

**SPECIAL MEETING/PUBLIC HEARING
OF THE WALLACE PLANNING, ZONING
AND HISTORIC PRESERVATION COMMISSION
March 08, 2022**

Chairman Stayduhar called the meeting to order at 6:15 pm at the 3rd floor courtroom of the Shoshone County Courthouse.

Roll Call: Commission members present: Scott Lewis, Emma Stayduhar, Courtney Friehe, Sara Murphy. Absent Commission members: David Kuns

Business:

Chairman Stayduhar stated that the workshop for considering Mountain Overlay District has been tabled.

Public hearing to receive public comment on Proposed Ordinance to Designate Areas previously identified as a Holding District (H) zone.

Chairman Stayduhar stated that the Wallace Planning and Zoning Hearing is considering the proposed changes to the current zoning district for the City of Wallace, specifically we are considering an ordinance.

Stayduhar read the proposed Ordinance Summary of Ordinance 2022-01. Then stated that P&Z Commission is charged with administering the Zoning Code. Those duties are outlined in Title 13 and include; "To initiate proposed amendments to the Zoning Code and conduct a review of the Zoning Code every two years." § 13-2-3A and "To review all proposed amendments to the Zoning Code and make recommendations to City Council" § 13-2-3B.

Chairman Stayduhar continued and stated that over the last few years, both the P&Z Commission and City Council have been working with the city attorneys to revise and update our city codes and regulations. A few examples are legalization of residential property on 2nd stories of businesses downtown, updated the policies with food-trucks, chicken keeping, regarding sidewalk maintenance, and also updated the building code. These are ordinances that have been updated as recently as 2021. The city's attorneys during this process identified issues with the "Holding District" areas and stated that it should be rezoned with proper zoning designations. These are the areas on the city map in yellow labeled "H". The proposed zoning changes apply only to the Holding District areas. They do not affect any other existing zones or properties. In 1975, Idaho passed a law requiring cities and counties to adopt a zoning code and zoning map. Wallace completed that in 1980 and assigned zones to most of the city, however, the city wasn't sure what to zone some areas of the city that had steep slopes, so a "placeholder" zone was put over those areas called "Holding District". The Holding District Zone defined by our Zoning Code as, "a zone designated to serve as a reservoir pending future designation of land use." The Zoning Code states that the purpose of a Holding District is to "maintain the current vacant character of the land until such a time as logical development will occur in that area." What this means for the City of Wallace under that current designation of a Holding Zone, is that no development is permitted within that area. The Planning and Zoning Commission has been working to re-designate those area's labeled "H" so that development can occur. The zones that have been proposed for re-designation have specifically come from our already established Zoning Code in Title 13. During the October 6, 2021 Regular Planning and Zoning Meeting, which was then again repeated on October 19, 2021, the Commission started the process of re-designating those area's labeled "H" and determined more individual study was needed. The Commission again met at the November 3, 2021 Regular Planning and Zoning Meeting and independently brought their ideas to consider and discuss and came to a

consensus of what those “H” areas should be and that is what the property owners within the city limits of Wallace have been mailed out for consideration as well as the proposed Ordinance and Map with the re-designation.

Chairman Stayduhar went on to explain the proposed re-designated areas and their definition and how it relates to the Comprehensive Land Use Plan. The “Plan” is a guiding document for development of the city. The FORWARD in the “Plan” reads as follows:

The Comprehensive Land Use Plan is a generalized set of goals and policies that establish direction for optimal land use. As such, the Plan is an official statement of the City’s long-range development policies.

The proposed zone changes from Holding District Zone to Natural Resource Zone on proposed Ordinance 2022-01 are identified by numbers 1, 2, 5, and 7 on the proposed Ordinance Map.

Natural Resource Zone as defined in Title 13: to preserve and maintain the rural character of the land and to allow uses that can exist side-by-side.

In the Comprehensive Plan, P&Z identified the following language to support these proposed changes:

(1) Identify and manage hazard areas by requiring proofing for e.g., a geologic study that steep slope areas are safe from slippage and erosion and require non-safe slippage areas to be left open spaced. Proof is to be at the expense of the developer. Pg. 10, § 5(b)

(2) Encouraging the study of hazard areas to determine the effect of potential hazards of development. Pg. 10, § 5(c)

(3) The adverse environmental impacts of land use should be minimized. Pg. 16, Environment, §1

(4) Proposed land uses should maintain safe levels of air and water quality. Pg. 16, Environment, §1(c)

(4) To establish policies and regulations governing hillside development for natural and scenic resource reasons and to preserve historic Wallace’s unique mountain setting through adoption of a Mountain Overlay District. Pg. 10, Land Use, §(f).

Chairman Stayduhar went on to state that during the October and November 2021 Planning and Zoning Meeting, there were several factors that were considered for the proposed Natural Resource District lands such as, topography of the area, steepness of the slopes, hazard areas, impacts on water quality, whether the area was already developed, proximity to roads, adjacent county zoning, the City’s desire for expanded recreation and parks and the City’s desire to preserve open space and scenic beauty as well as planning principles and common sense. Considering those factors, the Commissions found the Natural Resource proposed rezoning to be consistent with the intentions of the Wallace Comprehensive Plan.

Light Manufacturing Zone-M1 was proposed for the area identified as #6 on the proposed Ordinance Map. The purpose of M1, is to encourage development of manufacturing and wholesale business that operate within an enclosed structure and generate little industrial traffic. Also, it is to be a transition zone between other businesses and housing. Comprehensive Plan policies that are consistent with the proposed designation include:

(1) Areas of commercial development should be located so as to be accessible to arterials which have a minimum impact on surrounding homes and street traffic. Pg. 11, §1(b)

(2) Highway service businesses should be located adjacent to established highway services. Pg. 11, §1(2)

(3) Optimum land use for business and tax producing income shall be encouraged. Pg. 16, §1.

The Planning and Zoning Commission at prior meetings looked at several factors when it considered the land proposed for M1 zoning including; nearby existing uses (e.g., Spunstrand), availability of city services, proximity to I-90, proximity and compatibility with existing businesses

the city's desire to attract new commercial businesses, and the city's desire to attract other business types such as light industrial and/or manufacturing uses. Considering those factors, the Commission deemed the M1 rezoning proposal to be consistent with the Wallace Comprehensive Plan.

Single-Family Residential (R1) was proposed for area identified as #3 on the proposed Ordinance Map. The purpose and definition of this zone is to promote establishment of medium to low-density, single-family dwellings and not to exceed 10 units per acre. Relevant policies in the Comprehensive Plan include:

- (1) The Land Use Plan should provide for single family and multi-family residential areas. Pg. 12, §1
- (2) Single-Family Residential areas should be located within the city limits on locations where adequate water facilities and future sewers, as well as other public services can be provided. Pg. 12, §2
- (3) Locating housing so it is fully integrated with land use, transportation, public facilities and in compliance with the Comprehensive Plan. Pg. 12, §2(b)

The Planning and Zoning Commission looked at several factors when it considered the proposed R1 Zones including nearby existing housing, availability of city services, proximity to roads, whether the area was already developed and the City's desired need for more single and multi-family housing. Considering those factors, the Commission find the M1 proposed rezoning to be consistent with the Wallace Comprehensive Plan.

Multi-Family Residential-R2 was proposed for areas identified as #4 and #8 on the proposed Ordinance Map. The purpose of the zone is to promote establishment of medium-low density, two-family and multi-family dwellings, not to exceed 12 units per net acre. Relevant Comprehensive Plan policies include:

- (1) Multi-Family Residential areas should be located in areas not already established as well-maintained Single-Family areas. Pg. 12, § a(1)
- (2) In areas where increases in traffic would have minimal effect on traffic carrying capacity of arterial streets. Pg. 12, § a(2)
- (3) Where adequate water facilities, as well as other community services, such as fire and police protection can be provided. Pg. 12, § a(3)

The Planning and Zoning Commission looked at several factors when it considered the R1 Zones including any nearby existing uses, availability of city services, proximity to roads, whether the area was already developed, adjacent city zoning (e.g., Nine Mile corridor and areas above City Limits Pub are zoned M1), and the city's dire need for more single and multi-family housing. Considering those factors, the Planning and Zoning Commission find the proposed M1 rezoning to be consistent with the Wallace Comprehensive Plan.

Other General Policies of the Comprehensive Plan that were considered:

- (1) The growth of Wallace should be encouraged within well-defined city limits. Pg. 5, § 2(A)
- (2) A harmonious design in the business and residential districts of Wallace shall be encouraged. Pg. 16, Community Design
- (3) Usable land should be in keeping with the harmonious design of the city and its unique cultural and historical heritage. Pg. 17, § 1(b)
- (4) Natural hazard areas around Wallace include the steep mountains, lightening caused forest fires, and snow and mud slides should be considered. A goal of the city is that development should occur in such a manner so that development is safe and practical. Pg. 17, Natural Hazard Areas.

Chairman Stayduhar concluded by stating "In light of all those factors previously stated with the understanding of Title 13 of the Wallace City Code as well as the Comprehensive Plan and its

intention for the development for Wallace, along with its policies and our analysis of the factors we studied, we find the proposed rezoning to be consistent with the Wallace Comprehensive Plan.”

Chairman Stayduhar moved on to the next portion of the Public Hearing which was to hear from the public. First to speak was Deputy Clerk A. Trogden. Written comments received by the city were labeled Exhibit A through Exhibit F and read into the record.

Ron Bertoch of 209 Pine Street, Wallace

Stated he didn't fully understand the proposed rezoning and it's still a little unclear. Overall, he doesn't want to see Wallace become like other places in the country where bad planning and overcrowding make it difficult and expensive because of an increase in property taxes for the locals and are forced out and cannot afford to live here.

Dick Caron, 416 ½ Sixth Street, Wallace

Wanted to thank the Commission for all the work they have put into this project and stated it has been needing to be done for a long time and that it is important. Also, Dick read a passage from a writer who wrote for the Overland Monthly Magazine named George Teele. He was writing about a building that was being built in Wallace, and his first comment describes the setting of Wallace “The City of Wallace is a virtual little jewel of a city. Set snugly in this beautiful velvet cast of green clad mountains.” Dick stated that we as a city should protect our mountains as we move forward with rezoning.

Heather Branstetter, 119 River Street, Wallace

Stated she is speaking as a citizen of Wallace and not as a Councilwoman and is generally in support of the proposed rezone. In favor of preserving the natural beauty of our area, have our hillsides protected and not developed with condos or giant houses. Also believes that the city should take special care to not infringe upon the property rights in our rezoning process and not veering upon regulatory takings. Heather also had some questions that she hoped would be answered. (1) City code mentions a “Land Use Plan” and was wondering if the city has one. (2) The Comp Plan that she has is labeled “draft”. Was wondering if the city ever officially adopted the Comp Plan. (3) Was in agreement that the Comp Plan should be updated before finalizing our rezoning process. (4) Meetings where P&Z discussed the ideas and process that went into the rezoning considerations, was wondering about the studies and/or background that provided the foundation for those discussions.

Wendy Miller, P.O. Box 202, Silverton, ID

Wanted to thank the Commission for the work that went into the project and is in support of their proposed rezone. Thought that it was very appropriate for the city to address this now especially after COVID, and the transfer of people moving into the area.

Ryder Gauteraux, 118 River Street, Wallace

Stated that he was completely opposed to how the Commission was doing this, but not opposed to actually rezoning it. He stated that the Commission failed to mention the 20+ houses that were down in Weyer Gulch along with large meadows, all the while talking about steep hillsides. He stated that he thinks the Commission has completely misrepresented what they were doing because the Commission Chairman spoke at a Public Hearing for the County and told them they were rezoning to stop development of the South Hill and to eliminate roads. Michelle Bisconer, Councilwoman for the City of Wallace also stated the same thing at that same meeting. He thinks it's a huge issue with potential legal issues of how they are doing this, especially with not having a Comprehensive Plan and a personal agenda about the South Hill.

Mike Engler, 520 Cedar Street, Wallace

He stated he isn't opposed to rezoning in general, but believes you can't keep a town frozen in time and would like to preserve the best parts of Wallace while respecting property rights as well as minimizing the burden and impact on the tax payer and without knowledge of how these will be impacted, he is opposed to the proposed changes to the Holding Zone. Also stated that he is in complete agreement with the letter written to the city by Ron Neimi that was read into the record as exhibit F.

Susan Berry, 107 Bank Street, Wallace

Stated that she was neutral because she wasn't sure she understood everything in the proposed Holding District Zone change, but is not for development that would ruin the mountain views. Her main comment is on the Natural Resource District designation and is concerned about how broad the language is and was concerned on what the process would be for building in that district.

Chairman Stayduhar stated she wanted to address some of the questions brought forth in the public comment portion and asked Courtney Frieh to start off by offering some input. Frieh went on to explain the reasoning behind the Holding District at the time of the zoning designation back in the 1980's, is that the City of Wallace did not know what to designate certain undeveloped hillside areas at that time because there wasn't much growth or pressure for growth, so those were labeled "Holding". Part of the Planning and Zoning Commission is to periodically review our zoning map and laws and to see if improvement or modernization of them needs to be done. That is what the Commission is doing today. They are giving zoning designations that haven't been designated yet. Frieh went on to say that the City of Wallace does have a valid Comprehensive Plan even though it's outdated. Frieh also went on to read some of the language in the code pertaining to the Natural Resource District and what could or could not be built. Stayduhar went on to address other questions relating to Chapter 12 of the Comprehensive Plan. Scott Lewis stated that he wanted to thank all of the citizens who came out for the Public Hearing and voiced their concerns. Also stated that the obvious reason this zone change came up to the Commission is the pressure for development and states that the city wants to maintain some sort of healthy forward momentum for that need, but knows most people do not want to see uncontrolled growth and that's what the Commission is trying to avoid and that no matter what is done, not everyone is going to be pleased.

Amy Barrett, 164 King Street, Wallace

Asked to speak and get clarification from the Commission as she had to leave briefly prior and could not speak during the Public Hearing section of the meeting. She went on to say there is an obvious need for more houses, but wanted clarification on who is going to pay for sewer, utilities, the road and maintenance to allow police and fire protection to have access. Is the developer or the city going to be responsible for that cost and will that then increase our taxes?


Stayduhar went on to address some of those concerns and referred to the Natural Resource Designation and how the process would work and what building would be allowed. C. Frieh also stated that in the Natural Resource District and other Districts, the potential builder has to comply with not only the City Code, but also other agency regulations and codes that is not in the city's jurisdiction.

Determine whether or not to recommend to City Council the Proposed Ordinance to designate areas previously identified as a Holding District (H).

C. Frieh stated that the Planning and Zoning Commission met on four separate occasions to discuss and deliberate on the proposed changes and during those meetings, there was not a lot of public


comment or participation. David Sherman and Katie Watterson, who were members of the Commission during that time, spoke and gave input and insight to these decisions. The Commission spent a considerable amount of time deliberating and discussing each section extensively, all the while receiving input from the City's Attorneys, and considered a variety of factors which have been explained along with the Comp Plan Policies and studied each area, looked at different factors that would apply to each section and took public comment for the purpose of giving land owners the ability to build in the area's labeled "Holding District", and also considered the dire need for more housing and the need to attract more businesses. For all of these reasons stated, C. Friehe made a motion to recommend to City Council the proposed Ordinance 2022-01 as is to designate areas previously identified as a Holding District. S. Murphy seconded the motion. Roll call vote: Lewis; yes, Murphy; yes, Friehe; yes, Stayduhar; yes. All were in favor, none opposed. Motion carries, no further discussion.

There being no further business to come before the Commission, S. Murphy made a motion to adjourn. E. Stayduhar seconded the motion. All in favor, motion carries. Adjourned 7:34 pm.



Emma Stayduhar, Chairman of Commission

Attest:



Amanda Trogden, Deputy City Clerk