

City of Glenns Ferry Planning & Zoning Special Public Hearing(s) Meeting July 22, 2020

The Special Public Hearing(s) Planning & Zoning Commission meeting was opened and called to order at 5:40 pm on Wednesday, July 22, 2020.

Planning & Zoning Members Present: Kt Carpenter, Jill Hampton, Denver Price

Staff/Others Present: Geoff Schroeder, City Attorney, Lori Freeman, Teresa Parsons

Item 1. OPEN MEETING AND ROLL-CALL ATTENDANCE:

Carpenter: Took roll call.

Denver Price
 Jill Hampton KT Carpenter

Item 2. MOTION TO: [Action Item] Adopt Agenda:

Hampton: I make a motion to adopt the agenda.

Price: Second.

Carpenter: All in favor, all-ayes.

Item 3. MOTION: [Action Item] P&Z Minutes of June 22, 2020:

Hampton: I make a motion to approve minutes of June 22, 2020.

Price: Second.

Carpenter: All in favor, all-ayes.

Schroeder: Madam Chair I would recommend that the notice for the public hearing stated 6:00 pm and it is 5:44 pm and so I recommend that the commission wait 16 more minutes to begin the public hearing.

Carpenter: It is 6:00 pm, we have already taken roll call, we have adopted the agenda and the minutes of June 22, 2020.

Item 4. BEGIN PUBLIC HEARING:

1. PUBLIC HEARING FOR PROPOSED AMENDMENT TO OFFICIAL ZONING MAP OF THE CITY BY REZONING CERTAIN PARCELS OF PROPERTY FROM HEAVY INDUSTRIAL (M-2) TO COMMERCIAL (C):

Carpenter: At this time, I would like to ask the staff if they have prepared and published all required hearing notices and prepared all staff reports and other documents necessitated and/or required by law?

Freeman: We passed Resolution 20-05 on June 22, 2020. Commission set public hearing on June 22, 2020 for July 22, 2020. Public hearing was published in Mountain Home Newspaper, July 1st and 8th, 2020. Letters were sent out property owners, of land within three hundred feet (300') radius and political subdivisions. On-site notices were posted July 9, 2020. Packets to Commissioners were given July 12, 2020. All was done, however, I did not put the summary of proposed action, the proposal to change zone from Heavy Industrial (M-2) to Commercial (C), in the letters that were sent out to property owners, of land within 300' radius and political

subdivisions. That summary of proposed action has to be in those letters.
A second public hearing will need to be scheduled.

- a. Explanation of Hearing Procedures/Presentation by Chair
Commissioner, Kt Carpenter:

Carpenter: We will be taking testimony from anyone.
Public testimony will be taken. One person will speak at a time, limiting
testimony to approximately three (3) minutes for each person. Each
person will first state his or her name and address. Testimony will be
received in order: In favor, neutral, and opposed. Upon completion of
testimony, the Commission will close the public hearing and proceed to
deliberation.

- b. Chair Commissioner, Kt Carpenter, Mention Written Testimony
Received and from Whom: Give Totals of Written Testimonies:
FOR, UNCOMMITTED, and AGAINST:

Carpenter: Was there any written testimony?

Freeman: There is no written testimony.

Parsons: There is no one on computer (go to meeting).

2. TESTIMONY TAKEN:

- a. Testimony – Supporting: None
- b. Testimony – Uncommitted: None
- c. Testimony – Opposed: None

3. REBUTTAL: Rebuttal of Testimony Taken: N/A

4. DELIBERTATIONS:

5. CLOSE PUBLIC HEARING: (No Motion Needed)

Carpenter: I would like to close public hearing at this time.

4. DELIBERTATIONS:

Item 5. MOTION: [Action Item] Set a Second Public Hearing for the Proposal to
Amend Official Zoning Map of the City by Rezoning Certain Parcels of
Property From Heavy Industrial (M-2) To Commercial (C): (Roll Call Vote)

Hampton: I motion to set second public hearing for August 13, 2020, Thursday at
6:00 pm.

Price: Second.

Carpenter: Roll call vote, Price-yes, Hampton-yes, Carpenter-yes.

Item 6. BEGIN PUBLIC HEARING:

**1. PUBLIC HEARING FOR PROPOSAL TO AMEND THE TEXT OF
THE GLENN'S FERRY CITY CODE; 11-14-11: UNIQUE LAND USE
PROVISIONS: I. EARTH MOVING ACTIVITIES: BY REMOVING
SUBSECTION:**

Carpenter: I would ask at this time if the staff has prepared and published all required
hearing notices and prepared all staff reports and other documents
necessitated and/or required by law?

Freeman: Yes.

- a. Explanation of Hearing Procedures/Presentation by Chair
Commissioner, Kt Carpenter:

Carpenter: The public hearing will be a structured meeting as follows. One person
will speak at a time, limiting testimony to approximately three (3) minutes
for each person. Each person will first state his or her name and address.

- b. Chair Commissioner, Kt Carpenter mention Written Testimony Received and From Whom.
Give Totals of Written Testimonies: FOR, UNCOMMITTED, and AGAINST:

Carpenter: Is there any written testimony?

Freeman: There is no written testimony.

Parsons: There is no one on-line.

2. TESTIMONY TAKE:

- a. Testimony – Supporting: None
- b. Testimony – Uncommitted: None
- c. Testimony – Opposed: None

3. REBUTTAL: N/A

~~**4. DELIBERATIONS:**~~

5. CLOSE PUBLIC HEARING:

Carpenter: We will close this public hearing at this time

4. DELIBERTATIONS: None

Item 7. MOTION: [Action Item] Planning & Zoning Recommendation to City Council of the Proposal to Amend Text of the Glenns Ferry City Code; 11-14-11; Unique Land Use Provisions: I. Earth Moving Activities: By Removing Subsection: (Roll Call Vote)

Hampton: I make motion to recommend to the City Council the proposal to amend text of the Glenns Ferry City Code; 11-14-11; Unique Land Use Provisions: I. Earth Moving Activities: by removing subsection be approved.

Price: Second

Carpenter: Roll call vote, Price-yes, Hampton-yes, Carpenter-yes.

Item 8. BEGIN PUBLIC HEARING:

1. PUBLIC HEARING FOR VARIANCE APPLICATION, RAY & DEBRA DURYEE, 665 WEST 3RD AVENUE:

Carpenter: At this time I would ask the staff if they have prepared and published all required hearing notices and prepared all staff reports and other documents necessitated and/or required by law?

Freeman: Yes.

- a. Explanation of Hearing Procedures/Presentation by Chair Commissioner, Kt Carpenter:

Carpenter: The public hearing will be a structured meeting as follows. The applicant will present their proposal and the Planning & Zoning Commission will then direct any questions to the applicant regarding the application. At the completion of the applicant's presentation, public testimony will be taken. One person will speak at a time, limiting testimony to approximately three (3) minutes for each person. Each person will first state his or her name and address. Testimony will be received in this order: In favor, neutral, and opposed. The applicant will then be allowed to reply to any testimony given. Upon completion of testimony, the Commission will close the public hearing and deliberate.

Duryee: My name is Ray Duryee, I live at 253 North Kansas. Two years ago, I purchased property at the corner of 3rd and Bannock, (665 West 3rd Avenue), formerly used by the Blinking Light Coffee Shop, with the

purpose to build a storage building. I have moved here from California and still have not brought many of our possessions because we had no where to put them. In looking into the requirements I found that it is Commercially zoned and that by itself would not have no building setbacks, however, there is a provisions, if it is adjacent to residential, across the street, then the residential setbacks would apply. On this particular piece of property its two lots 150 x 50 long and the more northernly lot is bisected by the traveled way if you will of 3rd Street which was built outside of its designated right of way. So, when you start applying the setbacks from front of the building, rear of the building, it starts to squeeze the footprint of land that I could build on. My preference is to build closest to Bannock, to move the building as far away from any residential impact as possible. Currently the only residential property that is adjacent is my own, across the alley. The lot to the south of me, though it has a house on it, is Commercial, the property to the north is Commercial, to the west is Commercial, with the John Deere Dealership and to the east is property where I live. My request is to eliminate the residential setback requirement for this property so I can build my building in that southwesterly corner, that's it in a nutshell.

Carpenter:

Does the Commissioners have any questions for Mr. Duryee?

Price:

I do have questions, so the building that you are going to put up is not on the residential property line?

Duryee:

No, it's on Commercial property line.

Price:

But the property is across the alley from property that is zoned Residential and because of that according to the code book the residential setback is applied to the whole piece? But, the home to the south is a residence?

Duryee:

It is a rental on Commercial property, which the commercial code allows for residential uses on commercial property.

Price:

Right. And the road that is going through the property now, has the city been talked to about moving that road, eliminating that road.

Duryee:

Yes and so far I've got no response.

Price:

Has it been surveyed?

Duryee:

The Mayor did have the contract surveyor out on one occasion that I am aware of, what they did or didn't do I don't know. When the curb and gutter and sidewalk was put in on Bannock they had the survey crew out to stake the locations of those improvements and there was a map prepared which shows 3rd Street as it exists today, bisecting the property, which was prepared by the engineering firm.

Price:

There's no curb and gutter on that property now is there?

Duryee:

There is curb and gutter across the front of the property and there is curb returns where the existing 3rd Street comes out onto Bannock. They put that in with some funds they got for 'Safe Routes to School', for the walking students.

Price:

By approving the variance are you planning on putting the building next to the residence on the south?

Duryee:

No, my intent is to put it in the south westerly corner. The house is at the rear of the lot, my building will be at the front of the lot and even though I'm asking for the existing setbacks to be eliminated I intend to put the

building seven (7) to ten (10) feet off the property line, primarily to keep a little room so I can clean it, clean back there but also the King Hill water line which feeds that property runs down the property line, to keep some distance away from the, (King Hill), water line should they need to do future maintenance, is going to have some amount of space.

Hampton: But since it's two lots, your putting it on lot #2 with the 40 x 70 proposal, you are away from Mr. Laib's property but it looks like you are right on your line that divides lot 1 and 2.

Duryee: It could be on the line between the two lots that is true, they are both commercially zoned and they are being used together. It depends on what I actually end up building, my desire is to build a 40x70, what really comes down to is the economics when it comes time to build it, whether it's 36, whether it's 40, whether it's 60 or 70, those dimensions are still up in the air. However, the location of the building which would be in that corner is pretty much where I want to put it.

Schroeder: Madam Chairman, I just like to clarify that the drawing that the applicant submitted implies that he is requesting not that the setbacks be eliminated altogether but they be reduced from 20 feet to 10 feet. I just want to make that clear.

Price: So, you are not requesting to put the building right up to the property line, I'd be concern with fire at that point.

Duryee: No, I was not requesting to be right on the property line, I don't intend to put the building right on the property line. It will be off the line in some amount because of the King Hill water line, whether it's exactly 10 or 7 or 9 or 12 feet.

Schroeder: I think it is important to make a record, that the documents that are submitted with this application by the applicant indicated a 10 foot setback and so later on when you are debating this, that was what was submitted to this body, and so we need to be crystal clear about the number of feet that we are waiving or not waiving. That needs to be in the record.

Hampton: This is one parcel why is it placed where it's at, where it could be compliant with the setbacks and I am concerned with the road going through it, that's very close. The little triangle of parcel here, is that Commercial as well?

Duryee: Yes.

Freeman: That is zoned residential.

Duryee: Okay, I may have misread the maps.

Freeman: Across the alley, (east), is zoned residential and to the north, commercial zoned is going south and west.

Carpenter: Geoff, I had a question, you said the 10 feet setback is what he is requesting in the application?

Schroeder: Yes, attached is a diagram that was submitted with his application that shows the position of the building.

Duryee: There is no dimension included in the narrative.

Schroeder: This is critical because when he goes to obtain a building permit if the variance is granted it needs to say what specificity how much of the setback is being waived and the source of that request is the document that shows 10 feet, and that's before you in the application.

- Carpenter:** So, in the motion would we need to specify that.
- Schroeder:** Yes.
- Carpenter:** And it was specified in that drawing, your saying.
- Schroeder:** So, you will refer to that drawing in any motion you end up making.
- Duryee:** I have talked with Mr. Laib about having some setback off the property line and not building right up to the line and he seemed to be alright with that.
- Price:** Do you plan on pursuing the road, eliminating that road going through your property?
- Duryee:** Yes. Its very little used with the construction of the bridge now back over the creek, 4th street, I believe, that provides another access out or into the area below plus they have access north across from the school. It really does not serve a need per say. Theres very few people who use it. I can find no records of the county of any easements, or at the city, or at the Highway District.
- Schroeder:** I can provide a little bit of elimination. The status of that road is unclear, it may be the case the city may has an actual or prescriptive easement for it, it may be the case that the city intends to abandon it, that part is far down the road
I've been out there and looked at it with the Mayor when it first came up and I have not been apprised at any status of, it is something that the city's looking into.
- Hampton:** I see that the footprints 40x70, what is your height?
- Duryee:** It would be 18 feet at the plate line, so with the pitch of the roof it could be as much as 23 feet. The zoning allows for 45 so it well below the height requirements.
- b.** Chair Commissioner, Kt Carpenter, Mention Written Testimony Received and From Whom. Give Totals of Written Testimonies: FOR, UNCOMMITTED, and AGAINST:
- Freeman:** No written testimonies received.
- Parsons:** No online testimonies
- 2. TESTIMONY TAKEN:**
- a.** Testimony – Supporting: None
- b.** Testimony – Uncommitted:
- Vela:** My name is Milagros Vela, we live at 614 West 3rd, I will be translating for my father, Isidro Vela. He just has some concerns about the property, his property uses the King Hill Irrigation, and so, he was just concerned about the building and if something were to happen with the irrigation how would that effect his property? Also, the distance between his property and the property they are trying to build.
- Duryee:** The King Hill line is for that property, not serving anyone else. There is a King Hill line I am told out in 3rd Street and at one point they were going to upgrade it, until they heard 3rd Street might not be the appropriate place. But there is nothing that I am proposing that would be by any King Hill line that would serve their property, and the position of the building as I am suggesting is further away from their property.
- Vela:** My father says that there is another line but he doesn't know if the city is aware of it or not.

- Freeman:** Elmira Hampton has that small piece and she had irrigation water, so are you on that same line?
- Vela:** No, no there is another old, old line over there, I don't know where it come from but it's over there.
- Duryee:** I spoke with King Hill about the location of the line, they have no map that shows where it is. Some years ago a gas company came in and put in a line and hit a King Hill line and they had to make a repair at the intersection of the alley and 3rd Street. I told by one of the neighbors, it goes on 3rd Street, goes down the hill and serves some of the properties down on 2nd Street. Ms. Hampton, who is my neighbor told me that at one time her family owned property, they did have a line that went down the alley, across 3rd onto that small piece of triangle that they used for a garden.
- Schroeder:** What I would recommend, because I am not sure the person testifying is relaying a potential line to a potential building and the impact of the setbacks. So, what I propose is to show is drawing to the person testifying and have him indicate where he thinks the lines are on this piece of paper.
- Price:** I don't see how his property, (#2) relates to the property of interest.
- Carpenter:** My question to you, (Mr. Duryee), if your variance was granted, and you build your building, will that build interfere with any of these irrigation lines.
- Duryee:** I don't think so, the only line it would be close to is the one that serves this property, (665 West 3rd), this south property line and there are four (4) water outlets on this property line. That line would be behind the shop, I would still keep the line because I'm still going to use irrigation for some landscaping.
- Carpenter:** Do you (Mr. Vela), feel more comfortable with this explanation you've been given?
- Vela:** Yes, he says he is okay with him building. He's just a little concerned about the street because he does use it.
- Duryee:** As in terms of 3rd Street closing it off is a long way off. We are not proposing to change anything, we will come back at a later date.
- c. Testimony – Opposed: None**
- 3. REBUTTAL:** None
- 4. DELIBERATIONS:**
- 5. CLOSE PUBLIC HEARING:** (No Motion Needed)
- Carpenter:** We close the public hearing at this time.
- 4. DELIBERATIONS:**
- Carpenter:** Has any of the commissioners had any conversation about this variance with anyone outside of this public hearing:
- Hampton:** No
- Price:** I had conversation with the property owner next door but not with the applicant.
- Schroeder:** Could you briefly summarize the nature of that conversation and to what ability it may have to make a fair decision.
- Price:** I was curious about where the building was going on that property because of the irrigation line because I knew it ran right down the middle

and it would have been an issue if you were to put a building on irrigation line and that's all I wanted to verify.

Schroeder: As long as that is in the record so that everyone has the opportunity to know all of the discussions that have occurred, then that's all we need to say.

Carpenter: And that it doesn't influence his decision, is that what you were asking?

Schroeder: Correct. Everyone has an opportunity to hear what the nature of that discussion was. So he has disclosed that, it obviously does have an effect but he has eliminated that and that is now on the record.

Item 9. **MOTION:** [Action Item] Planning & Zoning Recommendation to City Council to Approve/Deny Variance Application, Ray & Debra Duryee, 665 West 3rd Avenue:

Hampton: I make a motion to recommend denying the variance to the City Council at this time.

Carpenter: Do I have a second/no second.

Schroeder: So the motion dies for the lack of a second, but someone else can make a motion, another member of the commission can make another motion if any member so desires and then that motion can be voted on.

Price: I make a motion that we recommend to the City Council to approve the variance based on the 10 ft. setback that was submitted in addition to the application.

Carpenter: I second

Carpenter: Roll call vote, Hampton-no, Price-yes, Carpenter-yes

Duryee: Madam president may I ask her concerns of why she voted, no, so that I may answer those concerns.

Hampton: Don't take it personal, but I don't take it as an undue hardship, you could move to not have the building so much in the front, you could move it back or turn your building. Its two lots but one parcel.

Item 10. **COMMISSIONERS COMMENTS:**

Carpenter: Our regular monthly Planning and Zoning meeting is August 5, 2020 at 6:00 pm. Just make sure that we all will be able to attend.

Item 11. **MOTION: [Action Item] Adjourn:**

Carpenter: I would entertain a motion to adjourn.

Price: I make motion

Hampton: Second

Carpenter: This meeting is adjourned.

Approved by the P & Z Commission: _____ / _____ / _____

Chairperson, Kt Carpenter

Attest: _____
Lori V. Freeman, P&Z Admin.