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**CITY OF WEISER
PLANNING & ZONING MEETING
CITY COUNCIL CHAMBERS
55 WEST IDAHO
WEISER, IDAHO
Regular Meeting
August 19, 2024
7:00pm
AGENDA**

Roll Call 7:00:00 PM

PRESENT:

Jay Edwards, Mark Christensen, Clarence Stark and Tony Edmondson
John Jensen and Ken Lukehart.

ABSENT:

Heather Dryden.

STAFF:

Brianna Chaney and Dave Loos.

GUESTS:

Katie von Brethorst, Timbra Long, Bonnie Brent-Dowell, Herb Haun,
Pablo Yzquierdo, Kale Buller, Bryan Dille, Jordan Blanchard, Robert
Petersen, Shirly Petersen, Lance Petersen, Sarah Imada, Kevin Jones
and Joseph Vaughn.

Minutes

None

Unfinished Business

None

New Business

1. Public Hearing-Washington County Conditional Use Permit Request 7:02:00 PM

There was no presentation by applicant.

7:03:26 PM Mark Christensen asked Dave Loos if there was a staff report. Dave stated that the building prior to this was used as an office. The County has now bought it and has applied for a conditional use permit to use the building as an office for their attorneys. He stated the City sees no issue as to why they can't issue another conditional use permit.

There was no written correspondence.

Mark Christensen asked if there was any testimony against the application.

7:04:55 PM Joseph Vaughn, 377 E Main, stated he and his wife are the homeowners a couple of houses down. He stated they are strongly opposed to the use of these historical homes being used for office spaces. More discussion followed.

7:09:14 PM Hearing closed.

2. Washington County Conditional Use Permit Request-Action Item 7:09:15 PM

Clarence Stark stated he wanted to know more of the history as to why the previous business was issued the conditional use permit.

7:10:14 PM Tony Edmondson stated he had questions as well. He said he wanted to know how they track conditional use permits once issued. He said what he learned was that only if there is a complaint does it draw attention to it. More discussion followed.

Tony Edmondson read from the city code. He said his takeaway was this is not a permitted use under a conditional use permit. More discussion followed.

Mark Christensen said there are a lot of other commercial spaces available. Tony said he believes there is some language in the comp plan to support that.

John Jensen asked if that property was on the historical register. Tony said it is not, but he is sure that it would be eligible.

7:17:54 PM Motioned by Tony Edmondson and seconded by Ken Lukehart that they make a recommendation that the City Council deny the application on the grounds that it is not a use allowed by a conditional use permit.

AYES: Jay Edwards, Mark Christensen, Clarence Stark, Tony Edmondson, John Jensen, Ken Lukehart
NAYES: None
ABSTAINED: None
MOTION CARRIED.

3. Public Hearing- Robert Petersen Variance Request 7:18:28 PM

Robert Petersen, 920 Loafer Ln, Weiser, ID 83672, stated they are requesting a variance to build a workshop that he can use when he retires. On their property, the way that it is laid out there are only two places they could put a shop. That is on the NE corner or the NW corner. He said when they first started the project, he was under the impression that you only had to be 15 feet from the property line. They have since found out that the county code says that if it is a street than it is 40 feet. They are debating the issue now to possibly make it 25 feet, but that would still not be enough with the hill. If they did it in the NE corner of their property that would take up almost all of their garden area. It would encroach into their production golden delicious apple tree. There is no other place on the property that they can locate it. More discussion followed.

Mark Christensen asked if they intended to have a driveway to the shop. Robert said no. Mark stated if they were 40 feet back, they would be up the hill further than they want to be. Robert said yes, they would have to take out more of their orchard trees if they had to do that. They already had to take out some just to make the 15 feet doable. More discussion followed.

Clarence Stark asked him what the difference in elevation would be for the building if they were able to do the 15ft vs the 25ft. More discussion followed.

7:31:48 PM Mark Christensen asked if there was any staff report. Dave Loos said this is in the impact zone, but the city setbacks are only 12.5ft off of the road, so they are way different. Larry Hogg said so if this property was within the city limits it would comply with out setbacks. Dave said yes. More discussion followed.

7:34:22 PM Bonnie Brent-Dowell, Washington County Planning and Zoning Administrator, said in the county code the setback is 40ft at the county road right of way. It is 15ft off of property lines on all other properties, but anything that butts up to a county road is 40 ft. More discussion followed.

Jay Edwards said they had a similar situation in the Old's Ferry Subdivision, they had an undue hardship due to the canal and were allowed to move everything forward.

7:37:23 PM Mark Christensen asked if there was any written correspondence, there was none. He asked if there was any testimony in support of the application.

Lance Petersen, 1036 W 5th street, said this is his folks place that they are wanting to build a shop on. He wanted to add a few things for clarification. He said they are talking about roughly a 25ft difference, which is the entire depth of the building plus a foot. When he did figure out the elevation for excavation purposes it was going to be roughly 6ft from where the ground is at now, to where they would want to be digging at. That being the case, if the building was to start there, they are already 6ft into the hill before they start digging back into the property for the building to sit. It would make the build much more costly and time consuming. He said if they built in the NE corner, the only access would be by foot. He said his father is getting older and in the winter that could be dangerous. If they did it in the NW corner, he could nearly drive all the way up to it. He said if they were down in the NW corner, they would not be blocking anyone's view. If they build it in NE corner the elevation would begin higher than the elevation on the house and would be more of an eyesore to the neighbors. Also, if they had to dig back further into the hillside, that would eliminate almost all of their fruit trees. They have already had to remove some of them.

7:40:59 PM Mark Christensen asked if there was any more testimony in support. There was none. He asked if there was any testimony neutral to the application.

Sarah Imada, 730 Jonathan rd. stated she was representing her aunt who lives at 1645 Loafer Ln. She said she lives east of this property. She said she understands there is limited space to build. In the past there have been cars parked on the road there, and it is somewhat of a blind curve. More discussion followed.

7:42:40 PM Mark Christensen asked if there was anymore testimony neutral to the application. Joseph Vaughn, 377 E Main, asked if the fruit trees were an income source for the applicant. They said they are sort of an income source.

7:43:08 PM Mark Christensen asked if there was any testimony against the application. Pablo Yzquierdo, 1655 E 9th, stated he lives next to Sarah's aunt and has to drive that road every day. His concern is any type of building there, including the shipping container that was there, impedes the view around the curve. Any obstacle there, including the trees, gets in your way.

7:44:03 PM Kevin Jones, 1665 E 9th, said he lives on the north side of the street, and was probably one of the first builders in the area. He said the lots are all big lots, most of them have a shop on them somewhere. He is not opposed to shops, but they have all made the decision to put a shop off of the road. Most of them sit back behind their homes. Going back to when this area was first developed, there were CCR's that addressed these things. There was never an authority established to enforce those, but what they do have are the codes and ordinances of the community. He said if you put a shop right off of the road where the container sat, it is an eyesore. He said it blocks visibility. He said if they were ever annexed into the city and were required to put in sidewalks where would it go. There has to be some allowances for things like that down the road.

7:48:00 PM Mark Christensen asked if there was any more testimony against the application. There was none.

7:48:04 PM Mark Christensen stated the application had the opportunity to rebut. Robert Petersen said he didn't have much of a rebuttal. He stated that portion of the road is fairly straight right there, he said it does curve on the other side a little further north. There is a slight curve there, but not much. He said a variance of whatever they can get would be beneficial. He said they can't go much more than 15 feet and still be able to build and if they have to go to the NE corner they probably won't build at all. More discussion followed.

7:50:09 PM Hearing closed.

4. **Robert Petersen Variance Request-Action Item 7:50:10 PM**

Jay Edwards stated he felt the neighbors needed to get together and decide if they want to enforce their CCNR's.

Clarence Stark stated it is their choice whether or not they wish to put the shop in the back or the front. He said is also looking at the elevation and it may very well block views if it is in the NE corner. He thinks it is a much more favorable place to have it in the NW corner. More discussion followed.

Tony stated he does feel like this would fall under the criteria for a variance. He said in looking at case law, he thinks it meets that eligibility. Jay stated he thought they need to be careful in what they consider undue hardship. More discussion followed.

Mark Christensen said he struggles with going from 40ft to 15ft. He said the County will have the final decision, so the applicant will have more of an opportunity to plead their case.

8:02:35 PM Clarence Stark made a motion that they accept the application for the variance for the 20ft setback. There was no second. Motion died.

8:04:58 PM Clarence Stark made a motion that they accept the application as it is presented to them with the 20ft setback. There was no second. Motion died.

8:06:26 PM Motioned by John Jensen and seconded by Jay Edwards that they deny the application for the variance for the 20ft setback.

AYES: Jay Edwards, Mark Christensen, Tony Edmondson, John Jensen, Ken Lukehart
NAYES: Clarence Stark
ABSTAINED: None
MOTION CARRIED.

5. Public Hearing-Kale Buller Rezone Request 8:08:32 PM

Kale Buller, 517 Oleander Rd Ontario, OR 97914, stated they want to build some beautiful townhomes behind Ridleys and Bi-Mart. The way it is zoned right now is C-1, B and C2. They would like to rezone it all to B-1 Residential.

Mark Christensen asked how many acres the parcel was. Kale said it is 6 acres. Mark asked what the access would be, and if they would have access off of E 4th. Kale stated that they want to access it from 2 locations on 4th street and that there is an easement from the Ridleys parking lot on the south side.

Tony Edmondson said he believed at one time that property did have some water table issues. Kale said they are aware of that, and plan on building it up to alleviate that. He said the final elevation of the ground would be similar to what Ridley's is now. He said they have not gotten to the engineering part of things yet, but they had talked about that. More discussion followed.

Kale Buller said on the easement from Ridley's it states a list of things that can be put back behind there, and it does specify that it can be used as a street. More discussion followed regarding access.

Tony stated if it is approved for a rezone, it can be used for whatever is allowed under that particular zoning. He said he doesn't recall there being any other two-story homes in the neighborhood, and he is assuming that is what they are looking at building. Kale stated yes, they would be two stories.

8:15:19 PM Mark Christensen asked if there was any staff report. Dave Loos read the staff report from the City of Weiser Public Works. More discussion followed.

Tony Edmondson asked Dave Loos if all three lots were owned by the same person. Dave said yes. Tony asked if they could not develop one of the lots, and instead put a road in. Dave said conceivably. More discussion followed.

8:21:00 PM Mark Christensen asked if there was any testimony in support of or neutral to the application. There was none.

8:21:20 PM Mark Christensen asked if there was any testimony against the application. Timbra Long, 1240 E 4th, stated she is not opposed to housing, she thinks housing is great, but they don't need 15 townhouses down there. The street is 15mph. She said they would be running semi's backing up to that road all day. She said 5-6 houses down there would be fine, not 15 townhouses.

8:23:30 PM Mark Christensen asked if the applicant would like to rebut.

Kale Buller stated that they intend to build these as very nice places. They intend to have them have a garage underneath each unit. They also would like to landscape it very nice. Building these for elderly people is the goal. Mark asked if he thought there would be an issue with traffic. Kale said the engineers think that most people would use the driveway through the ridleys parking lot, and the traffic would be minimal on 4th street.

8:25:25 PM Hearing closed.

6. Kale Buller Rezone Request-Action Item 8:25:28 PM

Clarence Stark stated he didn't feel the hay field that is there right now is the best use of the land, he thinks it is a great spot to develop.

Tony Edmondson stated he doesn't know what the potential density is there, he thinks it could support and be a better use for the land, but he doesn't know, without a traffic study, what would be the impact to the area.

Mark Christensen said that there would be multiple ways out of the property which gives him comfort.

Ken Lukehart stated Hanthorn is very heavily trafficked. He said it is also an issue with speeding. He stated he agrees that it is a good spot for houses, but he doesn't believe townhouses would be a good fit. More discussion followed.

8:33:07 PM Motioned by John Jensen and seconded by Clarence Stark to approve the rezoning of said property between E 4th and the Bi-mart and Ridleys property to B-1.

AYES:	Jay Edwards, Mark Christensen, Clarence Stark, Tony Edmondson, John Jensen, Ken Lukehart
NAYES:	None
ABSTAINED:	None
MOTION CARRIED.	

7. Adjournment-Action Item 8:34:09 PM

Mark Christensen stated he believed that they did not need a motion to adjourn and adjourned the meeting.