

Buhl Planning & Zoning
203 Broadway Ave N

May 17, 2023
MINUTES

PRESENT:

Barbara Gietzen	Commission Chair	Jazmine Mills	P & Z Administrator
Maggie Himmelberger	Commission Member	Teresa Robbins	Public Works Clerk
Patricia Beltran	Commission Member	Jason Scott	Public Works Director
Jeanne Gannon	Commission Member	Concerned Citizens	
Jeff Gabardi	Commission Member	Mark Dowding	Applicant
Karen Drown	City Clerk	Ty Pollman, via Zoom	Applicant
		Mike Liimakka, via Zoom	Applicant Engineer

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

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

PUBLIC HEARING #1

Barbara Gietzen asked the applicant to make a statement.

Mark Dowding of Buhl is the assistant pastor of Buhl Bible Church. He is requesting the restriction of the daycare “All The Little Children Daycare and Preschool” to be adjusted. It currently says 25 are allowed while their State license allows the highest occupancy load of 99. They are the largest daycare center in Buhl and provide a crucial service to the community. There will be no negative effects on surrounding properties.

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

STAFF REPORT

Jazmine Mills stated the history of the property—1983: Smith’s Food King, 1985: Kliegl’s Food King, 1998: Ridley’s Market, and 2003: Calvary Church. On March 19, 2003, a Conditional Use Permit to allow a church at 1004 Burley Ave was approved. On May 10, 2012, the P & Z Administrator provided a compliance letter to the State stating the Calvary Chapel Buhl Preschool facility provided care for more than twelve (12) children. On September 20, 2012, a Conditional Use Permit application to operate a child care center at 1004 Burley Ave was approved with conditions attached as “Exhibit A” to the findings of fact. The conditions are 1) Safe ingress and egress for patron’s vehicles to be maintained, 2) all required legal certifications to be kept current, and 3) a maximum of 25 children shall be served. This decision was signed on October 1, 2012, by the P & Z Commission Chair. On March 28, 2023, the Idaho STARS Local Compliance form was received in the P & Z office and standard practice is to submit a zoning compliance letter listing the conditions/restrictions. It was later determined that the City restrictions did not match the State license allowances and the fire inspections had increased the occupancy load over a few years. The fire inspection dated 3-12-21 increased the occupancy load to 99. She stated she’d been working with the IdahoSTARS Project and other licensing entities to allow operations to continue until this application is heard.

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

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

PUBLIC HEARING #2

Barbara asked the applicant to make a statement. Jazmine notified the Board that the applicant will attend via Zoom with his engineer to present their application.

Mike Liimakka, Alpha Omega Engineering, of Boise, stated they are requesting a Conditional Use Permit for the expansion of the existing MoonGlo manufactured home park by 93 lots with the dimensions of 55' x 100' across three parcels of land that total approximately 18 acres. The entrances to the existing park are from Moon Glo Rd and Big Dipper Dr and the expansion will connect through Harvest Moon St and Star Light Ave which are within the park. He shared the Zoom screen to show the map of the proposed extension and roadways. The "K" coulee runs on the east side of the property. Brown Dr is a county road on the property's west side. North of the property there is Les Schwab, Bone Yard Storage, and Citizens. The area is zoned R-6 like the existing park. The proposed use is consistent with the zoning and will be a quiet neighborhood. Streetlight glare can be mitigated with shielding if necessary. There will be light car traffic on paved streets.

Ty Pollman of Boise stated the expansion was part of the original plan for MoonGlo when it was first developed by Anne Lively's father and they are taking them to fruition. The style of homes matches the parks he owns and the existing park, which are double-wide manufactured homes, pit set to the ground with an attached 2-car garage, and the community will stay as a 55+.

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

Barbara asked if there was any testimony in opposition to the application.

- Julie Westwood of Buhl at 910 MoonGlo Rd SPC 54, stated she was very concerned about this development ranging from the water impact on the community at large, the space rent increases and its impact on residents' fixed incomes, a lack of access to the expansion that isn't going through the park, and the traffic impact on current park residents.
- Mary Nunes of Buhl at 910 MoonGlo Rd SPC 33, stated that as a business person, she is not opposed to profit progress but to the impact on the existing park. She stated the residents' grievances apply to the new area—they are treated like an HMO, the cost of living in this park has increased, the existing entrance roads aren't equipped to handle the additional traffic, the current conditions of the existing roads aren't safe for elderly to walk on, the rusted pipes within the existing park are a health concern, an entrance to the new park should be through Brown Dr, the harassing letters from the new owner, the lack of accessibility to answers from management, and the disunity caused to the existing MoonGlo community. She stated this was the reason she moved from California because of a similar situation.
- Senator Glenneda Zuiderveld stated she was in attendance because she'd received many letters from the MoonGlo residents. She stated the importance to represent the elderly and protect them. She stated this was her introduction to offer her help in her capacity.
- Jared Fry of Buhl at 910 MoonGlo Rd SPC 36, stated that he moved from Oregon and has been at MoonGlo for 3 years. He stated when Hamilton opened the park, the lot spaces were 55'x100', the homes were 11'x24' which was tight for doors to open by the time a carport was installed and when Mark Lively took over, the lot size was changed to 60' wide to allow a 28' wide manufactured home. His concerns were the narrow lot space, the lack of overflow spaces to park extra vehicles in the new expansion, the narrow roadway between SPC 31 & SPC 32 where a deck and concrete will be moved, and the traffic flow impact for fire services.

Julie Westwood stated she'd like to make an addendum to her statement about rent. Barbara stated the Planning and Zoning Commission doesn't have control over rent and that she feels for the residents and what they are going through.

STAFF REPORT

Jazmine Mills stated the application is for a Conditional Use Permit to expand the existing MoonGlo Manufactured Park by 93 units. The site dimensions for the units are 55'x100'. The existing use of the land was irrigated pastures. There is an irrigation ditch bordering the NE of the pasture ground abutting the existing park known as the "K" Coulee by the Twin Falls Irrigation District. Jason Brown, Twin Falls Canal Company engineer, stated an agreement will be required between TFCC and the developer before any work is commenced. The road crossing and easement is the biggest concern regarding the development. A CUP must be applied for and approved to make changes or expand an existing manufactured park. On April 12, 2023, a meeting with the applicant and their engineer, Buhl City Engineer, Buhl Public Works Director: All critical utility connections for this expansion must be in Burley Avenue before this road is reconstructed in the 2024/2025 project. The City will assume the water line of the new section if it is independent of the existing park and if it loops from Moon Glo Rd to Burley Avenue at Brown Drive with a minimum 8" line size. The Board can approve as-is, modify, table, or may impose additional conditions. She stated that any questions about city system connections can be answered by Scott Bybee.

Barbara invited the applicant for a rebuttal.

Ty Pollman stated the majority of the objections were regarding management and not the development but he would respond to them. He stated they have been very vocal about encouraging residents who can't afford it, to speak to Janet to put together a plan. Ty stated that he understands how the Livelys managed the park and they did a great job. He stated that the national average for 55+ community lot rent is about \$600.00, so it is a shock when the rent was \$375.00. He stated another access to the expansion through Brown Dr has been considered, but hesitated because of it being a county road. He stated he is not opposed to having access to the community from Brown Dr since the County plans to pave it in the future. Ty stated he owns 14 communities in four states, and all municipalities want affordable housing for senior residents. He stated that \$600.00 in comparison to the national average for rent is very affordable compared to a mortgage on a \$400,000 home or an apartment rental. He stated there are benefits to adding affordable housing for retirees and active lifestyle seniors. Ty stated another benefit is the increase of equity for the homeowners by providing an upgrade to the community. He stated the expansion's revenues would allow additions like a pickle-ball court, pool, and community center upgrades. He stated this property purchase allows him to expand it, reinvest, pave the existing roads, and provide continued housing for this demographic. Ty stated the garage styles and floor plans allow wider space between 18' to 20' wide 2-car garages and will look into the overflow parking idea. He stated he'll work with the City to make sure the expansion plans are realistic.

Barbara closed Public Hearing #2 at 11:05 AM.

REGULAR MEETING

CONFIRMATION OF QUORUM: Jazmine Mills confirmed a quorum.

OLD BUSINESS:

Minutes of March 15, 2023: Jeff moved to approve the March and April minutes. Maggie seconded. All voted in favor. The motion passed.

Minutes of April 19, 2023: (see above).

NEW BUSINESS:

Review and Consideration of the Buhl Bible Church's CUP Request:

Jeff stated the concern was the fire department's review of the facility and current conditions. Jazmine stated she spoke with Chief Stevens who said the Fire Department will re-inspect when the time comes, and maximum occupancy is calculated by taking the square footage of the area with a formula that makes 99 the absolute maximum for this facility. She stated if they were to increase the number again in the future, they would have to use additional areas for the daycare or build a separate building for that use.

Patty asked if they are at maximum capacity right now. Mark Dowding stated they currently have 80 kids enrolled which is their max with the space dedicated for that use.

There was a discussion about why the request was for 99 children.

Jeanne moved to table the decision until the Board hears from the Fire Department. Patty stated that the Fire Department already approved the 99. Jeanne withdrew her motion.

Jeff moved to recommend the maximum occupancy to be 80 children as the condition for this CUP.

Jazmine asked if restricting it to 80 would cause an issue with the State license that already allows 99 since the recommendation is to match the State license.

There was a discussion about the daycare section having physical space for 80 kids.

There was a discussion about other spaces within the church building that would be adapted to accommodate 99 kids if that were to happen.

Jeff amended his previous motion to approve the 99 occupancy max on the CUP. Patty seconded. There was no discussion. All voted in favor. The motion carried.

Review and Consideration of Ty Pollman's CUP Request:

Jeanne stated she is concerned about the residents not getting the answers they need from Janet. Ty stated she is the general manager who manages the 14 communities, totaling 1000 spaces, and handles what she can. He stated the new development will have management on-site which will help with communication between management and residents.

Barbara invited Scott Bybee to address concerns brought up during public testimony. Scott stated the City has the water capacity for this development; The City has a dual pressure zone, the SE quadrant is lower pressure, and there is a significant change in pressure the farther

you are from the water towers. He stated the development is unique because it is in a transition zone where with proper design the pressure will be in the 50-70 psi range. The City is requiring a minimum of 8" water mains in this development and the City will assume them for maintenance if these lines aren't connected to the existing private system.

Scott stated the City has adequate sewer capacity and the development will connect on Burley Ave once a few easements from private property are obtained. The current private sewer goes through a lift station and is pumped into the City system, and the new section will have an independent sewer system.

He stated traffic in this park is on private roadways which standards differ from public thoroughfare requirements and some conditions on the existing roadways require private maintenance. Scott stated the design of the new streets can withstand the traffic load and the roadway access off of Brown Dr is something the developer will look at in the future. Scott stated the stormwater retention design complies.

He stated the citizen comments are about issues the city has no control over such as maintenance and rent control. Scott stated the 55' space width is the standard size and the 5' setback on each side allows for a 45' wide manufactured home with a garage; he agreed that it is limiting to some, but it is acceptable.

Scott stated that there is some ground in the new addition that isn't dedicated to housing and that could be addressed for overflow parking. He stated that if there are any water issues in the private system, residents can reach out to the Idaho Department of Environment Quality. He stated the Board can consider if rent control is something to be added to the code changes in the future.

Barbara asked if the existing private systems would be assumed by the City in the future. Scott stated to do so, the service lines would have to meet City standards which could be expensive.

Jeff asked if the new addition's service lines will meet City standards. Scott said yes.

There was a discussion about trash services at MoonGlo Park.

There was a discussion about pressurized irrigation and water rights.

There was a discussion about water and sewer connections being done before the Burley Ave Street project.

Barbara asked the applicant if there would be a second community hall in the new addition. Ty stated there aren't plans to add a new one, only renovate the existing one.

There was a discussion about the garage design meeting all setback requirements.

There was a discussion about the two access ways into the park and the future addition.

Jeanne moved to approve the Conditional Use Permit for the development. She stated that she did listen to the residents' concerns but they are out of the City's control and she recommended having an on-site manager now rather later. Maggie seconded. There was no discussion. There was a roll call vote; Jeff yes, Jeanne yes, Maggie yes, Patty no. The motion carried.

Barbara addressed the audience stating she hopes an on-site manager will provide their answers and that Board doesn't have authority over the utility/rent concerns.

COMMISSION CONCERNS —

Barbara stated there will be a lack of quorum for the June meeting due to members being gone, so a meeting on a different date is recommended.

CITIZEN CONCERNS —

Mary Nunes stated her concerns about protecting the elderly, the high rent fees not matching a low-income housing area, and the future use of the well on the existing park.

Julie Westwood stated she is opposed to the density increase, and is concerned about the quality of life of park residents as the rent fees keep increasing since Idaho state law doesn't have a limit on how many times rent can be increased.

Barbara addressed Ty Pollman and stated she hopes he can address his residents' concerns.

Glennnda stated her concerns are about the national average figure not matching how Idaho's unique and behind-the-times; she suggested looking more locally at what applies to this neighborhood with amenities and rental fees.

Ty stated he lives in Boise, he is familiar with the small-town markets, rent surveys for Buhl were conducted, and he gave the example of the Buhl Mobile Estates' rent of \$525/month, and rent control policies discourage supply to the market. He's from Oregon which has State controlled rent and he stated it has caused no new developments/supply to affordable housing for seniors which makes it more expensive. He stated pickle-ball is just an idea, any amenities provided will depend on what residents want. He suggested to Glennnda to look at the economics of supply and demand.

Onnie Ward passionately expressed his displeasure with the developer, the proposed addition, the P Z Board's approval, and their lack of authority regarding the residents' concerns.

MEETING ADJOURNED —

Maggie made a motion to adjourn. Patty seconded. All voted in favor. The meeting was adjourned at 11:40 PM.

Minutes prepared by Jazmine Mills, Planning & Zoning Administrator