

# Buhl Planning & Zoning

November 16, 2022  
203 Broadway Ave N

## 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:

Karen Drown	City Clerk
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:

Lisa Decker	Applicant
Lori Jones	Applicant
Cynthia Chugg	Applicant Rep

Concerned Citizens

### VIA ZOOM:

Amanda Hawkins	City Council
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### OPENING

Jazmine Mills reminded the attendees that the sound system used to record public hearings is sensitive and to be as quiet as possible during testimonies to allow a transcribable record.

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

### CONFIRMATION OF QUORUM for Public Hearing #1:

Jazmine Mills confirmed a quorum. Councilwoman Hawkins was put in a waiting room for public hearing #1.

### PUBLIC HEARING #1

Barbara Gietzen asked the applicant to make a statement. Lisa Decker of Boise stated that she wants to move back to Buhl as her parents are aging. They are planning to develop the 10 acres into 7 parcels. The frontage of Hwy 30 has three existing homes. The last parcel in the development is almost 2 acres, which will be for her home. This development would span over several years as 2 houses are built at a time. Each property will have its well and septic, and test holes have been conducted. Aubrey Briggs of Jerome has consulted her regarding the location of wells—at least 100' away from each other in all directions. There is a 50' utility easement on Carter Pack Rd, so the homes would sit 55' back to allow for bigger backyards to be used as pasture. CCNRs will be put in place upon completion to maintain a clean appearance of the area. The home layout would be single-level, 2200-2800 square foot homes with RV garages, and two master bedrooms to help adults who care for their aged parents. As each speck home is built, Lisa would live in it until it sells.

Barbara asked if the Board had questions for the applicant. There was none.

Lisa also mentioned that there is a historic barn on the property that she is looking for grants to restore the barn.

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

## **STAFF REPORT**

Jazmine Mills stated that Gary and Mary Huntington have owned this property for 30+ years. There are 3 homes on the south end of the property. The north end has been used agriculturally for several decades. In August 2022, subdividing discussions and an application began. Land surveys and modifications were submitted shortly after. The proposed land divisions include five (5) 1.00-acre parcels, one (1) 3.00-acre parcel where the 3 existing homes are located and one (1) 1.72-acre parcel where Lisa intends to build her residence. On October 27, 2022, the Twin Falls Canal Company reviewed the proposed subdivision documents and submitted a letter of approval for the preliminary concept. This property has been delivered out of lateral 39 gate 12. There are 10.00 water shares associated with this property and must remain appurtenant with the developed land, and a conveyance system must be provided to supply irrigation water to each lot. This property is shown to be in R-1; a Single-Family Residential District. This district is intended to permit the establishment of estate lot-density single-family dwellings. This change meets the Buhl Comprehensive Plan.

Barbara asked if there was testimony in opposition to this proposal.

- Tom Lyons of Buhl stated he is not opposed to housing but is concerned about the impact of this many wells on his irrigation and the neighboring spring.
- Ray Malberg of Buhl stated he had questions about DEQ, ITD, and other agencies' involvement with the development's impact ranging from the influx of people and traffic safety to water quality to irrigation flow.
- Michelle O'Neal of Buhl is concerned about the aggressive traffic on Hwy 30, irrigation flow, well water availability, where the grant money would come from for barn restoration, and the impact on property taxes.
- Matt Bridges of Buhl stated he is not opposed to housing but is concerned about the area of the impact's growth and its effects on traffic and water—groundwater and irrigation.

Barbara reads a letter for the record:

“Greetings Planning and Zoning:

I am writing regarding the planned Huntington Subdivision at 4203 N 1325 E West of Buhl and the corner of Carter Pack Road and Highway 30. I live directly across Highway 30 and to the west of that corner.

I am not opposed to residential development in this area and far prefer that to light industrial or industrial. The area of the proposed development lies on the edge of Melon Valley and has a view north over melon Valley to the Snake River Canyon and the distant mountains. According to the preliminary plan, there would be one 3-acre parcel, five 1-acre parcels, and one 2.5-acre parcel.

I am concerned about the wastewater disposal of this development. This area lies in the impact area for the city of Buhl and is not served by the city services including water and sewer. Once all new parcels are developed, there will be 6 or 7 new septic systems and 6 or 7 new private wells. The soil on my property is a shallow series of sandy loam. I am concerned that the same situation exists a few hundred feet north of my property at the site

of this development. The shallow series of soil has a solid hardpan or bedrock 18 inches below the surface of the soil. I am wondering if more septic systems in this subdivision area, interspersed with more private wells, would be environmentally sustainable. Any runoff or subsurface drainage would travel downhill across the subdivision and into Melon Valley. There is a boggy area near the north end of parcel 7, suggesting some water runoff. I understand the sanitary requirement of parcels 2 through 7 must satisfy state law and no building can occur until then. Parcel 1 has met the sanitary restrictions according to the preliminary plan. I assume this concern will be fully investigated by the State Health District to insure the health and safety of the area.

The configuration of parcels on the preliminary plan suggests the possibility of 6 or 7 entry/exit points (driveways) onto Carter Pack Road. This is just before a stop sign at the intersection of Carter Pack Road and Highway 30. This is already a very busy intersection and the site of multiple accidents each year. Multiple driveways in this area would be an increased driver safety issue. A design with a driveway collector, and reducing the number of entry/exit points onto Carter Pack Road would help. A single driveway serving the entire area and exiting Highway 30 would also be a possibility.

Please review my concerns at the meeting on November 16 regarding this development as I am unable to attend in person.

Thank you,

Jo Ann Robbins”

There was a discussion of the location of Jo Ann Robbins’ property.

Barbara invited the applicant up for rebuttal.

Lisa Decker explained that the grant process for the barn would not come from property taxes, but rather federal monies since there is a push to preserve these historical sites, and the process could take years before grant approval.

Barbara Gietzen closed Public Hearing #1 at 10:55 AM.

#### **CONFIRMATION OF QUORUM for Public Hearing #2:**

Jazmine Mills confirmed a quorum. Councilwoman Hawkins was allowed into the zoom room for public hearing #2.

#### **PUBLIC HEARING #2**

Barbara Gietzen asked the applicant to make a statement.

Lori Ann Jones of Buhl, Patrick Jones’s wife, stated they lived on 702 Hwy 30 for 22 years. In 2008, they built the vet clinic. They’ve subdivided the property and sold the house. The vet building hadn’t sold for over a year, so some remodeling was done to make the building into a house, and interest increased. Some issues arose because it’s still classified as a commercial building, so that is why they’re applying to have this as a residential building. Vernon Lipsey was part of this application when he was a potential buyer, but he is no longer interested in the property.

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

## **STAFF REPORT**

Jazmine Mills stated the history of the property area. It had one home and guest house addressed known as 702 Hwy 30. In 1998, Patrick Jones purchased the land to use the main home as a residence and the guest house as a veterinary practice. A Conditional Use Permit and Zoning Code Amendment regarding the boarding of animals within a vet practice was applied for and adopted with City Ordinance #846 on July 13, 1998. On July 10, 1998, Patrick Jones was granted a CUP to operate an animal clinic, hospital, and boarding in a B-2 district at 702 Hwy 30 known as Fairview Vet. In 2008, a building permit was approved to construct a new vet clinic at this property. In 2020, Patrick Jones was approved for a parcel lot split, and divided the home and the vet clinic into separate parcels. New addresses were given to each parcel; the home remained addressed as 702 Hwy 30 and the vet clinic was addressed as 700 Hwy 30. In 2021, the vet business was sold and relocated to Main St in Buhl. The home addressed as 702 Hwy 30 also sold. The vet building addressed as 700 Hwy 30 was remodeled to become a residence. There wasn't a structural building permit or certificate of occupancy application submitted to acknowledge the change of use for the vet clinic building. This property is connected to city sewer and water systems. Because it is zoned in a B-2 Neighborhood Business District, a conditional use permit is required to allow a single-family dwelling in a business district.

Barbara added to the history and stated that at one time, the property had a home and a doctor's office where the vet clinic is located.

Barbara asked if there was testimony in opposition to this request. There was none.

Barbara Gietzen closed Public Hearing #2 at 11:03 AM.

### **CONFIRMATION OF QUORUM for Public Hearing #3:**

Jazmine Mills confirmed a quorum. Councilwoman Hawkins was still in the zoom room for public hearing #3.

### **PUBLIC HEARING #3**

Barbara Gietzen asked the applicant to make a statement.

Cynthia Chugg of Hansen, Galen Jantz's realtor, stated Mr. Jantz has a business he'd like to do on the property and would like to change the zone from R-1 to B-3. She stated his business proposal is building she-sheds and greenhouses, which would be displayed in the front acreage at 20319 Hwy 30. His hours of operation would be Monday through Thursday. People would drive by the business. There will be 3 sheds on display in a circle, no roadway signage—just on actual sheds—and it would be low traffic.

There was a discussion about the definition of she-sheds and the customizability of the sheds to fit the needs of the community ranging from greenhouses to playhouses.

There was a discussion about the location of the property. Cynthia Chugg stated this property was part of a lot split and its purchase is contingent on City approval for the zone change.

Gary asked about the zoning of Cedar Draw Cidery. Jazmine stated they are zoned B-3 with a conditional use permit to allow a residence, which is a similar set of requests by Galen Jantz.

## STAFF REPORT

Jazmine Mills stated that this request is to change the zone at the property located at 20319 Hwy 30. This property was originally part of one lot consisting of a total of 7.25 acres owned by Eldrew Kooiman addressed as 20315 Hwy 30. The land was used as a dairy or feedlot. That use was discontinued and prohibited as of September 27, 1994, due to this property being within the Area of Impact. In 2022, a lot split application for property 20315 Hwy 30 was approved by the Buhl Planning and Zoning office, which issued an approval letter dated February 7, 2022. This lot split allowed Eldrew Kooiman to have 2 parcels measuring 1.89 acres and 5.36 acres, respectively. The 5.36-acre parcel was assigned the address: 20319 Hwy 30. This is the property that has the pending sale with Galen Jantz as the interested party. Galen Jantz is requesting a change of zone to this property from R-1 to B-3; Community Business District. Some neighbors have that same zoning request. The Board can either approve or deny this application. Rezone approvals or denials are not dependent on the property's future use nor can they be issued with conditions. By looking at the schedule of uses of the Buhl City Zoning Code, approval of a change of zone approves all possible uses in that zone. In the chart, P means Permitted, C means Conditional Use Permit needed, and blank means not allowed.

Jeff asked if approval is for zone B-3 and not the type of use. Jazmine stated yes and gave the hypothetical that if Mr. Jantz receives the zone change approval, he could later decide to do any other permitted use that is listed in the chart under B-3. It's not contingent on one use.

Jeff asked if this application is for the 1.89-acre property. Jazmine stated this is for the 5.36-acre property and the 1.89-acre property is Eldrew Kooiman's residence.

Barbara asked if there was any testimony to this request.

- Marvin Probasco of Buhl is opposed to rezoning the whole property as commercial. His concerns included the use of the acreage behind him, irrigation water access, the impact on his well water, and the now-covered silage pit.
- David Jenks of Buhl stated that he was neutral to the request, however, he thought the property was going to be a nursery after speaking to seller, Al Kooiman. His concerns include equipment and construction noise, the use of the acreages behind his home, and fencing.
- Michelle O'Neal of Buhl, stated her concerns regarding privacy fencing, noise, and irrigation water impact.

Barbara invited the applicant up for rebuttal.

Cynthia Chugg stated that the property is 5.36 acres and the frontage will be used for the business. The use of the back portion of the property will be discussed in public hearing #4, which is a residence with a 40x36 shop. Regarding canal and water rights, all easements issued by the canal company will be followed and head gate cleanup solutions can be discussed between Mr. Probasco and Mr. Jantz. Mr. Jantz will abide by CDC guidelines for one well and one septic. The silage pit was tested by DEQ, it passed and is not out of compliance.

Gary asked if the change of zone applies to all 7 acres. Cynthia Chugg stated this application is for the 5.36-acre property and the other 1.89-acre parcel is owned by Mr. Kooiman. She stated that

Mr. Jantz and his family are influenced by a strong code of ethics and their religion, so they will not be working at all hours of the night creating constant shop noise.

Barbara Gietzen closed Public Hearing #4 at 11:22 AM.

**CONFIRMATION OF QUORUM for Public Hearing #4:**

Jazmine Mills confirmed a quorum. Councilwoman Hawkins was still in the zoom room for public hearing #4.

**PUBLIC HEARING #4**

Barbara Gietzen asked the applicant to make a statement.

Cynthia Chugg of Hansen, Galen Jantz's realtor, stated this request is in conjunction with public hearing #3. The applicant is requesting a conditional use permit to build a single-family home and detached shop in the back portion of the 5.36-acre property. Mr. Jantz will abide by CDC guidelines for one well and one septic. It will have a private driveway; part of the sales contract allows temporary shared use of the driveway with Mr. Kooiman until their roadway is applied through the Buhl Highway District.

Barbara asked if there was testimony in favor of this request.

- Eldrew Kooiman of Buhl is the seller of the property in question. He stated that the sale will include water shares which will be distributed just as before. He stated that the new owner and Mr. Probasco should speak about how to care for irrigation shares.

**STAFF REPORT**

Jazmine Mills stated this application is a conditional use permit request by Galen Jantz to allow a single-family dwelling in a B-3 Community Business District. If the Rezone from the previous session is approved. This application has met all the requirements for a complete application and all fees are paid. The staff recommends approval of the Conditional Use Permit if the Board sees fit to approve the Rezone.

Gary asked if the applicant could split off the front portion of the property for the business and leave the rest of the property as R-1 which allows a residence. Jazmine stated that is an option, but it would require a subdivision application, more public hearings, and surveys. The rezone and conditional use permit applications reach the same goal for the applicant's plans with less expense and time.

Barbara Gietzen closed Public Hearing #4 at 11:29 AM.

**REGULAR MEETING**

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

**OLD BUSINESS:**

Minutes of October 19, 2022: Patricia moved to approve the minutes. Gary seconded. There was no discussion. There was a roll call vote; Jeff yes, Gary yes, Maggie yes, and Patricia yes. The motion passed.

## **NEW BUSINESS:**

### Review and Consideration of the Huntington Subdivision Preliminary and Final Plats:

Councilwoman Hawkins was put in a waiting room for this discussion.

Gary moved to approve the Huntington Subdivision Preliminary and Final Plats. Jeff seconded.

Gary asked if there will be driveways for each parcel. Scott Bybee stated their proposal suggests that each parcel would have its driveway onto Carter Pack Rd.

Barbara asked if there was a way for the applicant to do a collector road and the type of driveway the front 3 houses have. Lisa Decker stated the three homes have two driveways off Highway 30 that have merged into one and a little driveway on Carter Pack Rd for the corner house. She stated the 6 new parcels will have their driveway facing Carter Pack Rd. She stated a collector road would cut into the use of the land for each parcel.

Barbara asked if there were any more questions before this application was sent to Council. There was none.

Jeff stated knowing that there are many steps needed for this development to proceed, he votes in favor. Gary asked if the applicant will have to go before Planning & Zoning for building restrictions. Jazmine stated no, the restrictions will have to come from the Highway District, the Health Department, or the Building Department when permits are submitted. She stated the Board approval is for the land subdivision as presented on the plats. Gary votes in favor. Maggie votes in favor. Patricia stated that the citizens' concerns regarding water, traffic, and speeding are why she is opposed. Barbara stated with the majority yay vote, the motion to approve passed, and the subdivision application would be sent to City Council

Scott Bybee stated there is another approval process for each lot when a building permit is submitted. Each permit must have approval from Water Resources and District Health for well and septic, so the properties will be under review during the whole development process.

There was a discussion about DEQ, ITD, and ISP involvement for the concerns stated in the hearing testimonies.

Jazmine called a point of order due to the audience and phone interruptions.

### Review and Consideration of Patrick Jones/Vernon Lipsey's Conditional Use Permit Request:

Councilwoman Hawkins was allowed into the zoom room for this discussion.

Maggie moved to approve Patrick Jones's Conditional Use Permit request. Patricia seconded the motion.

Barbara asked if there was a yard at this property. Lori Jones stated there are 8 feet in the back and a side yard totaling about 25 square feet overall, and the new owner can choose to add a front yard. Barbara asked if the property meets the setback requirements. Jazmine stated yes.

Barbara called for a roll call vote; Jeff yes, Gary yes, Maggie yes, and Patricia yes. The motion passed.

### Review and Consideration of Galen Jantz's Rezone request:

Councilwoman Hawkins was put in a waiting room for this discussion.

Jazmine reminded the Board that approval for the rezone allows all listed uses in a B-3 zone—not just one use, and the schedule of uses chart in the packet shows the B-3 section and its uses highlighted.

There was a discussion about approval of the change of zone applying to the whole property. Jeff makes a motion to approve Galen Jantz’s rezone request. Gary seconded.

Barbara asked about the greenhouse sizes. Cynthia Chugg stated that they are no bigger than 11’ x 14’ and that they are like a bully barn with clear sides.

Gary asked if there will be a greenhouse business at the property. Cynthia Chugg stated that running a plant nursery is not part of the plan—just the sale of custom-built greenhouses, sheds, and playhouses that will be built in Mr. Jantz’s shop.

There was discussion about the sheds being made-to-order, a few at a time, and that they will not be mass-produced and stored on the property.

Gary asked if restrictions can be added to this application. Jazmine stated no, restrictions are only added to conditional use permits.

Barbara called for a roll call vote: Patty yes, Maggie yes, Gary yes, and Jeff yes. The motion passed.

Review and Consideration of Galen Jantz’s Conditional Use Permit request:

Councilwoman Hawkins was still in a waiting room during this discussion.

Patricia moved to approve Galen Jantz’s Conditional Use Permit request. Maggie seconded.

There was a discussion about the location of the entryway to Mr. Jantz’s property and the shed display area. Cynthia Chugg stated the location of his roadway will depend on Highway District approval and has a one-year contract to share the existing roadway with Mr. Kooiman.

Councilwoman Hawkins was allowed into the zoom room during the remainder of the meeting.

Barbara called for a roll call vote; Jeff yes, Gary yes, Maggie yes, and Patricia yes.

Consideration of URA Plan Amendment:

Scott Bybee stated the original URA area was in the McCullum area and it was determined that they could work with Harvest Hills to help direct traffic off of Fair Ave. This is the final stage of the year-long amendment process, URA has hired a consultant and an attorney for due process. The original URA area included 110 acres, they are now annexing additional 10 acres, which requires a plan amendment. This proposal goes before three entities for approval: Planning and Zoning, City Council, and the State. Approval would expand the original area, not the expiration which still is in 2024. The purpose of the modification is to allow URA to work with the ownership of Harvest Hills to develop a thoroughfare around Fair Ave to divert eastbound traffic more east than using Fair Ave. URA would be investing up to \$500,000 in those improvements for that project. This is a reimbursement program, so the money will be reimbursed upon completion of the project. The recent project on Highway 30 was an ITD project to help with traffic, which it will once the community gets accustomed to it. Scott Bybee explained the map area in the packet presented to the Board. The whole goal of this amendment is for safety and to improve the area.



The role of the Planning and Zoning Board is to give a positive or negative recommendation to City Council. City Council will hear this proposal on December 12, 2022.

There was discussion as to where the new roadway would be located. Scott stated that it ties into Williams St which is between Ace Hardware and the storage units.

Jeff asked if this proposal includes a stoplight at that intersection. Scott stated that ITD will not allow a light there because the distance between the intersection and the existing stoplight does not meet the minimum standard at this time. Scott stated that as the speed limit is decreased, the distance standard is decreased, so when that occurs in the future, a stoplight at that Williams intersection could occur and ITD would participate in the cost of that installation.

Gary made a motion to approve the URA Plan Amendment and to send it to City Council. Maggie seconded. Scott stated this does not impact citizens' property taxes.

Barbara called for a roll call vote; Jeff yes, Gary yes, Maggie yes, and Patricia yes. The motion passed.

Review and Consideration of Jason Richardson's Planning & Zoning membership:

Barbara stated this has been discussed before and that Jazmine has tried contacting Jason by email, phone, and text with no response. Jazmine stated that he has missed 5 out of the 9 meetings the Board has held so far and attended only two.

Barbara stated the Board needs people to show up to the meetings because without them there isn't a quorum for these meetings.

There was a discussion about how busy he has been. Barbara stated he still does not communicate with Jazmine to notify the reason behind his absence. She stated at the last meeting, Jazmine struggled to obtain a quorum and had to have two people call in. She it may be best to find someone to fill his place.

Jeff asked how many members there are on Planning and Zoning Board. Barbara stated there are 5 from city limits and 2 from the area of impact and with revoking Jason's membership there would be an open city spot. Jazmine stated the spot can be advertised to the community and interested citizens can fill out a membership form for the Board to review.

Barbara stated to the audience that membership is not a huge commitment since it is one meeting a month that usually lasts about an hour, and it is important to be there.

Jeff moved to seek a replacement for Jason Richardson's membership spot. Gary seconded. Barbara called for a roll call vote. Patty stated that she was torn because she understands that personal things come up but agrees that one must honor commitments. Patty voted yes, Maggie yes, Gary yes, and Jeff yes. The motion passed.

Jeff stated the Board and the City are in a better position to have remote meetings, so there is little excuse to miss a meeting. He stated the lack of contact with Jazmine is where the concern lies.

There was a discussion of how calling in advance to notify absence is done and that a call-in number is available if remote attendance is possible for the Board member.

Consideration of the December P&Z Meeting Date:

Barbara stated that a December meeting isn't usually held and since the next one is on the 21<sup>st</sup> and close to Christmas, she stated she'd entertain a motion to cancel the December meeting.

Gary asked if there was anything pending to require a December meeting. Jazmine stated that at this time, she didn't have any applications. Jeff stated that it's been a pretty heavy load lately. Jazmine agreed and stated that 1-2 public hearings are held a month, but lately many have come at once. She thanked the Board for their hard work.

Jeff stated that after attending the last City Council meeting, he noticed the importance of the Planning & Zoning Board and Council meeting together to be on the same page. He suggested including the Building Inspector at this meeting to help each committee from overstepping its bounds. He stated the last three meetings show that the code needs to be updated to catch up with today's issues. He suggested having the groups meet together as soon as possible.

There was a discussion about having ICRMP training to help Board members to know their roles.

Barbara stated there was a plan to meet with Council members, but budget season pushed it back.

Jazmine stated that she will speak to the City Clerk about coordinating that meeting again and will see what ICRMP training sessions are available to help the Board members.

There was a discussion about updating the code and if funding is needed. Scott stated Karen is researching now to develop a process to begin the code update. Teresa stated code update discussions have occurred for many years and it isn't something that will be done in one day. She stated every department has been overwhelmed with tasks that have come up with recent growth like 5 public hearings a month. She stated the city is looking into what it takes to hire someone to write and update the code with all the new things that have come into our city.

There was a discussion about Twin Falls County's code update and how it was done.

Barbara stated that the December 2022 Planning & Zoning meeting will be canceled.

**COMMISSION CONCERNS** — There were none.

**CITIZEN CONCERNS** — There were none.

Barbara addressed the audience and stated the Board consists of volunteers who work hard to do the right thing for the community and thanked them for their attendance.

**MEETING ADJOURNED** — The meeting was adjourned at 12:10 PM.

Minutes prepared by Jazmine Mills, Planning & Zoning Administrator