

Buhl Planning & Zoning  
203 Broadway Ave N

September 27, 2023

**MINUTES**

**PRESENT:**

Barbara Gietzen	Commission Chair	Karen Drown	City Clerk
Maggie Himmelberger	Commission Member	Scott Bybee	City Engineer
Patricia Beltran	Commission Member	Jazmine Mills	P & Z Administrator
Jeff Gabardi	Commission Member	Teresa Robbins	Public Works Clerk
Bob Vande Water	Commission Member		
		Julia Lopez	Applicant
Amanda Hawkins	Councilwoman	Concerned Citizens	

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

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

Barbara Gietzen announced Councilwoman Amanda Hawkins was listening in on the phone. Barbara Gietzen introduced the new Planning and Zoning Board member, Bob Vande Water.

Barbara began reading the public hearing topic. Jazmine interjected and asked Councilwoman Hawkins to mute her phone due to background noise.

**PUBLIC HEARING #1**

Barbara Gietzen asked the applicant to make a statement.

Julia Lopez of Buhl began speaking. Jazmine called a point of order due to Councilwoman Hawkins speaking during applicant testimony.

Julia brought her son, Christian, to interpret for her. He stated his parents wished to divide their property into three lots—lot 2 would be given to the younger brother, who is married and recently had a baby, and lot 3 would be given to Christian or his sister. He stated the possibility of building a duplex on lot 3 to accommodate housing his twin brothers.

Barbara asked if they wanted to build a duplex. Christian stated possibly on lot 3 or a single-family home either for himself or his sister, depending on who'd want that parcel.

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.

- Cindy Lima of Buhl, stated she lives across the proposed lot number 2. Her concerns were the impact on access to irrigation water, the number of housing units, and chemical sprays in the water.

Maggie asked where Cindy resided because she was soft-spoken. Barbara stated she lived across the street from lot 2.

**STAFF REPORT**

Jazmine Mills stated this application was for a subdivision preliminary and final plat for Leo's Paradise located at 1501 Poplar St. She briefly gave a history of the land—owned by the Catholic Church, who split the 2.48 acres, and sold it to Mr. Acosta. She stated that Mr. Acosta and his wife built a home at this property and the Certificate of Occupancy was issued in 2022. Jazmine stated on 07/24/2023 a subdivision application was received and is complete. She noted

a clerical error on the staff report, the zone of the property is R-6, not R-1. She explained an R-6 Medium-Low Density zone allowed for smaller parcel lots as long as city water and sewer systems were nearby.

There was an interruption of background noise coming from the speakerphone. Karen Drown stood up and put Councilwoman Hawkins on hold.

Jazmine continued her staff report by stating the proposed land division met the Comprehensive Plan and the property was zoned as a residential lot, not commercial. She stated she received a letter from Jason Brown, the engineer for the Twin Falls Canal Company, which stated they reviewed the plat and did not have any issues with the proposed subdivision, there were no water shares there, and to continue the prevention of obstruction of the waterways.

Patty asked if the applicant wasn't responsible for maintaining the canal. Teresa stated the persons responsible for those water areas are the ones with water rights/shares.

Barbara apologized and invited the next citizen on the sign-up sheet to speak.

- Cory Santos of Buhl, stated he lived on the corner of Poplar and 14<sup>th</sup> and the applicant's property is behind his house across the alley. His concerns were the flooding caused by the impediment of the applicant's gravel and weeds, city stormwater, noise, future land divisions, traffic, the split done by the Catholic Church, and the head gate/water flow that starts at the Catholic Church.

Patty asked if she could speak on behalf of the Catholic Church. Barbara stated she could at the discussion portion. Barbara closed Public Hearing #1 at 10:50 AM.

## **REGULAR MEETING**

**CONFIRMATION OF QUORUM:** Jazmine Mills confirmed a quorum.

### **OLD BUSINESS:**

Minutes of July 19, 2023: Jeff Gabardi moved to approve the minutes. Maggie seconded the motion. There was no discussion. All voted in favor. The motion carried.

### **NEW BUSINESS:**

Review and Consideration of Leo's Paradise Subdivision Request: Patty stated she was aware of the lot split and the sale of it by the Catholic Church, and the deed stipulates the 2.48-acre parcel cannot be split more than three times. Patty stated the subdivision request presented met the imposed stipulation. Regarding the irrigation water concern, Patty stated the applicant does not have water rights; The Catholic Church didn't either, until recently, and is working on establishing a TFCC easement, ditch and head gate maintenance, and the like.

There was a discussion about the location of the head gate and easement.

Julia Lopez made a statement in Spanish and Patty translated. She stated upon building their house, they piped the irrigation to prevent flooding and when the next house is built, the piping will be added to allow flow. She stated some people open and close the head gates, but she doesn't get involved due to not having water rights.

There was a discussion about the location of the irrigation ditch.

Christian stated they spent \$10,000 to put in a 12” pipe, and are doing what they can to continue allowing flow.

There was a discussion about accessways for the proposed lots and traffic impact. Barbara clarified that duplexes are allowed there, but not an apartment complex.

Patty moved to approve the subdivision as presented. Bob seconded.

Jeff asked if Lot 2 can have a duplex in an R-6 zone. Jazmine said yes, but the duplex is not restricted to Lot 2, duplexes are allowed in the R-6 zone.

Jeff stated that the water rights issue is the Twin Falls Canal Company’s jurisdiction and civil matter.

Patty stated her neighborhood has an association composed of property owners with water rights who pool money together to ensure the canal maintenance is done, and perhaps this neighborhood could do the same.

Jeff asked about the City’s role in the stormwater that flows down to 14<sup>th</sup> Ave.

It was determined to have the Public Works Director, Jason Scott meet with the citizens who brought this concern, since it does not pertain to this hearing.

There was a roll call vote; Jeff yes, Bob yes, Maggie yes, Patty yes. The motion passed.

Gary Dannenhauer’s Resignation:

Jeff moved to accept Gary Dannenhauer’s resignation. Patty seconded. There was no discussion. All voted in favor. The motion passed.

Review and Consideration of P & Z Applications:

Jazmine stated the agenda implied multiple applications, however, the other applicant hadn’t been a resident of Buhl for 2 years. Barbara stated the applicant, Reme Pullicar, is who purchased the Presbyterian Church and turned it into a residence, Chamber President, and interested in being part of the Commission.

Jeff asked if he met the residency requirement. Jazmine stated yes. Jeff moved to recommend Reme Pullicar for City Council approval. Patty seconded. There was no discussion. All voted in favor. The motion passed.

**COMMISSION CONCERNS** — There were none.

**CITIZEN CONCERNS** — Barbara reminded the attendees the public hearing was closed, the subdivision application would be considered by the City Council for final approval, they could provide testimony then, and that the Commission didn’t have jurisdiction over the water rights.

Barbara introduced Jason Scott to the concerned citizens and urged them to speak after the meeting was adjourned.

**MEETING ADJOURNED** — Patty moved to adjourn. Maggie seconded. The meeting was adjourned at 11:10 a.m.