

City of Glens Ferry Planning & Zoning Meeting June 7, 2023

Planning & Zoning meeting is opened and called to order at 6:05 pm on Wednesday, June 7, 2023.

Commissioners Present: Kt Carpenter, Jennifer Baker, Denver Price

Staff Present: Lori Freeman, Scott Nichols, Public Works Director

Item 1. OPEN MEETING AND ROLL-CALL ATTENDANCE:

Baker: Took a roll call:

Kt Carpenter Jennifer Baker Denver Price

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

Baker: I move we adopt the agenda for this evening's meeting as written.

Price: I'll second that.

Carpenter: All in favor, all-ayes.

Item 3. MOTION: [Action Item] P&Z Minutes of May 3, 2023:

Baker: I make a motion that we accept the minutes of May 3, 2023, meeting.

Price: I'll second that.

Carpenter: All in favor, all-ayes.

Item 4. DISCUSSION: Zoning Setback Requirements:

Carpenter: I will note that we do have our Public Works Director here, Scott Nichols. Before we get started, I would just like to thank you Scott for coming in, because we will have some questions. Also, I would like to read just the last sentence of the minutes, of May 2, 2023, meeting, (CC & PZ Joint meeting). Jennifer Baker had asked a question about the rear yards.

***Baker:** Is that something that we really need to go back like the rear yard thing and seriously define the alleys 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, it's rock and sage brush on a hill side.*

So, in other words, his main thing was they have quite the dispute over alleys and the reason I brought that up is because one of the things we are going to be talking about in the zoning setback requirements in the rear part of the parcels, the zoning setbacks for that. That's one of the reasons I asked you to come tonight.

Nichols: No problem.

Baker: Am I understanding, that one of the things we are going to go over tonight is trying to standardize, look at the individual zone, also, in the setback rules here?

Carpenter: That was one of the issues that had come up was looking at each one of the zones and coming up with a reason, a purpose, to change any or to amend any of the setbacks, so yes, at the city council, that last meeting, they had asked that we review each one of the zones, review the different setbacks, the front, the side, and the rear.

Baker: Also trying to define because all of them, the rear yard measurements, where does that start from?

Freeman: Talked with Geoff yesterday. I asked, how do we begin the meeting, Geoff

said just start with the problem zones. The number one thing is the back rear setback, figure that out. Then we can go to R-3, R-2...

Price: Are the R-2 and R-3 the ones with issues?

Freeman: R-3 is an issue now, R-2 and R-3 are so similar.

Carpenter: During the last joint meeting, it was suggested or asked, is there any way we could have some kind of an audit of how many areas in our city, where the alleyways at present time are considered nonconforming. I drove around the city for quite a while yesterday, looking to see down the alleys and we really do have a problem. Anything that we do tonight, it would be going forward from here, because those problems already exist. The width of our fire trucks, fire problems.

Nichols: That was brought to the council's attention, we do as a community need to take our alleyways back. There is a lot of encroachment and as you mentioned moving forward from here going forward that's to fix the problem, the others, I don't like using the words but "grandfathered in". There is too many permanent structures that is going to restrict.

Freeman: Those are legally nonconforming.

Nichols: It is going to take a joint effort from the entire community to repair stockade wooden fences that have rotted and fallen over, there is absolutely no reason way you need to pull your mirrors in so that you can make it through an alley. Our trucks, we have to pull the mirrors up to go through.

Carpenter: Some on those buildings actually are, I would consider them being in terrible condition and weeds, terrible, we encourage the city, the people, to clean up their front yards, clean up their yards.

Nichols: But they hide it in the back.

Carpenter: Did you get a chance to drive through any alleys.

Price: I am up and down these alleys quite a bit.

Carpenter: You know what we are talking about?

Price: Oh yeah. We've got people right now that are building fences on the alley, right now. They are permanent fences, too, going in. They are either knowing that something's coming or trying to get under the grandfather clause, these are not just wooden fences that have fallen down. With me, I am just trying to understand, where is the alley? What is the alley? Do we need to survey to know where an alley is, cause you look down some of them and it's like that. So, if we pick one zone, we say okay, this is the way it's going to be. I think once they realize that we've done one zone, we've decided how to do it then everybody is going to know that this is coming. So, when they put up a fence in the back alley do they have to get a permit?

Nichols: They have to get a fence application.

Price: So then, we are getting them.

Freeman: Hopefully the building inspector is going and looking, because once they leave here, once their permit is approved by all the departments required and they pay for it, then walk out of here...

Your fences go on the inside of your property line, the only place that your setbacks are in play is the front yard. You have a front yard setback and that is where you start coming down from six feet to 3 feet in the front.

Price: But if they come in from the back yard, you've got a fire truck point of view coming down the alley. Coming from a fire truck point of view, we've got more modern-day fire trucks that can operate and fight a fire from the front, longer hoses, whatever, but if they come from the back, I mean, some of those are metal steel post fences going in.

Nichols: Those concrete footers with steel post on top of them that's a huge problem.

Price: I assume there's going to be a cable going through there, so you're not going to get through there if it's on the property line.

Baker: It seems to me a lot of the problem is that we need to have a way that people can establish where the edges of, because if all you do is kind of go on what your neighbor is doing here, and I suspect that some of the little doglegs in the alley are just things that somebody has built maybe at one time, they built that little building and it's sticking out 2 feet into the alley now and then the person next to them saying oh that's the line and so they put a fence. Being able to establish where that alley actually is.

Price: Right, or Idaho Power poles sometimes determines where people veer left of, they veer right.

Nichols: Or the power pole is the property line. Idaho Power is not going to put it on the property line they are going to put it in the right-of-way, which means don't go in line with the power pole cause now you're in the right-of-way restricting our ability to clean up. And for you, Ms. Baker, to determine where does that alley start, where's the center, where's it finish, is going to be a tough road to hoe if we can't get in and start maintaining so that we can see. We've got concrete, dog poo, wire, fencing, garbage, old buildings, they just out of sight out of mind toss it in the back yard. We go through with a flail chopper, a mower and wipe up some of that wire, we are down until we get it out from underneath there. It's going to have to be a collective effort for sure.

Carpenter: A couple of things that we're stressed to do is review definitions and also, Lori's stressed we review the purpose of the things that we do. One of the things is the lot line

definition, **11-2-1: LOT LINE:** The boundary property line encompassing a lot. The front lot line is the boundary line which abuts a public street. For a corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a sideline in common with another lot.

Baker: You know I wonder if that would be an easier way, because we can see on city maps what the size of people's lots and a lot of time it's on a block not always but a lot of times, they are kind of even depth, some of them are wider, narrower, but they tend to be an even depth.

Freeman: Usually 25 x 120.

Baker: So, we can establish, I'm sure they are pretty well-established points of reference on the streets, cause you guys have to know where your stuff is, and can measure from the front street or from their front property line the 120 feet back, all along, would probably be a much easier way to go about determining, I mean you're not going to be standing for a legal thing but to help people determine or to maybe start going through, I know we can't make people take things down that they've built but can you make them move fences?

Nichols: That would definitely be a hurdle, that in the future, would have to jump over.

Baker: But do fences fall under the same grandfather protections as buildings do? And so, if we had, brought to the city council, to say we need to make a public announcement like very, very clearly get it out, work really hard at pounding it into everybody's head for like two (2) months, that "NOTICE" from this day forward any fences that are built, anything that is measured and found to be nonconforming that was built...

Freeman: That's a great idea but right now the city is not looking at back yard setbacks because it isn't specific as to what it actually means. So, when we get a building permit, we've been told, don't worry about the back yard setback.

Baker: At this point, what are we supposed to do, and it just gets worse. So, somebody builds a fence and it's in the wrong place but once they got it up and nobody's come and stopped it, then, they are like automatically then they are grandfathered?

Freeman: That is different, if it's in the wrong place, if it isn't on their property, then yes, we can make them take it down. If they are in the alley, we can make them take it down.

Baker: That is what I am asking...

Nichols: If they are at 125 feet, at that point you are nonconforming, you need to suck up five (5) feet and stay into the 120'.

Baker: But that is only if the ones built right now, from now on. How do you establish what the point is which is grandfathered protected? At what point are you going to be able to put a pin in it and say now anything that shows up from this point on, if it is nonconforming, you will be asked to take it down, move it. Otherwise, it just continues on and on and on forever. It almost seems like if they can get it in there without anybody saying anything about it, they're home safe. That's not right.

Freeman: I know it goes on all the time, all over.

Baker: We need to figure out how. because it's never going to get better if we can't stop it.

Freeman: I think tonight we need to work on the back yard setbacks

Baker: That is where most of the problems are the back yards.

Carpenter: Well, like Denver was saying the rear yard which means the part that's the alleys, priorities would be an audit or an understanding and a real definition so that the whole city understands the boundary lines that are actually an alley and if people are encroaching on the alley. We need to start with some kind of...are alleys even in the definitions, I can't remember?

Baker: That's what we were just talking about, finding a way to establish what those lines are without paying hundreds of thousands of dollars to have everything all resurveyed.

Price: How else would we do it?

Baker: Just for our purposes is for enforcement or the issuing of a building permit or whatever, that measuring from, because it's not hard to establish where the front lot line is, because they know where the edges is and a lot of these vast majority of places that have an alleyway behind them, they are all that, 120 feet deep.

Price: Okay let's stop right there, how do we determine the front lot line, is it the sidewalks?

Carpenter: Surveys?

Price: Is there a sidewalk?

Baker: That's what I was asking him, most of the roads they've got survey markers along, they know where their road is. Roads that have a dotted line down the middle, how accurate is that dotted line?

Carpenter: Where are those (ha ha).

Nichols: If it's a state road it's exactly dead center. That's the center of the road and chances are it is going to be forty feet wide.

Baker: Okay but all the side roads don't have any and most of those don't have. So does the city have survey markers in the middle of the roadway, from place to place?

Nichols: No.

Baker: None, so how do you guys find, like when you need something that's under there, where do you measure from to find

Nichols: All of our utilities are GIS mapped via satellite and it'll tell us north or south, the manhole for the sewer is a dead give-a-way because it is always in a straight line and if it's on the southside of the road, automatically the waterlines is on the other side, the northside because it has to be a minimum of ten feet apart.

Baker: I am trying to figure out if there is anything on the streets that could be tapped into.

Nichols: No.

Baker: Yeah, that's the problem.

Nichols: And then if there's no curbing or sidewalk, where does the front line abut to the edge of the asphalt?

Price: That's kind of what I am saying, where does that start to go your 120 feet.

Nichols: So, if, no sidewalk, no curbing, it would have to be, the next logical thing would be to find the edge of the asphalt and then from there 120 back but the asphalt might be further into the road on your neighbors and now you've got them staggard.

Baker: There's the asphalt but isn't there the areas on the sides of the roads, where people pull and park, that's private property still?

Nichols: That is a utility right-of-way.

Baker: Off of the end of the pavement?

Nichols: Yep.

Baker: Okay, but is that like part of the deeded plot? Is the right-of-way in privately owned lots?

Nichols: No.

Freeman: No, never.

Baker: Okay, so that means that when you've found the edge of the pavement and it wouldn't be 120 feet to the back? How wide is the right-of-way?

Nichols: We have an easement, which is a utility right-of-way...

Baker: Yeah, but are those standard width?

Nichols: I am not 100% sure if it's a standard width. Just because the roads in town aren't standard, one's 20ft., ones 40ft.

Freeman: Everybody should know where their property lines are, if they don't, they need to.

Nichols: Should.

Baker: Or you could think you know where your property line is.

Freeman: Then if you think you know, then you don't put anything up unless you know.

Nichols: The title company, the survey, the biggest thing is, there is five individuals in this room and there are six different interpretation of each one of these sidelines and just take that outside and every one of the citizens outside has a different way of reading and interpreting what the codes say about setbacks, property lines, need to be cut and dry, black and white, the line starts here and ends here.

Baker: The front yard rules in all of them are convoluted but it's the having an established starting line to measure from. It's impossible to, a surveyor can't even do that until he finds the closest known place.

Nichols: Known peg, yep.

Freeman: I know I sound cold, and I don't mean to but if you are a property owner and you want to put up a fence, you need to know where your property lines are and if you don't, it's not up to the city to find that out for you. It is up to the property owner.

Price: Should that be part of a new ordinance or a new thing that you need to get a survey done?

Baker: Oh man, that's expensive.

Freeman: No, we do not want to say that or to do that, what I am saying is most people that own property know where their property lines are. That's not the problem that we are running into. The problem is the back yard setbacks, and it involves the property owner, your back yard setbacks should be 5ft or 10ft, it needs to come in more than what they are coming in.

Baker: Yeah, what I am saying is, yes, everyone needs to know where their property lines are, obviously, when you go down alleys all over the place there are a number of people who are mistaken about where their property lines are. How do we stop perpetuating this misinformation and this action on this misinformation? If they've got structures out into the alley, while they are saying I know where my property lines are and that's where I put it, now if it is not correct then that is misinformation that they are acting on.

Nichols: And the citizens in town have been asked to move structures because they're in the

right-of-way.

Price: Is our discussion here about buildings on the back lot line or fence on the back lot line?

Baker: Either way structures, anything that's encroaching.

Freeman: It would be setbacks, not buildings...

Price: Okay setbacks being, you're saying there should be a fence 5ft back from the property line?

Freeman: No, I was saying if they are going to build like a shed in the back yard, don't build them right up against the alleyway, we have got them all over.

Price: Well, what she is saying is right. People are going to get a permit, their going to start building and they've already built it over here, so there is some follow-up on this whole procedure, that after you get a permit did you put it where you were supposed to, but, what I am saying is if you put a fence up on a property line you pretty much eliminated the property, building or no building, it's a fence, it's blocking the fire truck from to getting in there, unless you knock it (fence) down.

Freeman: Then, in that case, we have something we can say, you can't have that fence there, but we have people coming in all the time, like right now, they fill out a fence permit, we know they are doing it, the city drives by it to makes sure. That is how we are doing it right now. Fences are different than buildings, fences you can put in the setback area, along with walls, and hedges. Nothing else is permitted in required setback area.

Price: If I put a fence up on the property line which is in the setback area, you're not going to get through that fence, it might as well be a building. I'm putting up a pipe and cable fence right on the property line, two (2) inches in, whatever, there is no building there just pipe and cable. It's about access, you are not going to get through that pipe and cable fence or that guard rail fence. If the fire truck comes through there, he is not getting through the fence, he is not getting to the building, it is kind of the same thing. So, are we going to discuss setbacks for everything, fence, and building, what else is there, or are you going to say you've got to have 2ft off the property line before you can put a fence up. I can tell you right now there are fences going up smack dap on the property line, so if I'm going to come down the road with a fire truck, I'm not getting through that fence unless I knock it down, it's a pipe fence.

Baker: You mean if it's encroaching in the alley?

Price: It is not in the alley, there is no setback, what am I missing to understand the thing of setback?

Freeman: Your right.

Baker: Right, I kind of agree with that, that rear fences should be at least from the alleys.

Price: How much room needs to be in the alley, what's the rule?

Carpenter: **11-2-1: GENERAL DEFINITIONS: YARD, REAR:** The yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Freeman: That is your yard, rear yard, not setback, if you go into R-1, R-2, R-3, you will see the setbacks, front, side, back.

Price: But the alley is the same all over town, which is how wide?

Freeman: They are not the same.

Nichols: They are not the same, the minimum is 10 feet.

Carpenter: Okay I see what you are saying

11-4-7 (C): Rear Yard: There shall be a rear yard having a depth of not less than fifteen feet (15').

Baker: So, your house can't be closer than 15' to your back.

Freeman: But that's not what it says or is that what it says?

Baker: No, yeah, no, well this is talking about the building requirements and for the rear yard, so the rear yard has to be at least 15' deep, that means that the house has to be at least 15' back from the property line.

Freeman: That is just your rear yard, it doesn't say setback, that is the problem of that back yard setback, so many people see it so many different ways.

Carpenter: So, it's not clear enough, it needs to be really black and white.

Freeman: I have argued with the building inspector so many times over this very thing, and I've always jumped on board with his decisions and we've moved forward. To me it doesn't make sense to, but it made perfect sense to him. The way the building inspector thought it to be is the truer way than what I thought. I thought when it said 15', the backyard setback was 15' from the property line, and that's not true.

Price: What is the other way of interpreting?

Freeman: The other way is if you take the back yard description, start from the principal dwelling, measuring 15' out, that is your back yard and as long as you have that back yard, you don't have a setback.

Carpenter: The back side of the house could be anywhere from 15' to

Freeman: Yes, and some of those builds are in the corner of the back yard, up against the back yard property line and up against the side property line, encroaching on the side yard setback. So, they have no back yard setback and encroaching on the side yard setback. We need to make the setbacks for back yards more specific, the front yard is specific and the side yard is specific, there is no other way that you can interpret them and we need to make that back yard setback the same way. Right now we can't enforce back yard setbacks, we need to get it done!

Price: I have to say, I am still confused, I'm sorry, but we are jumping around here. 15' on the side yard, here is a house that sits on the lot, there's got to be 15' from side, 15' from that side and 15' from the back? You can't put the house closer to the right, closer to the left?

Carpenter: Not all houses are of the same distance in the back.

Price: I almost am saying, someone needs to drive me around so I can look at what we are talking about.

Freeman: *Demonstrating a property owners parcel where a garage is being replaced in the northeast corner of parcel. No back yard setback, (in dispute), and totally ignored the east side yard setback requirement. Now you have another (illegal) nonconforming structure because of the ignored side yard setback.*

Price: Okay, what would be the ideal, what is the problem with that?

Freeman: The problem is there is no setback on the side or the back, now you have, right up against that new garage is the neighbors. Neighbors lean things up on her shed, there is no required space between properties.

Price: I don't think there is an alley there, is there?

Freeman: Alley is going north and south.

Price: Still come down to defining the alley, 10ft. minimum, 12 ft. whatever everywhere and if you're nonconforming now then you'll have to become conforming when the opportunity...

Freeman: And then, not everyone has a fence, so when people come into the city hall and they fill out that fence permit application, all the time now, right now it doesn't cost to put a fence up until October, the new fee schedule goes into effect.

Price: I had something surveyed a while back, this is the guy that surveyed where the dog pound, and we were trying to survey on Alton Street and there is no pins, there is no nothing anywhere there, he had to drag it from wherever the dog thing was and things were off, they were not what we thought. The fences that were there were off. So, if you keep going it's just going to

get exasperated all over that block, he could have been off 30ft. by the time we got down to...

Baker: Existing structures can not be counted on at all.

Carpenter: Scott do you feel that we need to have a better definition in the city code defining alleys?

Nichols: Most definitely we need a very well defined definition so that it can assist the city in regaining our alleyways back, all of our alleyway, not just a portion of it but all of it and hand in hand that would assist the property owner on his property lines because it is a known fact, Alton street, Garfield street any of your interior of the city is not going to have a state pin. The museum, the Jr. High, historical sites they (pins) are there, that would be the nearest one from Alton and go to the main and they would base off of that. It's just like our GIS mapping they've done it satellite but those lines are slightly askew, they are all askew.

Price: So tonight, then we are after getting a defined alley, how wide it is, that's got to be priority and then we are picking a zone to start with and figure out how to do the rear setbacks, whether you are up to the alley, whether you are 2ft. back?

Baker: Yes, I have this bottom section is my suggestion for how this Item C in each of the zones, the rear yard definition.

Carpenter: This thing about not having from the back of the principal dwelling? Not all principal dwellings are going to be the same distance from the back.

Baker: No, but I have a drawing here that kind of defines and if we put something really simple, you just draw a dotted line 15ft. from where your lot is, 10ft. on the sides, 20ft. on the front, and there's no part of your stuff can hang out over the dotted line anywhere, that's it, only exception is the fence.

Price: Are all properties that rectangular piece?

Baker: No, not everyone but even if you got one that's shaped like this, so here's your alley back here, you're still 15ft in from there, your still 10ft. in from there, you're still 20ft. in from there. So you can still build inside that space, that's a pretty simple visual for anybody to grasp. You can have the weirdest size house you want here, it can be whatever, but no piece of it can be over that dotted line.

Carpenter: Kind of like in the book? That picture.

Freeman: Yes.

Baker: Yes, yeah.

Nichols: It has the center of the block, a drawing, and a corner drawing.

Baker: Yeah.

Price: Moving forward, currently we have to 'grandfather' what's been done?

Freeman: We don't 'grandfather', it is

Nichols: Legally nonconforming.

Baker: But, still if it's done next week and nobody says anything, that still has the same legal nonconforming rights.

Price: We should have somebody saying something.

Baker: There's people that they might believe that, they have a right to be putting it where they are. I don't think most people deliberately encroach but if the information that they are going on about where their property lines are is incorrect.

Carpenter: What about these that you were just talking about that got a building permit and still didn't put it where they should have?

Baker: Well, if they did something that was obviously not on the building permit, yeah, I think the city has the right to say you got to take that out.

Nichols: Example of thinking you know where it's at and legally knowing where it's at is west of town by the new dog pound. You have two that are encroaching on city property and there is

actual pins right there but I think 1932 grandpa built the fence right there and he was looking at that tree, that tree has been knocked over we are going to look at that tree and now we just gained 25ft. of city property and all actuality that post is been there the whole time, the pin. But, who's going to fork out the expense for a surveyor to come out and do it.

Baker: That is what I mean, there is no way we can ask people to all have their stuff surveyed. I wonder if there is any kind of grants that you can get to have general surveying done for a small town, we can not be the only town.....

Carpenter: You probably have that survey on record, right?

Nichols: Right.

Baker: Well, they have the survey but not the markers that are reasonably assessable.

Freeman: Under Supplementary Regulations, Chapter 14, City Code

11-14-4: YARD AND SETBACK REQUIREMENT EXCEPTIONS:

C. Fences, Walls And Hedges: Fences, walls and hedges are permitted in any required yard or along the edge of any yard to a height of six feet (6'); provided, that no fence, wall, or hedge along the sides or front edge of any front yard shall be over three feet (3') in height; with the exception of an open vision fence in any front yard or side yard adjoining a cross street, which may be four feet (4') in height. On a corner lot in any residential district nothing shall be erected, placed, planted, or allowed to grow in any such manner as to materially impede vision between a height of three feet (3') and ten feet (10') above the centerline grades of intersecting streets bounded by the property lines of such corner lots on a line joining points along said property lines for thirty feet (30').

Baker: It says nothing about rear yards in there at all. Why can't we step in and say that needs to be changed. Can I just read so we have it on the tape, what I think is maybe a starting place for rewriting this, "The rear yard, no part of any structure except fences shall be nearer than 15ft. to the rear property line. Fences shall be a minimum of 5ft. from rear property line when abutting an alley". Because if you're at a place that it is just you and the neighbor behind you there is no reason for a setback, just like sides. The only time there is reason for a setback for a fence should be on an alley. I do agree, absolutely there should be about a 5ft setback.

Price: 10 feet is not a very big...

Nichols: There is no set and uniform width of anything, street, sidewalk, alley, they are all different.

Carpenter: Would you repeat that for me please?

Nichols: There is no set uniformity in any width in town.

Carpenter: Of what, the alleys?

Nichols: Streets, sidewalks, alleys, they are all different. Now, we are talking about making a rear setback rule for R-1 and then a different one for R-2, 3, & 4 or is it just citywide, this is what it's going to be?

Baker: Yes, in an alley.

Carpenter: So there is no consistency in the alley specifications.

Baker: It is not hard to make a distinction between rear yards that abut an alley and rear yards that abut someone else's property, if they abut public utility rights-of-way, and public rights-of-way, a fence has to be set 5ft. in. I don't think that is a difficult distinction for writing code and then be able to have people understand, there is no reason to make two neighbors butt up against each other, each build their own fence, so then there is a 10ft. walkway between their properties, that's not right. But, on alleys or on the public rights-of-way I don't think that's a hard thing to make a distinction for.

Carpenter: You were just reading us this and it makes a lot of sense to me

11-14-4: YARD AND SETBACK REQUIREMENT EXCEPTIONS:

Certain structures within and projections into required yard areas are permitted, as specified, and shall not be considered to be obstructions or included in the calculation of coverage unless otherwise specified:

If they are considered obstructions...

Nichols: Yep, stop.

Carpenter: So, that says it right there doesn't it?

Nichols: If it is going to become an obstruction, a cease-and-desist order should take place on that building of fence, building...

Baker: Who's job is it, who's responsibility will it be to determine, will it be the cities responsibility to have the survey line drawn then, to establish that the person is obstructing? Is that how that would work out, that, that would be the cities

Nichols: It would be the building inspector's duty to ensure that they are on site pre, during and post.

Baker: I know but say somebody comes along and they've got something that they are building that you or whoever comes along and says that is sticking out in the alley and they say, no that's my property line and so you slap a cease and desist order on them by order of the city and so that property owner feels that they're in the right, who's going to pay for the survey that will ultimately decide who's right?

Nichols: That is a very legitimate question.

Price: I would think the property owner should pay for it.

Freeman: It is usually is the person claiming that is sticking out in the alley.

Baker: It seems like that would be one of those things that if there was going to be a bond proposed for the city or one of those big loans that everybody has to pitch in and pay for the next twenty years. This is one of those things, everybody's is playing from the same play book and then we don't have any questions. Every alleys got a marker in the middle of the alley or this is the line that everything measures from.

Price: That would be good but I don't see that happening, it would eliminate a lot of stuff.

Freeman: Another thing that can be done, in the newspaper, have a campaign, we are going from here to here and give you two months and we want all of our alleys cleared out. We don't want anything in there. You've got stuff in there, on this date we are going through the alleys and if there is stuff in there, it's gone.

Baker: Are we talking about fences and outbuildings?

Freeman: In the alley, anything in the alley.

Nichols: Anything. Obstruction as it says there.

Baker: So, fences and buildings? Could you require to take their fences down?

Nichols: Not take it down just get it out of the alley. You don't have an alley. Your alley would be the bus barn. So how would it look if you kept throwing all of your garden refuge over into the bus barn?

Baker: All that kind of stuff, that's easy, the fire trucks going to run over the dog poo...

Nichols: But it's not going to be the fire truck who is keeping up the maintenance of the alley, it's the city and it's motorized vehicles, flail choppers, we don't have time to stop and pull wire out because you didn't have time to not throw it over in the alley.

Baker: That's an easy thing to do but that still doesn't

Nichols: Unfortunately, we've been trying for four years now and not one person has done it. Not one person has gone to the alley and cleaned up after we've asked them to.

Baker: Fine them then, is it because we can't fine them unless it's a code first?

Nichols: It has to be written.

Freeman: We don't have a fee schedule for that.

Nichols: It has to be written somewhere in the code, in this code of uniformity has to say the word, "rear" or "alley", or you are spinning your wheels. You're going nowhere fast.

If there is nothing in the book that says you have to do this, you have to do that, they will do what they want to do, and it will not conform to what the city wants done cause there is no definition.

Baker: Like I say, it's not a rule it's a suggestion. There is no consequence, it's not a rule, it's a suggestion. So that needs to be made into a code.

Nichols: Correct. That would be your starting point, way before you even need a starting point to measuring how long your lawn is, we need to know where that road is at. Streets are easy because they are paved, the majority of streets in town are paved, they are not going to move, all of your alleys are gravel, weeds, dirt, and they are going to meander, just like fences move automatically, no ones moved them or have claimed to moved them but they've moved.

Price: So is that anything in an alley? We need to come up with working on a definition right away, but if you've got some alleys that are 10ft., 8ft, some are 15ft. is it, anything in an alley that is determined behind the house, behind the fence, behind the outbuilding, boom, if it's there whether it's wide or skinny, it's an alley?

Nichols: Correct.

Price: Somebody is not going to get out there and say well there's 10ft there, my garbage cans are 11&12ft. in this alley, well they are in the damn alley.

Nichols: Correct.

Baker: If we put in that a property that abuts an alley has to be 5ft in can they use that 5ft that is their deeded property to put their garbage cans?

Nichols: Not in the alley because we don't have control of the alley.

Baker: Oh, Oh, cause they don't pick up in the alleys. So, basically, if we do that we are telling them that you can't put anything on that 5ft of your property then?

Price: Or 2ft, whatever we determine. You're probably going to have somebody that says, hey, look I pay taxes on that 2ft., and I can't use it at all. Somebody probably will say that.

Baker: You can put nonpermanent things you can store there.

Price: You can hang a ladder on the back of your fence.

Baker: But there is no built structures of any kind within that 5ft.

Price: I just think 10ft. is not very much, maybe not 5ft. on each side but there's at least another 4ft., 2 and 2, 10, 14, I kind of get all that but I just know you're going to have people whinning about that 2ft. they can't use. I don't know how your going to get a big piece of equipment down that alley if it's 10ft. cause the fence is going to lean in after awhile, you're down to 9ft.

Nichols: That is why we have to buy small narrow tractor and mower. The majority of the alleys in town 98% of the alleys have irrigation water in them.

Baker: Okay but the sewer and water are on the street side.

Nichols: Right.

Carpenter: How wide are the fire trucks?

Baker: They can't be more than 8ft.

Nichols: Less than 8ft. They are less than a traffic lane. But, the trash use to pick up in the alley but the alleys started being claustrophobic because everyone kept going, I'm paying my tax on it why can't I use it, not understanding it's a utility right of way, yes you're paying your deed on it, you're paying all the way out to the middle of the front street but do we ask you to fix the pot hole or the sidewalk?

Baker: Wait, our property lines start from the middle of the street.

Nichols: No, you measure from the middle of the street. But if you had an alley you're

responsible for cleaning your half (side).

If you don't clean it and we can't clean it, it doesn't get cleaned and that's what happens to the alleys cause out of sight, out of mind.

Price: So we need a definition in the paper to start.

Carpenter: What is the purpose of the alley? The definition of the alley?

Nichols: You need the purpose of it. We do have a code that says you cannot park in an alley. The main reason is fire and rescue.

Carpenter: So that's the main purpose of the alley, is fire and rescue.

Nichols: Yes, not the trash truck pick up your trash.

Carpenter: It is also the right of way for utilities.

Nichols: Yes, and also utility right of way, because King Hill irrigation is in there and that's a utility and if the stuff can stay out then it's easier to maintain. We'll knock the big stuff down and then you're more likely to go out and do your part as well, as opposed to adding to the problem.

Carpenter: Let's see if I got this right. The purpose of the alleys is for fire and rescue, right a way for utilities, what was the other?

Nichols: Access.

Carpenter: At this point in time, during this meeting we have and through your help, Scott, we have come to the realization that the alleys are a real issue.

Nichols: They are in disarray. We are losing our grasp, our control of the alleys, on a daily bases.

Carpenter: Not rear yard, but alley. So, I've got the purpose, so now we need the definition of an alley.

Price: Definition of an alley, put it in the code, put it in the paper, get the word out.

Freeman: We need to do this all at the same time, alley definition, purpose, setbacks, all done at the same time all together because we will need a public hearing, in order to take it to city council, on all the above.

Price: Here tonight then we want to come up with maybe a definition of what an alley is, get it in the paper, get people starting to see it, that will make progress with this meeting here because, all this other stuff, we are just going to keep talking about it, we are not going to fix. We need to make some progress, we've just round and rounded it for an hour and a half.

Carpenter: The purpose of the alley is fire and rescue right of way for utilities. The definition of the alley is the access for safety and what not. I've just been putting down words.

Price: Just define it because we are coming!

Baker: I seems to me that the definition and purpose is almost the same, I don't think we need two separate, it's self-evident what the purpose of it is when you read the definition.

Price: Who talks to Kurtis about the code, "Know your code", section in the paper?

Nichols: I do and the code enforcer does.

Price: So he allows us a little space in the paper

Nichols: There will be a "Know your code" space. Whoever gets it to him first that's the code that will be printed.

Price: So do you suppose he will allow us to put a same sized thing in there about a definition of an alleyway, what is an alleyway, just explain what they are so it's out there, keep them clean, blah, blah, blah, end of story. Public service message.

Carpenter: Scott you have been a big help, thank you. This whole thing started with the joint meeting with the city council. City Council said, "Why are we doing the zone commissions work?" Well okay, so they gave us homework to do.

Item 8. ADJOURN:
Price: I want to move to adjourn this meeting.
Baker: I second.
Carpenter: All in favor, all-eyes.

Meeting is adjourned at 7:32 pm.

Approved by the P & Z Commission: 7/12/2023

Kt Carpenter
Chairperson, Kt Carpenter

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