

City of Glenns Ferry P&Z and City Council Special Joint Meeting May 2, 2023

The Special City Council meeting of the City of Glenns Ferry for 7:00 pm on Tuesday, May 2, 2023, by Mayor William Galloska.

Council Members Present: Chelsea Inmon, Luke Guy, Ken Thompson, Mayor Billy Galloska

P&Z Commissioners Present: Kt Carpenter, Denver Price, Jennifer Baker

Staff Present: Teresa Parsons, Lori Freeman, Christy Acord, Geoff Schroeder, Kent Knab

Others: Steve & Barbara May, Steve Alderman

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Item 1. CITY COUNCIL OPEN MEETING/ROLL-CALL ATTENDANCE:

 A Susan Case X Luke Guy X Chelsea Inmon X Ken Thompson
 X Mayor Billy Galloska

***For the record Susan Case – Absent.

Item 2. P & Z COMMISSIONER/ ROLL CALL:

 X Kt Carpenter X Denver Price X Jennifer Baker

Item 3. MOTION: [ACTION ITEM] Adopt Agenda:

Thompson: I will make that motion.

Inmon: I second

Mayor Galloska: All in favor, all – ayes.

Item 4. MOTION: [ACTION ITEM] Direct Staff and Legal Counsel to Draft Ordinance Amendments to be Placed on Agenda for Public Hearing and Later Adoption.

Mayor Galloska: Before we get going here, I'm going to let the attorney if you will give us some guidance on how this works in the joint session and how we go about working through this. Obviously there's no motions, this is just a working meeting.

Schroeder: You can run the discussion as the general supervisor of the governing body and then you can guide it however you like with whatever you had from the council meetings, thoughts from the p & commission, the gist I got from the council meeting I was listening to was the issue for the most part was setbacks and I realized in reviewing this there's another provision in the state code that ... anyway you can walk through, you discuss what you think of the existing setbacks. I jotted down a table of what they are, are they workable, not workable. It might be helpful to have I guess the fire chief is not here, but existing input of you've heard from him. The skies the limit in terms of what you want to consider amending or changing in the code. Here's the important thing the city has dealt with variances in the past a lot and those are kind of restrictive in the way that they work by code. They are showing of undo hardship because of characteristics in the site and if the variances are not in conflict with public interest and it has to do to unique site characteristics. But the variances are and there is a supreme court case on this and a statute that was amended in the supreme court case. A variance can't be done just by a condition use permit. This was over a height restriction for a cement mixer plant in Eastern Idaho. A variance is a modification of the (inaudible) requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard and rear yard setbacks so this differentiates setbacks from yard definition, parking space, height of buildings or other ordinance provisions affecting the size or shape of a structure, but not use. You don't get a variance for use, but you can for these numeric things. As a result of using a special use permit to vary a height restriction in Eastern Idaho supreme court struck it down. That's a variance not a special use permit. In Idaho code 67-65-12 particularly F this was added as a result of that case. This can help us a lot. In addition to other process permitted by this chapter

exceptions or waivers of standards other than use includes of the subject matter addressed by 16 in a zoning ordinance, so exceptions or waivers of those standards in a zoning ordinance may be permitted through issuance either a condition use permit or by an administrative process specified by an ordinance. I think I've said this before a few years ago, cities are empowered to adopt. We could have chapter 20 of the zoning code that provides a waiver process of any of these already enumerated setbacks. You can go through here and modify the setbacks to the extent you want, but you can also, and I would recommend because you continually have situations that don't fit anything else, this waiver process that allows you instead of a condition use permit or something else where you're bound into the restrictions to a variance; a waiver process that you can adopt by ordinance. Keep that in mind.

Inmon: That actually might simplify the discussion.

Mayor Galloska: It could.

Guy: That would just basically allow us to have a different tool if there's a variant of a property that's odd.

Inmon: Special circumstance thing. In all my homework that I was given, I pulled out the last few council meetings where these were brought up. Hence the creation of the need to have a meeting. I had flat out asked the question, what is it that we're wanting here, and to review setbacks to see if they are appropriate, to review permit issue process, and to clear up if any lack of clarity within the ordinances. It's broad yet pretty simple. We were given title 9 and title 11 there was an issue with 9-1-4 which is the expiration of permits. I know that was something that everybody wanted to address so I highlighted that area and I did a lot of research and I talked to contractors, former building inspectors, neighbors, people in my vicinity and my opinion is expiration of permits as it's written seems pretty okay and I would not really want to change it but I would also want input from the planning and zoning commission because they were not present at that last meeting when we opted to include this it is part of today's discussion.

Mayor Galloska: Before we get into specific circumstances I think we need to hear from some of the people that have come tonight for that purpose to hear what they want from us as a council.

Schroeder: If I might just clarify something. The building code section of the chapter is police power of the city, it doesn't implicate zoning.

May: Steve May 513 South Atlantic. The new doublewide that was brought in on Garfield not sure the exact address. It's on the corner of Garfield and Atlantic. The way I understand it is that doublewide was supposed to be put on a foundation and as far as I know it has not been and I believe it's been 2 years.

Schroeder: We can't discuss any site-specific issues or problems. The purpose of the joint meeting is to discuss amending zoning rules. But if there's a site-specific complaint or issue that can be addressed with this body or that body, the mayor and building inspector.

May: Who is the building inspector now.

Knab: That'd be me.

May: The zoning part of it deals with the Snake River extension is a proposed road and nothing has been done in 59-years that I've lived in this town. We inherited our property from my in laws and we can't use the whole plottage because of a bank, but all our neighbors up and down that proposed road goes all the way out and is blocking the road in some spots. We were just wondering what was going on there.

Baker: You mean it is a proposed extension to Snake River Avenue?

Carpenter: East or West?

May: It would be East.

Thompson: It's actually plotted all the way down through the end of town.

May: Except the street itself, I mean it's plotted through, but the drivable part of the street ends on Alturas. The rest of it is unusable except for a few of the people up and down that area that have extended their property out into the proposed street.

Baker: They're not building on it right?

Thompson: What's your problem, why don't you just put your lawn out there?

May: Because we were told that we couldn't. It would cover the street.

Thompson: I don't know who told you that, but that's probably not going to get developed.

May: This was back in the Messerly era, and we were told no, it'll sluff off into that street. I can backfill out to the property level and whatever sluffs off is fine.

Mayor Galloska: No, we need the city attorney....

Thompson: Do it in a way that if the city ever decides to, I can't foresee them doing it, but the point is....

Schroeder: *There's a huge difference between a right of way and a platted street. I'm looking at Google Earth which isn't exactly helpful.*

Baker: *Is the property you're asking about deeded to you. The city is preserving the right of way or the right to have a right of way.*

Schroeder: *If there's a platted street that belongs to the city in public trust forever can never be lost, it can be cleared, it can be abated by the city to clear it out and so if there's an encroachment the city can grant an irrevocable license to occupy part of the right a way that is again held in trust. The city can't convey that except through a process called vacation. The city council determines that the city is never going to use that street, is never going to develop it. The city can publish notice of intent to vacate the street, all the property owners hold a public hearing, and then typically it goes from the center line 50/50. We started to do this once on another piece of property.*

Carpenter: *There's a utility line through there though.*

Schroeder: *You can still vacate it and the utility still retains their easement so you may want to discuss this in more detail with the mayor if that's a proposal that you and the adjoining property owners want to entertain. As a general rule if you're going to occupy or use that which is platted you should be on notice that at any moment the city can revoke that.*

May: *The platted street in question, the north side is city limits, the south side is an impacment area.*

Schroeder: *Is that that flat down by the river. Is that not in the city limits?*

Carpenter: *The people that live down below, their home is in the city limits, but the rest of their property is not.*

Alderman: *Steve Alderman 246 West Madison. I would just like you to consider that we have different rural zoning areas. Rural 1, 2, 3. When you're considering setbacks and amount of coverage remember one medium density, one slight density, and one's heavy density. Right now they're all the same as far as the setbacks and as far as the lot coverage. That should change, they should have different densities because of the name, because of their nature.*

Carpenter/Baker: *Density or setbacks?*

Alderman: *Both. As far as lot coverage and setbacks. Right now, it's 65% lot coverage. Maybe in R3 it should be 40% lot coverage. R2 50%, R1 65% just to get more density in there. Again, we're limited where we can build in this town and in setbacks. Maybe make the setbacks 5 foot on the sides in R2 and R3 and 10 foot in R1 because R1 is supposed to be a little bit nicer less density make it a little more open.*

Baker: *I think we actually had a discussion sort of about this, I was reading through earlier minutes that were in the packet for tomorrow. I was having a really hard time getting my mind around that and Lori helped me and what it basically came down to is I had a question about the whole density thing, but the part that we have to remember is there are no more parcels being made. The density is purely based on whether or not some of the areas can have a multi-family area, a lot or a block like in R3 might not actually have multi-family homes but it that parcel isn't big enough to make any more homes, it's not going to get more dense. Because the parcels that are there are all the parcels that there are. It's not really going to change all the much anyway.*

Alderman: *You're telling me if you allow someone to build an 1800 square foot house and that covers 45% of the lot for a multi-family they can't build 2 more apartments they can't cover another 15% of the lot because....*

Baker: *No, because you can only have one residence on the parcel.*

Alderman: *It's a multi-family you can have apartments, rooms....*

Baker: *If the lot is big enough to allow....*

Alderman: That's what I'm saying, allow, allow a little bit more on those lots. They might only be 50-foot lots but you're telling us we can only have 65% free space, why can't we have 40% free space. If we had the parking that you require and the setbacks you require why can't we cover more of the property with an apartment or house that's all I'm saying.

Acord: I just wanted to bring up some things, I've been attending a lot of webinars on housing and workforce housing all throughout the state. We are just one of many that are battling the same battle. One of the things that they are pointing out is infill is huge right now because they want to infill the things within the city limits because services. You're trying to get more people connected to your water and sewer, trying to bring in more revenue into your cities so they're able to pay for themselves. Keep that in mind when you go in, we don't have a whole lot of room to spread and we have county property down by the river, we have county property surrounding us and ag property surrounding us. There is very valuable property. Agricultural property is very valuable. I don't want to recruit anyone and take over a piece of ag property that's out there. Infilling is extremely important.

Mayor Galloska: We need to allow to have the ability for the stated purpose. So, whatever the stated purpose is of the zoning rule, we need to have the ability to reach that. If you're R3 is about multi-family, but yet we cannot do that based on the rules we set in place, then we're really gating the purpose of the rule. We need to at least look at and examine why we're not allowing something to fill the stated purpose. Otherwise, why do we have the stated purpose. It needs to match, otherwise you end up with the inconsistencies and you end up here trying to figure it all out.

Carpenter: If you drive around the city there's so many places that were already there that don't

Mayor Galloska: That don't fit the purpose.

Schroeder: With respect to that and Christy's comment with infill, and the ability of the citizens to use the property and the discussion we had in February over the ordinance Lori got me and I haven't finished completely tweaking, I use Glenns Ferry as an example on how to do a model of an adoption of an accessory dwelling unit ordinance. We took some of the specifications from the county and this p&z commission spent a lot of time and did a lot of work blending the need to limit instantaneous spontaneous growth, doubling homes against the ability to use your property and again this governing body did the same thing. I say that because mid-way through the legislative session there was a bill that was proposed that would have eliminated cities to restrict or regulate assessor dwelling units at all. It would have mandated that they be permitted in all residential zones. There's some cities that want these and some that don't and it's called a local land use planning act for a reason. A lot of careful thought that this city put into, adhering to setbacks and lot coverage requirements while still enabling them. What ended up happening is the bill was amended after some discussion and he changed it. The Association of Cities got ahold of him and they changed it into internal accessory dwelling units and then HOA's and cities cannot restrict them. He took out the cities and now it's just HOA's. They talk about how far apart the fire department wants them, street department needs to know how far that street needs to be, but those numbers are a policy decision that are up to you guys and you tell us what to put.

Item 5. DISCUSSION: Discussion Directing Certain Draft Ordinances to be Prepared for Consideration by the Planning & Zoning and City Council.

Price: With everything going on it seems beneficial to me to see all the properties in the city, what their zoned, and how much of the building on the property it already covers I would almost have to go from property to property to see it. 30% of this one covered, 70% of this one covered, I really need to get up to date on that whole process to see where we're at now. I get what everybody is saying, and it would be nice to have a whole uniformed decision on it. Over the years there's been a lot of things that have been

added that's not code or it's not right. I can see where it upsets people who are looking at these other ones that are not right. We don't have that list; we don't have that map that I'm aware of.

Baker: *But Google Earth does the internet does.*

Price: *I don't have it right here. It could be had and the property can be on there and they can say, how much of that property is covering that lot and is it 40%, 50%, 30%, where is it on that lot. There's just a little bit more information that I need.*

Mayor Galloska: *You're wanting us to go through a basically do an audit of the cities lots and what they look like.*

Price: *Well yep, that would be the perfect solution.*

Carpenter: *I wonder if that's not where we're going.*

Mayor Galloska: *I wonder if that's something from the assessor to get that information from him.*

Freeman: *You can get it on Elmore Parcel Information.*

Price: *They're taxing the size of that house, so you know the size of that house.*

Carpenter: *What you're saying if we know what's already existing we can get a guideline to where we need to go.*

Price: *Yep. It's so inconsistent.*

Alderman: *You really can't get on the county assessors, it may tell you what houses are on there, but it doesn't tell you anything about detached garages, shops*

Price: *You almost have to go with Google map.*

Baker: *For the purpose of our meeting here I don't think we don't need to reinvent the wheel about this. I think that a lot of it, if we just opened up Google Earth, cast it onto there, we can look at a satellite view of anywhere in the city and we can see that. It's there.*

Mayor Galloska: *Possibly as we go through each different zone we can look that, and we can pull up a zone to see what we're looking at here.*

Schroeder: *In the residential zones it's 65% yard, 35% structures, and that's kind of standard but your neighboring city to the west recently removed those from the R3 and R4 the maximum lot coverages are gone. It might help guide you, and we can get Lori on this but if you simplified because there are some inconsistent setbacks. The front is 20 feet for R3 and 25 for the other ones. I found that odd. Then you have these weird downtown overlay that has none. Like we talked about when we were discussing the accessory dwelling units, stop and think about what you can see what's going on and then how the world works and see if there's a harm that's going on and if it makes sense. If they don't make sense you're the ones operating the city, you can see what's going on and then you have again the fire and street people. The front setbacks are 25 but there's one that's 20. You also have the ability to create waivers. But I got the sense that the rear setbacks are a big issue possibly not necessary at all. Given that there are 4 zones that there are potentially 0 setbacks all the way around. Commercial, M1 and M2 could be 0. The arbitrary percentages is a number that came from somewhere, it's common amongst cities. In the late 1910's to 1920's people when the automobile became very common people built detached garages straight on to the alley they are very common to every city in Idaho they are right on the alley line. Your mission is to think of, is that a harmful thing, do you want to allow that to be perpetuated or continued or do you want it to be brought back or eliminated over time and the sense I got was no.*

Carpenter: *I was just thinking about the garages on the alley and maybe going forward we can establish a setback.*

Freeman: *I do think that just to reel things in today to make it a lot easier for everybody. That if you were to go through each one of those zones, what Steve was talking about. If you go through each one of those zones it will tell you the purpose of those zones and it will tell you the density within the purpose of*

that zone. I think that will help you a lot. If you look at R1, it is all along the river. They want wider, more open spaces so maybe you would leave those setbacks the same, but if you look at R3 then the density of that the purpose of R3 it tells you the density and that might help you reel in too. (Lori goes through the zone legend).

Baker: I think Steve kind of had a point. All of them say that they have to have 65% of them open, but how do you encourage higher density than like in R3 if you're not going to let them build anymore on or build a bigger structure or one that accommodates more people.

Mayor Galloska: You've got the purpose of them being 2 different things and yet you're holding them to this one rule.

Freeman: If you would adjust your density to the purpose of that zone then you can change the figures.

Guy: The way I've read it because it's made for a small town and small town is not meant to be stacked on each other. I get the multi-family dwellings I'm trying to think of a way to cause I know you can do complexes the multi-stories. I'm trying to think how you can do that with how the city was originally meant to be as spacious small town.

Mayor Galloska: Part of that is why we have zones.

Guy: Do you think all the R3 people that are there now, if you ask them would you like your neighbors to build houses next to this....

Mayor Galloska: They bought in a zone that its purpose was multi-family.

Guy: Most people don't look at the research, they look at the neighborhood, they look at the house, they look at their yard.

Mayor Galloska: That's why the city set up zones so there are different densities across the town. Just because they moved in there for this they have to expect that's what's going to happen.

Guy: Yeah, but as a civil servant I'm trying to do what's best for the people that live there. The prices are probably cheaper there to cause I'm guessing people can't afford the bigger lots or the riverside properties, but they still want a yard, look out and not see 5 other houses next to them.

Mayor Galloska: I'm in R3 and I wanted a 10-acre lot, but I'm not going to get it in R3. I got to deal with what's there and I need to look at the purpose that that zone is for.

Schroeder: I might be able to summarize real quick and it ties in with what Mr. Alderman said. R1 says the purpose is low density areas best suited for residential. R2 says purpose is medium density and R3 says the purpose is to provide for medium to high density. What's inconsistent is the fact that all of them have exactly the same density requirements. They all say 65% lot coverage. When the purpose is different. I think that Lori and Steve and the mayor is driving at is maybe make those percentage lot coverages match that's what's stated on there and to your point, if we're going to monkey with those numbers we're discussing at a joint meeting, a proposed ordinance amendment. When that ordinance is drafted then Lori and Teresa provide general notice in the paper then the public hearing comes and all the occupants of R3 and R2 have an opportunity to come and go, what are you doing to me or that's great.

Mayor Galloska: I don't want to do something because it benefits me, I want to do something because it benefits the city.

Guy: If we get them notice and make an effort to say, we're trying to match our goal of higher density would you be okay with this. Or have them weigh in. I read it as you can stack complexes and stuff.

Baker: Well, we do have height restrictions still.

Carpenter: You have to have the square footage to do that.

Mayor Galloska: That's the other thing, is the square footage figures into that number too, it's not just footprint.

Thompson: I'm kind of old fashioned, I like this, I think we leave it alone.

Carpenter: Really?

Mayor Galloska: I think there's too many inconsistencies in my opinion.

Inmon: I agree with both of you, but I disagree with both of you too. I think there is a middle ground compromise for those specific areas of need that we could address to address the problem where there's inconsistency. Putting the blanket rule for every single zone doesn't make sense, that can be addressed. Without upsetting, with still preserving the areas in which Ken and myself like where it is and don't want it changed because of the zone we're in. I think there's a way to get to that compromise, address the inconsistencies, allow for the growth, allow for the city to do what it needs to do to grow but still be preserving what makes the City of Glenns Ferry special that draws people here to begin with.

Mayor Galloska: I did have an issue in the agricultural area and just because this is one of the things that keeps coming up, this is where Lori and I have argued for months that council needs to look at this and at least clearly define it and that's the statement here on 11-3-7. The rear yard.

Freeman: It's in all of the zones and when I first started doing planning and zoning I looked at it way different. I looked at it like you have to have 15 feet from the property line, but actually it does not say that. Vance and I would always go round, and I would always get on board with Vance because he was the building, but it didn't make sense to me. It says and this is what the rear yard says in all the zones, shall be a rear yard and having a depth of not less than 15 feet. If you go back and I go into the definitions and you go to yard, back. It says it goes from your property line and goes to the primary house that's your backyard.

Schroeder: Yard extending the full width of the lot line between the rear line of the lot and the nearest line of the principal building.

Freeman: Then if you go back to the rear yard setbacks, then it tells me and I know Steve, I know but it tells me that you measure from the primary home 15 feet and that is your rear yard depth. But what does that mean it just ends there.

Schroeder: I can't remember that phone call we had several months ago, but that is where that light dawned in my mind as well. Here's why, there's two things that are distinct because they're defined distinctively. The setback area is the space on a lot required to be left opened and unoccupied by buildings or structures. But the definition of a rear yard makes specific reference to a principal building. So, this is the hazard, and this is some legalese and again I'll leave you to your devices to figure out what you want to do with these definitions cause these definitions are up to you to the extent that they are not inconsistent with state code. The definition laden ordinance you have to read them when you see one of the words that is defined you have to use that definition and not your mental picture of it or what's conversational. This is especially hazardous in the motor vehicle code when you're trying to prosecute a case, it's in the development impact fee code. Each one of those, they're very definition laden. Setback is the area you cannot have anything in. The rear yard and to the extent it says the rear yard requirement then you look at the definition of rear yard. If you want a setback to be a certain amount and you want a rear yard or you want those to be the same thing you can or you can change them. You can also change those numbers.

Mayor Galloska: My argument to that is, we're talking about putting, for instance garages right on the back lot line with no setback or 3-foot setback whatever it is. If you inconsistently put that you're saying it's in that 15 feet so you can't do it. But if you say that's excluding garages and stuff like that then you can. You have to define it in such a manner that Lori and the mayor cause I didn't go to school for this. You have to define it where everybody can read it and know exactly what you mean. Instead of each time an application is put before us we got to look at it like this.

Freeman: When you're doing it please make your definitions and your setbacks the same. You can go here, and you can go here and get two different things.

Mayor Galloska: The majority of agriculture is clear cut; this definition is a real issue because we're not clearly defined. My question to the council, the zoning, make it clear.

Carpenter: Rear yard versus setback we need to bring some kind of consistency to the two of them.

Baker: The side yard definition right under that it says it is between the nearest wall the principal building, accessory building and side lot line. Why do they have accessory building what exactly are they saying. It doesn't say principal building or accessory building whichever is closer to the property line. What does that have to do with that definition.

Freeman: But the setback definition is clear.

Schroeder: I think someone brought this up, this is some legal reasoning that again you can enforce it, but you can also say there's an inconsistency. In each of these 11-4-7, 11-5-7, 11-6-7, 11-7-7, 11-8-7, setback requirements front yard, side yard, rear yard. Front yard no building or structure, side yard no building shall be erected closer, then rear yard it just says there will be a rear yard. Then you go to the definition of rear yard and it's just 15 feet from the principal structure. That's an inconsistency or it's consistent because that's intended. If you enumerate some things then the assumption is the enumeration would have continued and it's omitted from that enumerated list it was intentionally omitted but if it's not intentionally omitted from that list that's an oopsie on your part then you would want to add a rear yard clear building or structures and structures include fences just so we all know. Except for fences, it doesn't include fences.

Mayor Galloska: During that meeting we thought that it did.

Inmon: The definitions are for all of chapter 11 not just for ag it's everything so if we just start with the definitions and we clarify those that might clear up some of the stuff.

Carpenter: The only thing I had looked at for agricultural property of not less than 15,000 square feet would be on 11-3-4.

Baker: It seems this one should say 6,000 square feet and 43,000 square feet because otherwise it says that the rules that apply to the 6,000 square feet are the same because it says or greater. There's no set size. Then it changes at this point. It seems that it should say 6,000 square feet to one acre.

Freeman: You can go up to the area requirements. It says that if your parcel is platted out less than what is required that you can still put a single-family home. You're in R1 right?

Baker: No, I'm still in agriculture.

Schroeder: Unlike the criminal code, the zoning code only allows you to do those things that are enumerated as a permitted use. Everything else is a prohibited use. On property of 6,000 square feet or greater with access to a public street you can have a home occupation and one single family dwelling. That's 6,000 square feet up to lets say we annexed from here to Mountain Home and you own one lot, you can do those two things on it. There's no limitation, there's no gap because the next jump is one acre and greater in agriculture we're going to add to home occupation and a single-family dwelling. We can now have a cemetery, home occupation and large animals.

Baker: But only if it has 100-foot wide and with frontage on a public road. It seems like if it's one acre, but it doesn't have frontage on a public street then you can't do this then.

Schroeder: And that is a little wonky and something you might not want to do. In other words, if I'm in the city limits and I've got a lane coming out to connect and my frontage is the width of the road and now I want to put a cow and a barn or cemetery, you can't.

Mayor Galloska: Can you mark this up for some of the things we're looking at, so we're not lost later when we come back to this.

Parsons: I can mark things just tell me where to go and what to write.

Schroeder: 11-3-4.

Baker: Write in B.

Parsons: Property of one acre or greater what do you want to change?

Schroeder: It needs a minimum of 100 feet of frontage which seems odd.

Mayor Galloska: The rear yard definition needs to be marked up.

Inmon: 11-2-1. Highlight it cause that's the one we have to define.

Mayor Galloska: 11-4, my markups is what we're dealing with if we look at that rear yard definition. The purpose of R1 this is the one that's supposed to have the least dense.

Baker: 11-4-4A property of 9,000 square feet or greater, shouldn't we have something in there that encompasses everything up to 9,000 square feet, here's the rule. Or if we're going to say if you don't have 9,000 square feet you can't build anything.

Freeman: 11-4-3 area requirements. If that parcel's platted out.

Baker: If it has been platted it is assumed to be a minimum buildable size?

Freeman: Yep.

Schroeder: It says in 11-4-3, if it was platted with less than frontage as shown by an official plat the last conveyance of the time that this was adopted. You can't make a mini lot today, so this was as of 2002. Again, it has the 65% open space requirement.

Baker: If you have a small lot you're going to have to have a small house.

Mayor Galloska: This speaks to councilman Guy's argument. People that bought in R1 bought for a specific purpose which fits the purpose so we may say that one's the one that you leave alone.

Schroeder: Then as they get more dense they might want to make that change.

Baker: Some of the grandfathered stuff comes in, but if that house burns down on that 7,000 square foot lot are they going to be allowed to rebuild now like any building that happens past 2002 can only happen on a lot of at least 9,000 square feet. I'm talking about just clarifying it in this 11-4-3.

Thompson: Isn't that what planning and zoning does?

Baker: Well sort of but we can't do it without city council.

Schroeder: The p&z does the hearing on it then when it rolls in here for council you're ready and you know.

Thompson: Aren't we conflicting. If they're the ones that are supposed to be doing the work, planning and zoning and we're in here doing planning and zoning, we're taking away their job.

Baker: All we do is make recommendations to city.

Thompson: I know. I've been on both two boards okay, I know what you do and what you're doing. The point I'm trying to make is you guys are the ones who are set up to do planning and zoning. You are supposed to do the work that's required, do it. Okay, if we're sitting in here and doing it and working together it looks to me like we're taking away part of your job and making our job harder. When we come around to do it there's no reason for you guys to be there.

Carpenter: You mean we can go home.

Mayor Galloska: Kenny please.

Schroeder: One of the reasons like when we were doing the comp plan is sometimes if a proposal that these guys work on gets done and vetted and comes to you for a recommendation and it comes to you blind and you're not sure why it was there, part of the reason is for them to get the feedback from you as the ultimate approving authority. Whether you need to work on this or not is up to you as a councilman. Ultimately the control over this ordinance, the approval of it, is the governing body which is the city council.

Thompson: I agree with that, I don't have a problem with that, but planning and zoning are the ones as far as I'm concerned and when I was on planning and zoning we did all the work. As far as research and all of that stuff then the council took our work and decided whether it was worthy of

Mayor Galloska: And I think that is where we need to go through and mark up the areas we want them to work on, if I'm

Thompson: That's all right, but we're not doing that. We're trying to change everything as we go.

Mayor Galloska: Honestly, when we started I wanted her to just highlight the areas so that it can be worked on later.

Thompson: And I don't have a problem, I don't want us sitting here changing everything that their job is to do.

Mayor Galloska: We can't change everything anyway.

Carpenter: As far as the whole city code that was the purpose of this right, the city code.

Baker: Highlight the 11-4-3.

Mayor Galloska: And give it to you guys to work on. As I said please make it as clear as you can.

Schroeder: That way when it comes back to you guys after they're done working on it, it's not a surprise. Anything else in R1.

Inmon: Definitions, rear yard.

Mayor Galloska: R2, let's look at the purpose first so we can understand any changes we might make. The purpose for the R2 mixed residential zone is to provide medium density residential development. Well designed and properly located in the community pattern.

Alderman: I would like to suggest with 11-5-4 it says 7,000 square feet for the minimum lot, our lots are laid out in 3,000 square foot lot increments so that's a weird number. 2 lots is 6,000 square feet.

Baker: It's just saying you have to have at least 7,000 square feet to have a multi dwelling.

Alderman: Which is more than 2 lots. Jennifer, Glenns Ferry was platted in 1905 with 25-foot lots. 2 of those lots is 6,000 square feet. That is just showing you what people own. That's parcels that is not your lots, she'd have to get out a lot map to show you.

Schroeder: What he's getting at the standard 25-footer which is today is 3,000. 2 of those which is what everybody has is 6,000, but when you have the minimum size of 7 it doesn't match.

Baker: This is supposed to be a mixed use. I mean maybe there's a reason why it should be 7,000 square feet because it will sort of limit to some extent.

Mayor Galloska: But you can't get to 7,000 because you only have 2 lots. The math doesn't work.

Baker: You'd have to buy a 3rd lot but that section is supposed to be high density. There should only be certain....

Mayor Galloska: It's supposed to be medium density.

Baker: Maybe it does need to have a little bit bigger lots to serve its limit because what it's limiting if you don't have that you can't have a multi-family dwelling. If you have less than that 7,000 you can't have multi-family on there. This section is supposed to be just medium density so do we want to make it easier for more people to build multi-family places.

Schroeder: I'm not advocating one way or the other. I owned a 50-foot lot in Mountain Home, and I have a 540 square foot house on it. What Jennifer I think is pointing out is the limitation, you're not limited on a single-family dwelling, but a multi-family says 6,000 doesn't cut it but 7 would.

Baker: There won't be very many of them allowed in there which seems to me that that's sort of what the idea. Because it's medium density. If you can't build a multi-family thing on 2 lots okay.

Mayor Galloska: But multi-family might be a simple thing as having a duplex. Say for instance that a duplex is what someone wants in there, but they're not trying to get some huge duplex they're still staying

with that keeping 65% of the property free they're following all the other rules but because it's not 7,000 square feet which they can't get to from here they can't even put a duplex.

Baker: What if you change this to 6,000 square feet and then specify under the part that says multi-family dwelling say a duplex only or 2 family only and if you want more than that you got to have a bigger lot.

Mayor Galloska: I think that's very plausible for you guys to put in there.

Inmon: You'll want to highlight 11-5-4A so they can make their recommendations for us.

Acord: That's where Amstutz apartments are, to visualize.

Mayor Galloska: 11-6 R3 multi-family residential zone is to provide for medium to high density residential development. In certain appropriate areas upon city approval permitted mobile home development.

Inmon: Can we highlight 11-6-3. I would like them to look at it and see about modifying, changing, recommending, about the density again at 65.

Mayor Galloska: To be honest I'd like to see them look at the densities in all of them.

Thompson: The only one I think that should stay the same is R1.

Baker: What is the difference between lot coverage and open space. Before we were still on the R2 11-5-5 says lot coverage. I guess this means that these were repealed.

Schroeder: That threw me for a bit. They repealed it in each of these sections the lot coverage part and that would have been the percentage or something. The area requirement's part covers that. We can put something new in there to replace lot coverage by amending it. Then it doesn't confuse us.

Inmon: 11-6-3 and 11-6-4A. You guys will bring recommendations for us around those square footages.

Thompson: Property of 7,000 square feet we have a problem like we did on the other one.

Baker: If you look down on that 11-6-4A down home occupation, it's kind of in an odd spot too, multi-family dwelling except each unit above two will add 1,000 square feet to the minimum lot size. It's interesting that it's in this one but it's not in....

Schroeder: Here's the difference that's hidden, it's not explicitly stated. In excess of two. Two's a duplex so the duplex is what's permitted in the multi-family. But in this one if you're going to have anything other than a duplex you need to have another 1,000 square feet.

Baker: It seems like if you're going to have it, it should be the other way around, that R2 should have that. Because we're trying to have less density in R2. It seems like this rule is going directly contradicting that. It's saying that if you want to have more residence on the lot it has to be bigger but R3 is supposed to be the more dense.

Schroeder: That motel just barely got into this when they were having the hotel into multi-family. They were 1 square foot short or something.

Baker: I think that we ought to look at a piece of this to see if this makes more sense to be in R2.

Inmon: That is something you can bring to us for your recommendation so if that's concerning you make sure you highlight it so that way we can address it when we go to vote on it. R4 recreational zone. 11-7-3 if you will highlight these. Area requirements.

Freeman: I think with like recreation you have to look at where it's at. I don't think it says in R4 the density. All the houses that line the gold course. You have to be mindful of where that's at.

Baker: The height regulations in R4, it's actually allowing it to be higher than the height regulations in R2, I think. 11-7-6 and 11-5-6. They're too different and I think we need to question. Why is it allowed to be higher in recreational than it is in a medium density.

Carpenter: Three stories at 45 feet can we just add it to all of them?

Mayor Galloska: I'm speculating but if we're looking at the uses we're talking about recreation uses you have top gold, you have rock walls they're going to use a higher plain than a house is.

Acord: R4 is located where your recreational property and your airport zone.

Baker: I think we need to address the one in R2, it says two and half stories whichever is greater. This one says three stories and have it be more than 35 feet.

Schroeder: There's an inconsistency with R3. R3 is five stories of 45 feet. R4 is three stories or 35 and the rest are two and a half and 35 and we need input on the fire department's ladder length.

Thompson: They've got a hundred-foot ladder.

Mayor Galloska: If it's highlighted they can look at that.

Baker: You're a builder is there a rule of a story that equals X amount of feet.

Alderman: No.

Freeman: Commercial zoning you have to jump around from commercial to residential. You have to go to R3, use the setbacks of R3.

Baker: I think most of our issues right now are in the residential.

Schroeder: One thing we can do that I can advise the p&z commission with Lori to get those call backs out of there so they're gone. I think these guys will go along with that so we're not, to Councilman Thompson's point, where some of this we should leave alone and some of it's their job to come up with a recommendation, but if the overall goal is to simplify it and we know we haven't done something sneaky and we're going to permit nuclear powerplants on the river.

Carpenter: No setback requirements in commercial.

Freeman: Unless, Unless....

Mayor Galloska: Unless abutting a commercial zone.

Schroeder: Or unless it's a residential use then it has you go to these bizarre

Inmon: It takes you to R3 for that.

Mayor Galloska: We've talked about sheds, portable building and these kinds of things. How do we address that within this context?

Schroeder: You may have mentioned this to me on the phone, there's a structural square footage below which you don't care, you don't have an opinion and if it's not permanently mounted it's just a fancy tent that's made out of metal.

Mayor Galloska: My suggestion is that if we're going to do that and this is something that council has to come up with at some point, but we clearly define that in our code. Rather than being arbitrarily defined by whoever is having to work it. We don't want to try have to try to figure that out.

Inmon: Could we add it as a definition?

Baker: So, define agricultural buildings.

Freeman: We have a non-conforming code too; we have a conforming and if that structure falls under legally non-conforming building structure and then they decide to add onto that. Our non-conforming, we need to work on that too.

Schroeder: This is something that has baffled me in other cities codes. First order of business is to know the difference between use and a building. Non-conforming use is that I had a junk yard to change their zoning ordinance to prohibit junk yards well I don't have to unless I quit doing it or expand it. But a non-conforming building is one that doesn't comply with some of these setback requirements. Or the setback requirements that existed at the time the ordinance was adopted. I think there's a legal distinction between increasing the size of the non-conforming building or increasing its non-conformance.

Inmon: I'm in 11-2-1 building detached, building non-conforming.

Baker: I think that conforming is something we need to define.

Schroeder: What she's getting at is the treatment of these. After the definition is there, the way that they're treated in the ordinance is it's demolished can you put it back or not, yes or no. And then can you tear it down and put it back in the same place or can you add onto it. Those are policy questions that you

guys can dig into and bring it back here. A garage that's on a zero-lot line on an alley and you're going to build into our yard more and it's going to go from 400 square feet on the alley but it's going to grow into but not parallel into the alley is that an increase in the non-conformity or not. That's a policy question. Do you care if the garage grows into the yard, or do you care if the garage goes into the non-conforming into the alley.

Freeman: But if you tear down the garage and the garage is in the very back of the back property line and it also is encroaching on the side, and you tear that down can you put it back in the same place. We're not worried about the back, but it is totally encroaching on the side, can you put that back where it was at.

Schroeder: The policy question is, are all of the non-conforming buildings because you're about to monkey with these setbacks. In non-conforming uses you're supposed to get them out of non-conformity over time. Is that the policy decision of this governing body, that when you have a non-conforming building that doesn't meet the setback requirements it's your intent that that never come back or do you care about tearing it down and putting it back. If it's harming because it's too close to the side property line then you probably want that. If the building falls down you don't want it to go back where it is. But because the setbacks themselves are in play Lori's question is exactly on point. It's up to you to decide. If there's a dilapidated old garage there and I want to tear it down and replace it and it's going to have exactly the same footprint that it had before, but it defies these things, what's the harm in doing that?

Inmon: That could also be what the special waiver that you mentioned that we might create can be addressed. A case by case. In your meetings, please include that to be able to view those recommendations to be able to make those votes on those because I think those will be very important and we might not have to change everything. We might be able to change what needs to be changed for that clarification to eliminate confusion but then allow that pathway for case-by-case situations in our unique city.

Mayor Galloska: The reality is that yes we need to add this special waiver section, but there's also a remedy within the code as it sits right now in 11-1-7 which says if the requesting party doesn't agree with what this says they have the right to appeal to you. And if they appeal to you and you decide at that moment then you grant the waiver anyway. Where we do want to put this waiver in, it already exists right here.

Inmon: If people don't like if they're not getting their permit issued or the decisions they're getting there's an avenue currently for them to go down are you aware of those?

Alderman: No, I wasn't aware of it but that's what I've done in the past.

Mayor Galloska: Which is what I found in our discussions and Lori and I talked about it, I said listen instead of getting into these deep discussions have them appeal to the council cause that's really who has to make that final decision.

Schroeder: You can't do that for uses.

Mayor Galloska: In other words, you can't say, I want to fire-cracker stand but it doesn't allow it here, so I want to appeal.

Schroeder: That section of code and there are sections of code that aren't consistent with land use planning act to the extent that that would allow someone to come in here and appeal the denial of a use permit and have this council override that denial without notice in here. So be careful with that provision but what that will dovetail nicely with that waiver proposal.

Inmon: That's what I would like to see for sure.

Acord: One of the communities that I was working with on this went to go rebuild the garage and the garage was built in the early 1900's and one of the things that they had to look at and keep in mind it's the

size of your fire equipment and city services equipment making sure that you have enough clearance to get down that alley for services.

Mayor Galloska: It's not just getting down the alley one of the things that we always ran into is if I go to a fire and you're too close to the building cause it's the only access in and I've seen trucks melted. I need to properly be able to do the work not just get there.

Baker: Is that something that we really need to go back like the rear yard thing and seriously define the alley's and what the rule is about. This is how wide the alleys are.

Schroeder: I can help, and the public works guy can come, or we can look at the plat but the alley are defined the purpose of the alleys are defined and the width of them we've had surveyed because there are disputes over those. They are held in trust just like the platted street. Whether it even looks like one and it's rock and sage brush on a hill side.

Knab: You have Idaho Power, fences, you've got houses in the middle of some of them. You're going to really have to define them.

Item 6. MAYOR, COUNCIL AND COMMISSIONER COMMENTS: N/A

Item 7. MOTION: [ACTION ITEM] Adjourn: 8:53pm

Minutes submitted by: Kristian McFarland

Date: 05/10/2023

Approved by the City Council:

Date: 05/23/2023

William L. Galloska - Mayor

Attest: _____
Teresa Parsons - Clerk/Treasurer