to follow up so they can reach a resolution. Commissioner Liebert seconded the motion. Motion passed unanimously.

### 7. Schedule next Meeting

The next Planning and Zoning meeting will be held on April 20,2023 at 7 pm.

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