

Buhl Planning & Zoning

October 19, 2022
203 Broadway Ave N

MINUTES

COMMISSIONERS PRESENT:

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| Gary Dannenhauer | Commission Chair |
| Jeannie Gannon | Commission Member |
| Jeff Gabardi | Commission Member |
| Patricia Beltran | Commission Member |

CITY STAFF PRESENT:

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

ALSO PRESENT:

| | |
|---------------|-----------|
| Elise Church | Applicant |
| Rae Ann Bower | Applicant |

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. Gary Dannenhauer and Jeff Gabardi attended in person. Jeanne Gannon and Patricia Beltran attended via phone call.

Jazmine Mills stated that the process of a rezoning application has been reviewed with ICRMP after the September 28th meeting. Clarifications include that approval or denial of a rezone is not dependent on the use of the property nor can approval be issued with conditions. The BBR Investments rezone request needs to be considered for the zone change only from AG to B-3. During the review, the Comprehensive Plan was reviewed and the application does meet the requirements. Because the public hearing is closed, any additional information cannot be presented to the Commission by the applicant or from the public.

Gary Dannenhauer stated P & Z Commission will hear testimony for the consideration of a Conditional Use Permit request by Elise Church to allow two temporary RV spots in the Prairie Lily Mobile Home Park located at 716 and 720 Sawtooth Ave Buhl, ID. Patricia Beltran stated that she recuses herself.

There is still a quorum even with this recusal.

PUBLIC HEARING #1

Gary Dannenhauer asked the applicant to make a statement.

Elise Church is the owner of Prairie Lily Mobile Home Park. She stated that her request is to temporarily allow a few recreational vehicles in the park. She stated that two of the trailers in the park were demolished because of their condition and the high cost of new manufactured homes isn't possible for her. The recreational trailers will be in the existing pads of the old trailers; one

for a property manager to manage the park and a tenant in the other pad. Construction would begin in the spring of 2023. There are hookups for sewer and water since the previous trailers had those services. The access to the park will remain the same as the existing park. She stated that the rental contract will state that it is a temporary 90-day stay and that she would provide notice before expiring and will track it with a spreadsheet.

Regie Finney stated that the contract should have some wording regarding when the 90-day stay begins to avoid the same tenant leaving the space for a few days to re-park and extend over 90-days. Jazmine Mills stated that City Code helps regarding the timeframe: no more than 90 consecutive days or more than 180 days out of the calendar year.

Patricia Beltran asked if she could make a statement as a citizen. She stated that she owns the 4 adjacent trailers next to Ms. Church's trailer park. Patricia Beltran stated that the extensive cleanup work Elise has done has motivated Patricia to clean up her park as well. She stated that Elise's request isn't anything new that the other parks are doing in Buhl, it's just a matter of having permission to do so. She stated that new trailers are expensive and that is why property owners spend much on maintenance of the older trailers. Patricia Beltran stated that she supports the conditional use permit application as long as Elise follows the City guidelines.

Gary Dannenhauer asked if there was any other testimony in favor or against the Conditional Use Permit application. There was none.

STAFF REPORT

Jazmine Mills stated that this property has been used as a mobile home park for 50+ years with 11 mobile homes and one stick-built home. This property is under new ownership by an out-of-state owner, Elise Church, who continues to do extensive clean-up work. The home that was addressed as 720 Sawtooth was demolished, along with the removal of 2 mobile homes due to their poor conditions. This property is shown as R-4 Medium-Low Density. This current use is consistent with the zoning district.

Gary Dannenhauer asked about the size of the lot and restrictions regarding density. Jazmine Mills stated the total property size is 1.836-acres. Scott Bybee stated that the zoning and current density complies with the mobile home park.

Gary Dannenhauer asked if they're ready to put it to a vote. Jazmine Mills stated that the Board can approve as-is, modify, table, or impose additional conditions including, but not limited to the number of RV spots that can be at this location in the future. Karen Drown stated that the voting can occur after closing the public hearing.

At 10:43 AM, Gary Dannenhauer proposed to close the hearing. Jeff Gabardi asked about the code requirements regarding the timeframe for recreational vehicle stays. Scott Bybee stated that for each person renting an RV spot, 90-days is the maximum stay time and they could return later in the year and stay for the additional 90-days to amount to a total of 180-days for the calendar year.

Jeff Gabardi asked if the other local mobile home parks have a similar arrangement. Scott Bybee confirmed that some allow RV parking and have been grandfathered in. Jeff Gabardi commended the applicant.

At 10:49 AM, Gary Dannenhauer proposed to close the public hearing. Jeanne Gannon asked for clarification regarding how long the RV stays would be and if they were temporary or permanent. Jazmine Mills stated this was for temporary use for 90-days.

Jeff Gabardi asked about the RV spot for the property manager versus the tenant. Elise Church stated that the idea was to have a property manager full-time at the park, however, if temporary stays are only allowed, then she will look at other avenues to have someone manage her park for her. There was a discussion about allowing one person to hop from one space to another and have 90-days per space. Jazmine Mills stated that would not be allowed since City Code states that the 90-day stay is per person and not per RV space.

Gary Dannenhauer asked if a permanent spot could be approved for the property manager. Jazmine Mills stated that in a previous P&Z meeting, the Board voted against any permanent RV spots at Prairie Lily Mobile Home Park. She also stated that moving spots does not override the city code's duration of stay for RVs.

Karen Drown asked if Jeanne Gannon's question has been answered. Jeanne Gannon stated that she was still confused about what was to happen if the time was up. Jazmine Mills stated that once the time was up, the space is available for another tenant. Jeanne Gannon asked if the RV itself would stay there. Jazmine Mills stated the RVs are not provided. She stated that visitors would arrive at Prairie Lily Park, rent the pad to park their RV for up to 90-days, leave the park when the time was up, and if they decided to visit again, they could rent a space for an additional 90-days which is their limit for the year. Jeanne Gannon asked if this was like a revolving RV space. Jazmine Mills stated yes.

Gary Dannenhauer asked why this application was necessary. Jazmine Mills stated that the use is proposed to change from being a mobile home park only to allowing temporary RV spaces.

At 10:50 AM, Gary Dannenhauer proposed to close the meeting. Jeanne Gannon asked for clarification regarding other mobile home parks and their RV use. Jazmine Mills stated that the other parks were grandfathered in.

Gary Dannenhauer closed Public Hearing #1 at 10:52 AM.

REGULAR MEETING

CONFIRMATION OF QUORUM: Jazmine Mills confirmed a quorum.

OLD BUSINESS:

Minutes of September 28, 2022: Jeff Gabardi stated that page 4 needed a minor change: "choke cherry" instead of "cherry chokes". Gary Dannenhauer moved to approve the minutes; Patricia Beltran seconded. There was no further discussion. The motion passed unanimously.

Review and Consideration of the tabled decision of BBR Investments LLC's Rezone request:

Gary Dannenhauer stated that he was unfamiliar with the request and asked for a summary.

Jazmine Mills stated that BBR Investments has 60 acres that were annexed per P&Z approval in the last meeting. They have 11.89-acres that they would like to rezone from AG to B-3. With the recent ICRMP training, it was found that a rezone cannot be approved or denied based on the use of the property, rather, the Board must decide if the rezone fits the area it's located. The surrounding area does have businesses that fit Ag uses, the staff recommended the applicant to

rezone to a B-3 for their ideas with a commercial business. The request fits with the Comprehensive plan since the growth along Fair St shows residential homes coming toward the south into agricultural businesses.

Jeff Gabardi stated that in the last meeting there was a discussion of receiving additional information for this property and asked if it had been done. Jazmine Mills stated that the applicant has provided new information regarding their ideas, but because their public hearing has closed in the last meeting, the information cannot be provided to the Board as well as it being items that the Building Department will oversee.

Jeff Gabardi asked if the Board overstepped its Planning and Zoning role regarding this rezone request. Scott Bybee stated that there was a meeting with the applicant and they understand the concerns regarding their ideas. He confirmed that the Board did go a step beyond. He stated that based on the ICRMP training, the Board's decision must be based on whether the rezone is appropriate with the Comprehensive Plan and has nothing to do if the use were storage units or other allowable uses in a B-3 zone.

Jeff Gabardi stated that Jazmine Mills confirmed that the request meets the Comprehensive Plan.

Gary Dannenhauer called for a motion.

Jeff Gabardi moved to approve the rezone of the 11+ acres owned by BBR Investments' rezone request. Patricia Beltran seconded. There was no discussion. There was a roll call vote. Jeff yes, Gary yes, Patricia yes, and Jeanne yes. The motion passed with a majority yay vote.

NEW BUSINESS:

Review and Consideration of Elise Church's Conditional Use Permit request: Gary Dannenhauer called for a motion. Jeanne Gannon moved to approve this Conditional Use Permit request. Jeff Gabardi seconded. There was no discussion. There was a roll call vote. Jeff yes, Gary yes, and Jeanne yes. The motion passed with a majority yay vote.

COMMISSION CONCERNS — There were none.

CITIZEN CONCERNS — There were none.

MEETING ADJOURNED — The meeting was adjourned at 11:00 AM.

Minutes prepared by Jazmine Mills, Planning & Zoning Administrator