

**RECOMMENDATION BY THE  
PLANNING AND ZONING COMMISSION  
CITY OF CALDWELL, IDAHO  
PUBLIC HEARING HELD AUGUST 8, 2017**

**SUBJECT: Case No. OA-17-04 (Annual Zoning Ordinance Update)**

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**TABLE OF CONTENTS:**

- I. COURSE OF PROCEEDINGS**
- II. GENERAL FACTS**
- III. APPLICABLE LEGAL ANALYSIS**
- IV. TESTIMONY**
- V. RECOMMENDATION**

**I COURSE OF PROCEEDINGS**

- 1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application OA-17-04, to be held before the Caldwell Planning and Zoning Commission on August 8, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, have been met. On July 23, 2017 notice was published in the Idaho Press Tribune. Notice was sent to all political subdivisions located within Caldwell's area of impact and within the City of Caldwell on July 20, 2017.
- 1.2 Files and exhibits relative to this application are available for review in the Caldwell Planning and Zoning Department, 621 Cleveland Blvd., Caldwell as well as applicable public hearings.

**II GENERAL FACTS**

- 2.1 APPLICANT: Planning and Zoning Department, 621 Cleveland Blvd., Caldwell, ID 83605.
- 2.2 REQUEST: This is a proposal from the City of Caldwell's Planning and Zoning Department to amend portions of Chapter 10 of City Code.
- 2.3 TEXT CHANGE CONSIDERATIONS:  
See draft ordinance.

**III APPLICABLE LEGAL STANDARDS**

- 3.1 City of Caldwell Zoning Ordinance No. 1451, as amended.
- 3.2 City of Caldwell Comprehensive Plan, as amended.
- 3.3 Idaho Code, Title 67, Chapter 65, Local Planning Act

**IV PUBLIC TESTIMONY**

4.1 Reserved for P&Z

**V PLANNING & ZONING COMMISSION'S RECOMMENDATION**

5.1 Based on the Comprehensive Plan analysis and testimony, the Planning & Zoning Commission hereby recommends to the Mayor and City Council that Case No. OA-17-04, a request by the City of Caldwell Planning and Zoning Department to amend and update Chapter 10, the zoning ordinance, of Caldwell City Code be **approved/denied**.

CASE NUMBER OA-17-04 WAS HEARD BY THE PLANNING AND ZONING COMMISSION AT A PUBLIC HEARING HELD AUGUST 8, 2017.

THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION WERE ADMINISTRATIVELY APPROVED AND SIGNED BY THE PLANNING AND ZONING CHAIRMAN ON THE DATE NOTED BELOW.

\_\_\_\_\_  
Ed Doty-Pomoransky, Chairman

ATTEST:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jarom Wagoner, AICP Senior Planner

**BILL NO. 21  
ORDINANCE NO. 3102**

**AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL AMENDING VARIOUS ARTICLES, SECTIONS, SUBSECTIONS AND TABLES IN THE “CALDWELL ZONING ORDINANCE,” FOUND IN CHAPTER 10 OF THE CALDWELL CITY CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS, AND PARTS THEREOF IN CONFLICT HEREWITH.**

**BE IT ORDAINED** by the Mayor and Council of the City of Caldwell, County of Canyon, State of Idaho, following duly noticed hearings before the Planning & Zoning Commission, on August 8, 2017; and the City Council on September 5, 2017:

**Section 1.** That Chapter 10, Article 2, Section 10-02-01 of the Caldwell City Code, entitled “General Regulations” respectively, shall be amended as follows:

**10-02-01: GENERAL REGULATIONS:**

~~The zoning district regulations and standards established in this chapter shall apply to all zoning districts established in this chapter, unless specifically stated otherwise in a specific article. In RS-1, RS-2, R-1, and R-2 zones, only one principal structure or building may be built upon a single development site, parcel or lot, except as it may be otherwise specified in this article and/or as part of a planned unit development. The following zones, without having a planned unit development, are allowed to have more than one principal structure or building upon a single development site, parcel or lot: R-3, T-N, C-1, C-2, C-3, C-4, M-1, M-2, I-P, A-D, C-D, C-C, and H-C. More than one classification of uses (residential, commercial, or industrial) and more than one use within these use classifications (example: bakery, food store, restaurant, retail store) shall be permitted on a lot or parcel within the same building (or different buildings), in any zoning district and/or without a planned unit development application approval, if the proposed individual uses are permitted uses or special uses. In the case of a proposed special use, such application should proceed through the standard procedures of a special use permit application. Any person establishing, operating, or carrying on any permitted and/or accessory use in a commercial, industrial, and/or mixed use zoning district shall first obtain a business permit from the planning and zoning department prior to establishing, operating, or carrying on such use.~~

(1) The zoning district regulations and standards established in this chapter shall apply to all zoning districts established in this chapter, unless specifically stated otherwise in a specific article.

(2) In RS-1, RS-2, R-1, and R-2 zones, only one principal structure or building may be built upon a single development site, parcel or lot, except as it may be otherwise specified

in this article and/or as part of a planned unit development. The following zones, without having a planned unit development, are allowed to have more than one principal structure or building upon a single development site, parcel or lot: R-3, T-N, C-1, C-2, C-3, C-4, M-1, M-2, I-P, A-D, C-D, C-C, and H-C.

(3) More than one classification of uses (residential, commercial, or industrial) and more than one use within these use classifications (example: bakery, food store, restaurant, retail store) shall be permitted on a lot or parcel within the same building (or different buildings), in any zoning district and/or without a planned unit development application approval, if the proposed individual uses are permitted uses or special uses. In the case of a proposed special use, such application should proceed through the standard procedures of a special use permit application.

(4) Any person establishing, operating, or carrying on any permitted and/or accessory use in a commercial, industrial, and/or mixed use zoning district shall first obtain a business permit from the planning and zoning department prior to establishing, operating, or carrying on such use.

(5) Residential Uses In Nonresidential and Mixed-Use Zones: Residential uses in nonresidential and mixed-use zones shall have the same requirements as set forth in the R-3 zone. This includes, but is not limited to, requirements for setbacks, frontages, lot size and dimensions, signage, and fencing.

**Section 2.** That Chapter 10, Article 2, Section 10-02-02 of the Caldwell City Code, entitled “Land Use Schedule,” respectively, shall be amended as follows (*NOTE: only the added, deleted or amended items are shown in the table below – all other unaffected items listed in the current version of the Caldwell City Code shall remain in said table; the unaffected items have simply not been included for purposes of this ordinance*):

...

**10-02-02: LAND USE SCHEDULE:**

TABLE 1  
LAND USE SCHEDULE

P=Permitted use S=Special use	RS-1	RS-2	R-1	R-2	R-3	C-1	C-2	C-3	C-4	M-1	M-2	I-P	A-D	C-D	H-D
Commercial-Automotive															
Body shop <sup>3</sup>							S	<del>P</del> S		P	P				
Commercial-Service															

Funeral Home							P	P	<u>S</u>	P					<u>S</u>
Mortuary							P	P	<u>S</u>	P					<u>S</u>
Commercial- Miscellaneous :															
Dance Hall/Event Center <u>Night</u> <u>Club</u>							S	S							
<u>Event Center</u>						<u>S</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>			<u>S</u>	<u>S</u>	<u>S</u>

**Section 3.** That Chapter 10, Article 2, Section 10-02-04 of the Caldwell City Code, governing various aspects of land use, including accessory buildings, structures, and uses be amended, as follows:

**10-02-04: ACCESSORY BUILDINGS, STRUCTURES, AND USES:**

...

(2) Except as otherwise regulated herein, an accessory building or structure hereafter erected, altered, enlarged, or moved on a lot shall conform with the following:

...

I. Under no circumstances shall any detached accessory uses, structures or buildings as listed in this section be permanently used as a dwelling in any shape, form or fashion, unless specifically stated otherwise elsewhere in this chapter. This requirement also applies to camping trailers, tents, recreational vehicles and similar unless: 1) such structures are located in a bona fide campground site or recreational vehicle park and must then adhere to the requirements for a campground site or recreational vehicle park; 2) the camping trailers, tents, recreational vehicles and similar are being utilized temporarily ("temporarily" for purposes of this requirement shall mean no more than 30 14 consecutive days within a 6 month time period) for visitors or guests of the property owner; or 3) the property owner is in the process of constructing the primary dwelling and is utilizing a recreational vehicle or similar as a dwelling on the subject property until occupation of the primary dwelling is possible, in which case such temporary use may be granted by the planning and zoning department for a period not to exceed one year.

...

O. Accessory Dwelling Unit (ADU) shall include its own independent living facilities with provisions for sleeping, cooking, and sanitation. ADU's shall meet all of the following standards:

(1) No more than one ADU shall be located on an individual parcel.

(2) Shall be limited to a maximum of seven hundred (700) square feet and no more than one bedroom (excluding garages and other uninhabitable space).

(3) Shall have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

(4) Shall be consistent in design with the principal residence, including roof pitch, siding, color, materials, and windows.

(5) Shall provide a minimum of one parking space.

(6) Shall provide proof of owner occupancy of the premises. Either the principal residence or the ADU must be occupied by the owner of the parcel on which they are constructed at all times.

(7) Manufactured homes, mobile homes, and recreational vehicles shall be prohibited for use as an ADU.

(8) The ADU shall not be subdivided from the main parcel on which it is located.

(9) The ADU shall meet the setback requirements for accessory structures as set forth in subsection 10-02-04(2)C of this chapter.

(3) The following table (applicable only to RS-1, RS-2, R-1, R-2, and R-3 districts and to residential dwellings in C-C, T-N, H-C, C-D and H-D districts) shows where accessory buildings, structures, and uses are permitted, with respect to the location of the principal structure, as follows (except that sheds and storage buildings for garden equipment and household items may be located on a side yard adjoining a street in instances where a parcel or lot has no available interior side yard or rear yard area and where the property is not located within the Steunenberg residential historic district):

<b>Accessory Building, Structure Or Use</b>	<b><u>Front Yard</u></b>	<b>Front Or Side Yard Adjoining A Street</b>	<b>Interior Side Yard</b>	<b>Rear Yard</b>
<u>Accessory Dwelling Unit (ADU)</u>				<u>X</u>
Air conditioning equipment shelter		X <sup>1</sup>	X	X
Arbors or trellises	<u>X</u>	X	X	X

Buildings, structures or enclosures housing livestock (see section <u>10-02-15</u> of this article for definition of "livestock")			X	X
Classroom modular units are permitted on a parcel or lot containing an existing school and shall be located at least 30 feet from any property line			X	X
Clothesline		X <sup>1</sup>	X	X
Fireplaces, outdoor		X <sup>1</sup>	X	X
Flagpoles	<u>X</u>	X	X	X
Garages, detached		<u>X</u>	X	X
Gazebos	<u>X</u>	X	X	X
Lawn furniture such as benches and birdbaths	<u>X</u>	X	X	X
Lighting, ornamental	<u>X</u>	X	X	X
Patio, <u>Porches, Decks, or similar</u>	<u>X</u>	X	X	X
Playhouses			X	X
Pond and other water features	<u>X</u>	X	X	X
Portable RV covers/portable carports/portable vehicle covers			X	X
Sheds and storage buildings for garden equipment and household items		<u>X<sup>1</sup></u>	X	X
<u>Solar Panels (Ground Mounted)</u>		<u>X<sup>1</sup></u>	<u>X</u>	<u>X</u>
Swimming pools, private, when in conformance with other codes		<u>X</u>	X	X
Television and radio antennas and satellite dishes			X	X
Tennis courts, private		<u>X<sup>1</sup></u>		X
Trailer pads or pads for recreational vehicles or the like (pads are separate from, and in addition		<u>X</u>	X	X

to, the usual residential driveway for a residential dwelling unit)				
Other accessory buildings, structures and uses herein permitted in district regulations as accessory to a specific permitted use				X

Notes:

1. May be permitted within the side yard adjoining a street when located behind a minimum 6-foot tall solid, sight-obscuring fence.

...

**Section 4.** That Chapter 10, Article 2, Section 10-02-05 and Section 10-02-06 of the Caldwell City Code, governing various aspects of parking, and signage be amended, as follows:

**10-02-05: PARKING, LOADING, AND PEDESTRIAN AMENITY STANDARDS:**

...

(2) General Provisions: The off street parking and off street loading provisions of this section shall apply as follows:

...

(H) Off Street Parking: Off street parking shall only be allowed on an established driveway or parking lot. Established driveways ~~can be located anywhere on the property and~~ must contain an approved approach/curb cut from an alley or a street. Established driveways ~~should~~ shall consist of concrete or asphalt, and shall not consist of ~~gravel~~, lawn, grass or sod. Driveways shall be paved a minimum of forty feet (40') into the site as measured from the back edge of the sidewalk or edge of the roadway where no sidewalk exists for commercial and industrial properties. Driveways shall be paved a minimum of twenty feet (20') into the site as measured from the back edge of the sidewalk or edge of the roadway where no sidewalk exists for residential properties. A minimum of one established driveway should be installed on any residential site, when at all possible, as off street parking is the preferred method of parking. There is no maximum to the number of established driveways on a property. Spacing, sizing and design specifications and standards for an approach/curb cut is determined by the engineering department. An

established driveway should be a minimum of eight feet (8') wide. Off street parking shall also follow all requirements as listed in section 10-02-04 of this article for parking of accessory uses.

(3) Off Street Parking: Off street parking facilities for vehicles shall be provided in accordance with the following:

...

(J) Required Spaces: The minimum and maximum number of off street parking spaces accessory to designated uses shall be provided as required in table 4 of this section. Uses in a strip mall, business center, commercial or industrial subdivision or similar may count all parking spaces located within the development for their use provided business hours do not overlap. For instance, a space, used as a church on Sundays in a complex filled with professional offices, may count all of the parking spaces in the complex toward its use on Sundays if the professional offices are closed on Sundays, thereby eliminating the need for the church to install an entire parking lot just for the church. Parking requirements in this section shall not compromise state and federal handicap parking regulations. Land uses listed in section 10-02-02 of this article and not listed in table 4 of this section shall be governed with the parking standards listed with an asterisk (\*). The Planning & Zoning Director has the authority to reduce the maximum number of parking stalls required by up to 50%. These shall be decided on a case by case basis and shall be dependent on the ultimate use of the property, existing parking in the area, and other pertinent factors. Reductions to the minimum parking or bicycle parking requirements or increases to the maximum parking requirements greater than 50% may take place through either special use permit approval, a variance approval or a planned unit development approval, whichever may be most applicable.

...

**10-02-06: SIGN SCHEDULE:**

...

(2) General Provisions:

...

S. All billboard/off-premise signs located along the I-84 freeway shall have a minimum separation distance of 1,320 feet. This measurement shall include signs along both sides of the freeway and not only the signage along the side of the freeway where the sign is proposed to be installed.

...

**Section 5.** That Chapter 10, Article 3, Section 10-03-02, Section 10-03-11, and Section 10-03-12 of the Caldwell City Code, governing duties of the Planning & Zoning Director, Definitions, and Neighborhood Meetings be amended, as follows:

...

**10-03-02: DUTIES OF THE PLANNING & ZONING DIRECTOR:**

...

(1) Interpret and administer this chapter. The director shall have the authority to order, in writing, the remedy of any condition found to be in violation of this chapter or of any permit approved under the provisions of this chapter. Any person aggrieved by a decision made by the director in interpreting or enforcing this chapter may appeal such decision to city council. Such appeal shall be heard following the public hearing requirements set forth in subsection 10-03-03(2) of this article.

...

**10-03-11: DEFINITIONS:**

For the purpose of this chapter, certain terms are defined as set forth herein. All words in the present tense include the future tense. The plural includes the singular, and all words in the singular include the plural unless the nature of construction of the sentence indicates otherwise. The word "shall" means something is mandatory.

...

ACCESSORY DWELLING UNIT (ADU): Secondary dwelling unit on the same lot of the principal residence that includes its own independent living facilities with provisions for sleeping, cooking, and sanitation. ~~Designed for residential occupancy and is independent of the principal residence.~~ ADUs shall meet all of the following standards:

~~(1) No more than one ADU shall be located on an individual parcel.~~

~~(2) Shall be limited to a maximum of seven hundred (700) square feet and no more than one bedroom.~~

~~(3) Shall have a separate exterior entrance or an entrance to an internal common area accessible to the outside and shall be located to the side or rear of the principal residence.~~

~~(4) Shall be consistent in design with the principal residence, including roof pitch, siding, color, materials, and windows.~~

~~(5) Shall provide one parking space.~~

~~(6) Shall provide proof of owner occupancy of the premises. Either the principal residence or the ADU must be occupied by the owner of the parcel on which they are constructed at all times.~~

~~(7) Manufactured homes, mobile homes, and recreational vehicles shall be prohibited for use as an ADU.~~

~~(8) The ADU shall not be subdivided from the main parcel on which it is located.~~

~~(9) The ADU shall meet the setback requirements for accessory structures as set forth in subsection 10-02-04(2)C of this chapter.~~

AUTOMOTIVE SALES, USED: A lot or parcel used for the sale of used passenger vehicles or motorcycles. All passenger vehicles or motorcycles for sale shall be easily accessible and shall be in operating condition.

AUTOMOTIVE STORAGE, OUTDOOR: Any use of premises, excluding fully enclosed buildings, on which two (2) or more vehicles, ~~not owned by and registered to the property owner,~~ are standing more than thirty (30) days. Vehicles may or may not be in operating condition. This definition does not apply to those businesses that meet the definition of new or used automotive sales.

DANCE HALL/EVENT CENTER NIGHT CLUB: An establishment where people regularly congregate primarily for entertainment purposes in the form of dancing or live or recorded music and where a cover charge/entry fee is typically required. The establishment may have one or more temporary or permanent area(s) set aside for the purpose of dancing by the patrons of the establishment. Alcoholic beverages may be served provided the appropriate liquor or alcohol license has been obtained for the event.

DWELLING, SINGLE-FAMILY ATTACHED: A one-family dwelling with ground floor outside access, attached on one side only to another ~~one-family~~

dwelling by common vertical walls without openings (each dwelling unit occupies its own lot or parcel, but with a zero lot line on the attached side - townhouse). A single-family dwelling unit has only one address and only one water meter.

EVENT CENTER: ~~See definition of Dance Hall/Event Center.~~ An establishment which is rented out to the general public for events such as weddings, receptions, and the like. Typically a cover charge is not required for those attending. Food and beverages may be served, but all food preparation takes place off site. Alcoholic beverages may be served provided the appropriate liquor or alcohol license has been obtained for the event.

PRESCHOOL: A school for children younger than those five (5) years in age, either public or private, which provides education and instruction for compensation.

...

**10-03-12: NEIGHBORHOOD MEETINGS:**

...

(1) Applicants shall conduct a neighborhood meeting for any of the following: special use permit applications; variance applications; annexation applications; planned unit development applications; preliminary plat applications; appeal applications; amendment applications; and rezone applications

...

**Section 6.** That Chapter 10, Article 7, Sections 10-07-02 and 10-07-09, of the Caldwell City Code, being a portion of the Caldwell Landscaping Ordinance, be amended as follows:

...

**10-07-02: APPLICABILITY:**

...

(2) Application: This article shall apply in the following situations:

...

L. Uses, buildings, or properties that have been vacant or without a tenant for a period exceeding twelve (12) consecutive months.

...

**10-07-09: PARKING LOT LANDSCAPING:**

(1). Required: Interior landscape planter islands shall be required in all surface parking lots ~~containing more than twelve (12) linear parking spaces.~~

...

**Section 7.** That Chapter 10, Article 12, Section 10-12-03, of the Caldwell City Code, relating to the land use schedule in the City Center Zoning District, be amended as follows *(NOTE: only the added, deleted or amended items are shown in the tables below – all other unaffected items listed in the current version of the Caldwell City Code shall remain in said tables; the unaffected items have simply not been included for purposes of this ordinance):*

**10-12-03: LAND USE SCHEDULE:**

...

TABLE 10-12-1  
ALLOWED USES

Use	
Dance Hall/Night Club	==
Event Center	<u>S</u>

...

**Section 8.** That Chapter 10, Article 13, Section 10-13-03, of the Caldwell City Code, relating to the land use schedule for Mixed Use Districts, be amended as follows *(NOTE: only the added, deleted or amended items are shown in the table below – all other unaffected items listed in the current version of the Caldwell City Code shall remain in said table; the unaffected items have simply not been included for purposes of this ordinance):*

**10-13-03: LAND USE SCHEDULE:**

TABLE 10-13-1  
LAND USE SCHEDULE FOR MIXED USE DISTRICTS

	<b>T-N</b>	<b>H-C</b>
Commercial- service:		
Funeral Home/ <u>Mortuary</u>	<u>N S</u>	<u>N S</u>
Commercial - miscellaneous:		
Dance Hall/ <del>Event Center</del> <u>Night Club</u>	S	P <u>--</u>
<u>Event Center</u>	<u>S</u>	<u>S</u>

**Section 9.** All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

**Section 10.** This ordinance shall be in full force and in effect from and after its passage, approval and publication, according to law.

**Section 11.** This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

**PASSED BY THE COUNCIL OF THE CITY OF CALDWELL, IDAHO, this 5th day of September, 2017.**

**APPROVED BY THE MAYOR OF THE CITY OF CALDWELL, IDAHO, this 5th day of September, 2017.**

ATTEST:

\_\_\_\_\_  
Garret Nancolas, Mayor

\_\_\_\_\_  
Debbie Geyer, City Clerk

**ORDER OF DECISION BY THE MAYOR AND CITY COUNCIL  
CITY OF CALDWELL, IDAHO  
PUBLIC HEARING HELD SEPTEMBER 5, 2017  
SIGNED SEPTEMBER 18, 2017**

**SUBJECT:** Case No. OA-17-04 (Annual Zoning Ordinance Update)

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**TABLE OF CONTENTS:**

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- III. APPLICABLE LEGAL ANALYSIS**
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- VI. ORDER OF DECISION**

**I COURSE OF PROCEEDINGS**

- 1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application OA-17-04, to be held before the Caldwell Planning and Zoning Commission on August 8, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, have been met. On July 23, 2017 notice was published in the Idaho Press Tribune. Notice was sent to all political subdivisions located within Caldwell's area of impact and within the City of Caldwell on July 20, 2017.
- 1.2 On August 8<sup>th</sup>, 2017 the Planning & Zoning Commission voted to **recommend approval** of the ordinance amendment.
- 1.3 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application OA-17-04 to be held on September 5, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, August 20, 2017, notice was published in the Idaho Press Tribune, and on, or before, August 18, 2017 notice was mailed to all political subdivisions providing services to the site.
- 1.4 On September 5<sup>th</sup>, 2017 the Caldwell City Council **approved** the ordinance amendment.
- 1.5 Files and exhibits relative to this application are available for review in the Caldwell Planning and Zoning Department, 621 Cleveland Blvd., Caldwell as well as applicable public hearings.

**II GENERAL FACTS**

- 2.1 APPLICANT: Planning and Zoning Department, 621 Cleveland Blvd., Caldwell, ID 83605.

2.2 REQUEST: This is a proposal from the City of Caldwell's Planning and Zoning Department to amend portions of Chapter 10 of City Code.

2.3 TEXT CHANGE CONSIDERATIONS:

See draft ordinance.

### III APPLICABLE LEGAL STANDARDS

3.1 City of Caldwell Zoning Ordinance No. 1451, as amended.

3.2 City of Caldwell Comprehensive Plan, as amended.

3.3 Idaho Code, Title 67, Chapter 65, Local Planning Act

### IV PUBLIC TESTIMONY

4.1 Before the Planning & Zoning Commission August 8, 2017

Jarom Wagoner, 621 Cleveland Blvd., Caldwell, ID 83605, Senior Planner, reviewed the Annual Ordinance Update and went over the requested changes.

Commissioner Nelson asked a question regarding 10-02-04 and how will they will count the days allowed and how will it be regulated.

Mr. Wagoner stated it is very difficult and hard to regulate and to enforce. Some people are going to be dishonest and get around it. Having it in code does help those people who are abiding by the rules. We do receive phone calls from the public regarding people living in RV's and we follow up on those complaints.

Mr. Wagoner spoke on the definition of Automotive Sales (used) shall be easily accessible - we have added these words because we are starting to see what we would classify as junk yards, salvage yards, along the boulevard. Where they have literally 10-15 cars stacked in a row. We send them a notice to fix this and they reply that they are used cars for sale. That is not what we would classify as an automotive used car lot. This helps us to clarify that distinction. This way we can tell them the vehicles need to be easily accessible.

Mr. Nelson asked if that meant they needed to be in operating condition.

Mr. Wagoner replied that was correct.

Mr. Nelson asked if current auto sales lots would be grandfathered in.

Mr. Wagoner replied that they will not be grandfathered in.

Commissioner Vance asked about the Dance Hall/Night Club change in use. She was asking if the Bird Stop had music would it fall in that category.

Mr. Wagoner said that would not fall under Dance Hall/Night club. It's more of an ancillary use to the coffee shop, people aren't going there for a large concert, or paying a cover charge. The music is not specific to the use.

Commissioner Vance had a question regarding 10-07-09 and parking lot landscaping. It could be difficult for smaller businesses to comply with the landscape planter requirement. What if a business only has 2 or 3 spaces, would they still have to have the landscape planter islands.

Mr. Wagoner said yes they would. The reason for the interior landscape islands is that it helps to define the parking area, helps to funnel traffic, helps for safety and really makes the area look nice. Whether there are 6 or 12 spaces it still helps to have the defined areas.

Commission Vance questioned the requirement for really small areas. Does the Director of P&Z have

any leeway on modifications for small parking lots?

Mr. Wagoner indicated the Commission has the ability to modify the requirement to lots containing more than 4 or 5 linear parking spaces.

Commission Page agreed and recognized the limitations this would have on smaller parking spaces. He thinks that 6 would be a more reasonable number.

Commissioner Nelson agreed.

Commissioner Vance suggested that the department have the discretion to work with businesses with smaller parking areas.

Commissioner Page agreed and it should be determined on a case by case basis depending on the size of the parking area.

Mr. Wagoner said an option would be to leave it how it is and add wording about lots containing fewer than 12 spaces may be determined by the Planning & Zoning Director whether it's required or not. If they disagreed with the Director's decision they could appeal to City Council.

Commissioner Vance asked about the Television and radio antennas and satellite dishes on the accessory building table. They can't be in the side yard adjoining the street or the front yard. Aren't there situations where the satellite has to be in a certain position? She asked if this requirement was referring to free-standing satellite dishes.

Mr. Wagoner said yes.

Mr. Billingsley agreed.

Mr. Wagoner said they could add the wording "stand alone." That would better define the requirement.

Commissioner Nelson commented that if there is something that is unenforceable, like we discussed, then it probably shouldn't be there.

Mr. Wagoner stated it is enforceable it's just an extreme measure; we would have to get the police involved and have the RV removed. If we took it out completely we would have people living in RV's all over the place.

#### 4.2 Before the City Council, September 5, 2017

Jarom Wagoner, 621 Cleveland Blvd., outlined the contents of the proposed changes to the Zoning Ordinance including residential and commercial land-use items, signage along on the freeway, and landscaping issues.

Councilman Stadick questioned the code amendments regarding used car lot compliance matters. Mr. Wagoner stated that existing car lots would not be grandfathered since the code is not being changed but rather clarified. The Planning & Zoning Department is required by the Idaho Transportation Department to verify that used car lots seeking licensure are in compliance with the applicable city code.

MOVED by Callsen, SECONDED by Hopper to close the public hearing.

## V PLANNING & ZONING COMMISSION'S RECOMMENDATION

5.1 Based on the Comprehensive Plan analysis and testimony, the Planning & Zoning Commission hereby recommends to the Mayor and City Council that Case No. OA-17-04, a request by the City of Caldwell Planning and Zoning Department to amend and update Chapter 10, the zoning ordinance, of Caldwell City Code be **approved** with the following modifications:

1. 10-02-04 (3) Accessory Building Table – Televisions and radio antennas and satellite dishes - add the wording: Stand alone
2. 10-07-09 (1) Parking Lot Landscaping – add the wording: For those lots containing fewer than 6 spaces the size shall be determined at the discretion of the Planning and Zoning Director.

**VI ORDER OF DECISION**

6.1 Based on the Comprehensive Plan analysis and testimony, the Caldwell City Council hereby orders that Case No. OA-17-04, a request by the City of Caldwell Planning and Zoning Department to amend and update Chapter 10, the zoning ordinance, of Caldwell City Code be **approved**.

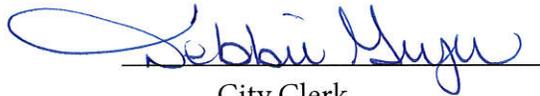
Case Number OA-17-04 was heard by the Mayor and City Council at a public hearing held September 5, 2017.

Written Findings of Fact, Conclusions of Law, and Order of Decision were approved by City Council members and signed by Mayor Nancolas at a regularly scheduled meeting held September 18, 2017.



Mayor Garret L. Nancolas

ATTEST:



City Clerk

