

Buhl Planning & Zoning
203 Broadway Ave N

January 18, 2023
MINUTES

COMMISSIONERS PRESENT:

Barbara Gietzen	Commission Chair
Gary Dannenhauer	Commission Member
Patricia Beltran	Commission Member
Maggie Himmelberger	Commission Member
Jeff Gabardi	Commission Member

CITY STAFF PRESENT:

Scott Bybee	City Engineer
Rick Brook	Code Services
Jazmine Mills	P & Z Administrator
Teresa Robbins	Public Works Clerk
Jason Scott	Public Works Director

ALSO PRESENT:

Shawn Sharp	Applicant
Charles Gaeta	Applicant

Concerned Citizens

VIA ZOOM:

An unnamed person on device Samsung SM-G975U1

OPENING The meeting was called to order at 10:30 AM.

Gary made a motion to approve the amended agenda to make the old business item #1 “Approval of November 16, 2022 minutes” instead of October. Patricia seconded. There was no discussion; the motion passed unanimously.

CONFIRMATION OF QUORUM for Public Hearing #1: Jazmine Mills confirmed a quorum.

PUBLIC HEARING #1

Barbara Gietzen asked the applicant to make a statement.

Shawn Sharp of Buhl stated that he purchased the old coal yard. He’d like to put a dealership and storage lot on the property. He stated he will be the only employee for this business and that there weren’t any existing sewer and water connections at this location. Shawn stated he doesn’t have use for these services because the coal dust would interfere with washing the vehicles he sells.

Barbara asked if there was any testimony in favor of this application. There was none.

STAFF REPORT

Jazmine Mills stated this property has been a coal yard for many decades. TitleOne provided a property information report showing that the coal shed lot is 0.05 acres and was built in 1947. She stated that there aren’t records of the property being connected to city utility services. The zoning of the area is light industrial with the purpose to provide light industrial development, manufacturing, and wholesale establishments which are clean, quiet, and relatively free of hazardous or objectionable elements, such as noise, odor, and dust. The applicant voiced a plan to open automobile sales at this location, open four times a month, with no employees. The current zoning district allows this use without any additional permitting. The applicant feels that their limited use of the property does not warrant water and sewer connections.

Jazmine spoke with the State Building Inspector who stated that in the International Building Code Chapter 29 Plumbing Systems Table 2902.1, businesses are required to have one toilet and sink

per 50 people before a certificate of occupancy is issued to open the business. She stated Buhl City Code requires a conditional use permit to waive water and sewer connections in the light industrial zoning district. Approval would waive water and sewer bond fees that are billed to business and residential accounts within the City of Buhl and would not be billed to 1505 Main St.

Jazmine stated community members who live and run businesses in Buhl have connected to city systems and are billed for usage and bonds at each real property location. By resolution, the mayor and city council set a bond fee to be charged against owners of all real property located within the city and owners of real property located outside the city limits which use city water or city sewer services. She stated the bond fees are in the monthly city bill instead of property taxes per citizens' vote in 2008. These 30-year-long bonds are to update the City's Water and Sewer Treatment facilities to meet EPA arsenic standards.

Jazmine spoke with Public Works who stated the property is within reasonable access to city systems. The Public Health District code requires connections to city sewer if access is reasonable and within a minimum 300-foot distance. The closest sewer connection is about 103.5 feet from the NE corner of the property into Kelly Oil's entryway. If the applicant obtained an agreement with Kelly Oil for a sewer easement, they could connect to the City sewer without needing a lift station. The city sewer inspection fee is \$800.00 paid at the City clerk-treasurer's office. The City's main water line is on Main St and is accessible to the property. A new ¾" meter installation cost is \$4061.69 and a new 1" meter installation cost is \$4454.38.

The staff has reviewed this Conditional Use Permit Application and it has met all the requirements for a complete application and all fees are paid. It is in the applicant's best interest to connect to city water and sewer systems to aid potential business growth and property value. The Board may approve as-is, modify, table, or impose additional conditions.

Barbara asked if there was any testimony in opposition to the application. There was none.

Barbara closed Public Hearing #1 at 10:35 AM.

REGULAR MEETING

CONFIRMATION OF QUORUM: Jazmine Mills confirmed a quorum.

OLD BUSINESS:

Minutes of November 16, 2022:

Jeff moved to approve the minutes. Gary seconded. There was no discussion. There was a roll call vote; Jeff yes, Gary yes, Maggie yes, Patricia yes, and Jeanne did not vote. There was a majority yay vote, so the motion passed.

NEW BUSINESS:

Review and Consideration of Shawn Sharp's Conditional Use Permit request:

Jeff asked if the property has been billed for water and sewer bonds. Jazmine stated no.

Barbara asked for a motion.

Gary asked if there is a requirement to tie into water and sewer connections. Scott stated that research will have to be done.

Teresa stated that the property was a coal storage area. There was a discussion of how the land was used as the coal yard along with the scale and coal shed.

Barbara asked for a motion again.

Jeanne moved to approve Shawn Sharp's Conditional Use Permit request. Maggie seconded.

Jeanne asked for clarification because the property never had anything on it and won't have anything now. Shawn agreed and stated that there are 2 feet of coal on the ground, and the property has never had services since 1923. Jazmine stated there will be something on the property—equipment vehicles that Shawn Sharp would have for sale. Jeanne asked if there will be buildings on the property. Jazmine stated there are two buildings: the existing coal shed and a new shop that Shawn had built.

Barbara asked if this is across from the residences. Shawn stated he was across from the Highway District.

Patricia stated this is brought to the Board because other businesses are paying the bonds and there isn't a way to charge Shawn Sharp those fees if he isn't connected to those services.

Jeff asked Scott Bybee if other pieces of land don't have water or sewer services.

Scott stated some small pieces of land in town aren't connected to services and meet certain criteria, such as unbuildable lots.

Scott stated his biggest concern with any conditional use permit approval tends to have bigger issues develop that go beyond what the initial approval was for and he advised imposing restrictions.

Barbara asked if they are setting a precedent by approving if other properties aren't connected to city systems. Scott stated that some properties in town aren't connected to water and sewer.

There was a discussion about the research needed to aid in the Board's decision regarding properties that aren't connected to city systems.

Teresa asked the Board if they understood what Shawn's future business was and invited Shawn to expand on it. Shawn stated he will purchase vehicles and equipment to put up for auction in the area, so the property would be a staging place where he can park the vehicles and clean them up.

Barbara asked how he would clean the vehicles if there is no water on the property. Shawn stated there are plenty of truck wash places he'd take the vehicles. He stated that even if the property was connected to city water, he wouldn't use it because of the coal dust. He put gravel down and the coal dust is still prominent.

Jeanne asked if this property would be a parking lot for the vehicles. Shawn stated yes. Jeanne asked how many vehicles will be on the property at one time. Shawn stated that his dealer license will only allow for 5 vehicles at a time.

Barbara asked if Shawn has purchased the property. Shawn stated yes.

Maggie asked if there are vehicles on the property now. Shawn stated yes.

Barbara asked how often he would be on the property. Shawn stated that he works in the summertime, so he would be there from September to May.

Jeanne asked if vehicles would remain on the property during his summer work season. Shawn said yes if any were left along with his own personal vehicles.

Barbara asked what he would do if he needed restroom facilities while on the property. Shawn stated that he goes to Valley Co-Op eight (8) times a day for parts and his house is close by so he would go to either place.

Barbara asked Jazmine the total cost to hook into city systems. Jazmine stated the costs depend on the size of the water line he puts in and does not include what a plumber would charge to bring the line onto the private property. She stated a 1" water line plus the sewer inspection fees would cost \$5,254.38. Jeff asked once that connection is put in, the monthly utility fees start to accrue. Jazmine stated yes. Barbara asked if that included garbage fees. Jazmine stated yes. Teresa stated that the monthly bill would be \$144.75 per month for water, sewer, and sanitation.

Jeanne requested more information before making a decision.

Barbara asked for a roll call vote for the motion on the table; Jeff no, Gary no, Jeanne no, Maggie no, and Patricia no. The motion failed.

Jeanne moved to table the decision until more information is provided. Jeff seconded the motion. There was no discussion. There was a roll call vote; Jeff yes, Gary yes, Jeanne yes, Maggie yes, and Patricia yes.

Scott stated that he would sit down with Karen and Jazmine to find out what other properties aren't tied to city systems in town. Barbara stated that she is torn because they want to be fair to everyone in the city since some are paying for the bonds and aren't using their property to the full extent.

Consideration of Charles Gaeta's 7' fence request:

Charles Gaeta of Buhl stated that his home is on the corner of Fair St and Summer Springs Ave. He is requesting P & Z approval to have a section of his backyard fence be 7 feet tall. He would like to install an archery lane between the neighbor's house and his. Part of the safety measures for his archery lane that he plans to implement is a portion of his back fence to be 7 feet tall along with a 7-foot tall backboard/backstop to keep projectiles on his property. Charles stated that the slope of his property should also aid the projectiles sinking closer to the bottom of the target.

Barbara asked if there was testimony in favor of this request. There was none.

Jazmine stated she spoke to law enforcement regarding the discharging of bows and arrows inside city limits. City code prohibits them unless the activity is conducted on private property with the proper equipment to maintain the projectiles inside the property. She stated that this request of a section of fence being 7 feet tall along with the backstop will allow Mr. Gaeta to comply with City Code.

Barbara asked if there was any testimony in opposition. There was none.

Jeff moved to approve Charles Gaeta's request for a 7' fence. Jeanne seconded the motion.

Jeff asked about the width of the 7' fence section. Charles stated that it would be a 12-foot wide section. Jeff asked Charles about the row of trees behind the southern end of the property providing additional protection. Charles agreed.

Jeanne asked if the archery is for personal practice or will he be giving lessons. Charles stated it was for his and his wife's pleasure since they both have backgrounds in archery, both culturally and recreationally. Jeanne asked if this would be for their entertainment. Charles stated yes and if friends would visit and play this sport with them, it would be under supervision.

Barbara asked if he planned on making this a commercial business. Charles stated no.

There was a roll call vote; Jeff yes, Gary yes, Jeanne yes, Maggie yes, and Patricia yes. The motion passed.

COMMISSION CONCERNS — Jeff stated that at the last City Council meeting there was a consideration for the Jantz property and the rezoning request didn't pass. Jeff asked what the next step was for the applicant and if they needed to reapply with Planning and Zoning again.

Jazmine stated that after that meeting, she discovered that there was a clerical error in notifying the agent and the applicant, so there was some cross-information. The applicant can reapply, and have it republished for a City Council meeting and that Planning and Zoning duties have been fulfilled. She stated that the City Clerk will propose to City Council to rehear the application and if they agree, another public hearing will be held in February.

CITIZEN CONCERNS — There were none.

Barbara addressed the audience and stated she was happy to see people who are interested in what occurs in the city. She thanked them for their attendance.

MEETING ADJOURNED — Jeff made a motion to adjourn. Maggie seconded. All voted in favor. The meeting was adjourned at 11:02 PM.

Minutes prepared by Jazmine Mills, Planning & Zoning Administrator