

Buhl Planning & Zoning

APRIL 20, 2022
203 Broadway Ave N

MINUTES

COMMISSIONERS PRESENT:

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

CITY STAFF PRESENT:

Scott Bybee	P & Z Administrator
Teresa Robbins	Public Works Clerk
Karen Drown	City Clerk
Jazmine Mills	Assistant Clerk

ALSO PRESENT:

Scott Houtz	Applicant
Challis Bishop	Applicant
Bob Gietzen	Applicant
Concerned Citizens	

OPENING

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

Barbara Gietzen stated the first item of the agenda being a Public Hearing for the Buhl Methodist Church and she recuses herself. Gary Dannenhauer will conduct the Public Hearing.

CONFIRMATION OF QUORUM for Public Hearing:

Scott Bybee confirmed a quorum.

PUBLIC HEARING #1

Gary Dannenhauer asked the applicant to make a statement.

Bob Gietzen, Trustee Chair for the Buhl United Methodist Church, stated that the application is for a variance for the storage building behind the office building, which is next to the church building. The office building is also known as the Wesley House. The Buhl United Methodist Church has donated the use of the Wesley House to WEMA for the community food bank for over 25 years. In the event the church closes for any reason, the concern over how that affects the local food bank arose. The church has received permission from conference to donate the Wesley House to West End Ministerial Association so that the community would not lose the food bank. The City has approved a lot split to separate the church proper from the Wesley House and its storage building. The food bank services an average of 300-400 families a month from Buhl and Castleford areas. The storage building and the church property are too close to meet with the City setback requirements, so that is why a variance is requested. If denied, the local food bank cannot relocate to a different location to comply. There is no other location that can accommodate the food bank

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and the cost to make a location fit the need isn't possible because the food bank is run by volunteers.

Gary Dannenhauer asked if there was any testimony in support of the application.

- Marilyn Butler, the Holy Trinity Episcopal priest and WEMA member, has been involved with the local food bank for 28 years. She has observed the influx of people who arrive 1 hour early for this service. She stated that there is food insecurity in Buhl for many years now. She asked for this variance to be granted, so they can continue to feed the people who need help.
- Jim Tubbs, president of WEMA and First Christian Church pastor, has been involved with the food bank since 2017. He has seen a 240% increase of families in need in the years 2018-2019 per month. He stated that the approval will not change the business practices of the food bank. He is in support of the variance request since it will provide legal documentation to support the buildings' current use, if anything were to happen to the church.

Gary Dannenhauer asked if there was any testimony in opposition of or neutral to the application. There was none.

STAFF REPORT: Scott Bybee confirmed that the application for a Variance met all the requirements for a complete application and all fees were paid. He stated that he has been to the site twice in the last month to measure the area. The Fire Department will still have access to each building for emergency conditions. The request does not provide any negative public interest. He stated that the motion must be worded very clearly for the record. If denied, it will cause a hardship for the community.

Gary Dannenhauer closed Public Hearing #1 at 10:42 AM and returned Chair to Barbara Gietzen.

REGULAR MEETING

CONFIRMATION OF QUORUM:

Scott Bybee confirmed a quorum.

OLD BUSINESS:

Minutes of March 16, 2022: Gary Dannenhauer moved to approve the minutes; Patricia Beltran seconded the motion. There was discussion about correcting the attendance portion of the minutes and add Jeff Gabardi on the list. Motion to amend the minutes with that change was made. The motion passed unanimously.

Tabled motion of the request by Scott Houtz/Bishop Auction & Consignment Conditional Use Permit application: Gary Dannenhauer moved to take this off the table for discussion; Margaret

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Himmelberger seconded the motion. The motion passed unanimously. Barbara Gietzen stated that this request was tabled so the Commission could get more information. Scott Bybee stated that a memo was received from Reed Grain & Bean regarding the parking agreement.

It reads:

“City of Buhl, Scott Houtz:

Dear sirs:

This is a letter of intent to provide Scott with a document to illustrate that Reed Grain & Bean has agreed to provide Scott with parking on Saturdays at our Buhl location at 903 Elm Street. The parking agreement was made between Scott Houtz and Earl Reed the owner of the Reed Grain & Bean property. A letter with the stated arrangement will be provided by Earl Reed, however, Earl is out of town and will not return until later this week. Mr. Reed wanted to add a few housekeeping changes and restrictions during harvest to the letter before signing.

If you have any questions or need additional information concerning the agreement, please don't hesitate to contact me.

Sincerely,
Brad Wirtz/Plant Manager”

Scott Bybee asked the Board if this is sufficient for them to make a decision on the application. Barbara Gietzen asked if the parking concerns in front of other businesses has been resolved. Scott Bybee said he spoke to property owners affected and if issues arise to provide written comment to address it.

Jeff Gabardi stated that the memo sounded like a non-committal letter. He asked what the recourse would be if Earl and Scott didn't reach an agreement to Earl's changes. Scott Bybee recommended that the motion of approval would have to state a condition; if this came back in a negative way, the Board would revoke its approval until an agreement is reached.

Regie Finney stated the Public Works Building is next to the Auction House and that auction-goers cannot park at that area. Regie Finney stated that access is needed to city properties along the area for his staff to do their daily duties. If auction-goers do park at Public Works, they'll be towed. Scott Houtz stated that he will post that and requested a walk-through with Regie Finney to understand the no-parking zones needed. Barbara Gietzen stated that the alley by the Auction House has access to well #1 and it needs protected.

Margaret Himmelberger asked if the auctions will only be held on Saturdays. Scott Bybee stated that if the Board wanted to restrict it to only Saturdays, they can. The original presentation stated that the Auction House would like to eventually expand schedule to Friday nights, Saturdays, and/or Sundays. Scott Houtz stated that Earl Reed's concerns were regarding insurance and

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parking during harvest time. Scott Houtz explained that during harvest, auctions will be moved to Sunday.

Gary Dannenhauer asked if there are any other days planned for auctions. Scott Houtz stated that auctions normally take place on site and that the Auction House in Buhl will be 1-2 Saturdays a month. Gary Dannenhauer's concern was if the auction had to be done on a Friday, will another agreement be needed. Scott Houtz stated that if a Friday auction occurs, parking after 5 pm was allowed.

Barbara Gietzen opened to entertain a motion.

Gary Dannenhauer moved to approve this Conditional Use Permit with the condition that the Board receives the full approval from Mr. Reed. Maggie Himmelberger seconded; the motion passed unanimously.

Barbara Gietzen recuses herself to allow discussion about the public hearing topic.

Gary Dannenhauer takes Chair.

NEW BUSINESS:

Public Hearing #1: Consideration of the request for a variance by Buhl United Methodist Church to reduce the setback requirement from the property line to allow an existing building to encroach the alleyway. Gary Dannenhauer opened to entertain a discussion or motion. Maggie Himmelberger asked for clarification regarding the storage building location and setbacks. It was discussed that the storage building encroaches on property line setbacks, not an alleyway. Scott Bybee stated that it is the area between the storage building and the church. The standard setback is 5 feet off each side of the property lines, making it a total of 10 feet. The applicant only has 3.5 feet. No additional buildings will be added and the use will remain the same.

Jeff Gabardi asked for clarification about the storage building being constructed in the fire zone. Scott Bybee stated that it was grandfathered in years ago and that the fire access to all 3 facilities will remain the same.

Gary Dannenhauer opened to entertain a motion.

Patricia Beltran moved to approve the variance request because denial of the request will present a hardship to the Buhl community and the Methodist Church because of the potential closing of the WEMA Food Bank. Margaret Himmelberger seconded; the motion passed unanimously.

Scott Bybee recommends to the Variance applicant that their petition be heard through City Council as well to put future appeals at bay. Karen Drown stated that the next City Council meeting will be May 9, 2022 and hearing this application there will provide more transparency to our community. Barbara Gietzen stated her agreement to the recommendation.

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COMMISSION CONCERNS—

- Barbara Gietzen stated that she does have commission concern. The Planning & Zoning Commission bylaws state that missing 2 consecutive meetings without grounds gives cause for removal. There is one member on the Board who consistently does not appear. A majority vote is needed for removal. It is difficult to ensure a quorum if attendance isn't consistent.

Scott Bybee stated that this will have to be an action item for the next meeting agenda, if the Board would like to proceed. He stated that a letter of notification could be sent to that Board member regarding this agenda item. Barbara Gietzen stated that sending a letter would be a nice notification. There was discussion about how people can be busy or like to keep their lives private and perhaps it explains the absences. Teresa Robbins stated if attendance isn't possible, that member can let us know, especially since all members are notified by email about the upcoming agenda and all other members are really good at communicating their availability. Jazmine Mills stated that specifics aren't necessary if each member wants to maintain their privacy; just a text or emailed notice of absence is appreciated.

Jeff Gabardi stated that in the 2 meetings that he has attended, he hasn't seen the other Board member and isn't familiar with who they are. He recommended that a letter of notification would be the best course of action. Scott Bybee stated that a letter can be prepared for Barbara Gietzen's signature.

- The other commission's concern is that a Commission Chair must be elected every year. This process has been neglected for several years. Barbara Gietzen stated that she doesn't mind being the Chair, unless anyone else would like to be recommended for election. Scott Bybee stated that this item can be added to May's agenda as an action item.

CITIZEN CONCERNS—

- Karen Drown stated that the ICRMP training with Jim McNall recommended having both the Planning and Zoning Board and Council meet up and discuss the growth of the city. Karen Drown asked if Monday at 5:30 PM before the City Council meeting would be possible for the Board members. May 9th or May 23rd are the possible dates for this meeting. Karen Drown will verify and reach out with a definite date.
- Scott Bybee stated that he'd like to inform the Board of a recent water and traffic study that is being pursued to address the number of subdivisions coming into town to be able to inform future developers.

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- Jeff Gabardi stated the two neighbors at Smalley Circle are experiencing lower water pressure and believed the new development next to them was causing it. Scott Bybee recommended that the owners clean each faucet in case of debris causing the low pressure. Regie Finney stated that if low pressure persists after doing the cleaning, call City Hall for a service order and water operator to investigate.
- Jeff Gabardi asked if there is an inspector on-site during the Harvest Hills subdivision pipe bedding. Scott Bybee stated that him and Regie conduct random inspections. Due to staffing, having one person available to inspect 24/7 isn't possible at this time. Regie Finney stated that the Harvest Hills engineer sends weekly reports to let him know of the project progress.
- Maggie Himmelberger asked about a home in town that was burnt a few years ago, "Tyree House". She has noticed kids coming in and out of the home and is concerned if this property should've been torn down in the past. Scott Bybee stated that if there are kids trespassing the property, to alert the police department regarding this issue.

MEETING ADJOURNED

Gary Dannenhauer moved that the meeting be adjourned; Margaret Himmelberger seconded the motion and all were in favor.

Barbara Gietzen declared the meeting adjourned at 11:11 AM.

Minutes prepared by Jazmine Mills, Assistant Clerk