

CITY OF NEW MEADOWS SPECIAL
PLANNING & ZONING / CITY COUNCIL
MEETING & PUBLIC HEARING MINUTES
MONDAY, JULY 17, 2017 AT 7:00 P.M.
CITY COUNCIL CHAMBERS, 401 VIRGINIA STREET, NEW MEADOWS

Agenda Item 1 – Roll Call – Welcome – Pledge of Allegiance:

Present were City Council Members Julie Good, Shannon Fairchild, Rob Hines, and Mayor Tony Koberstein. Darbey Edwards attended via phone.

Planning and Zoning Members present were Jeff Roff, Debbie Stuart, Martin Tushkowski, and Jack Hellbusch.

Staff present were Mac Qualls and Angie Mettie.

Public Present were Kim Pierson, Kraig Spelman, Jeannie Mitchell, Paul Bull, Karen Moser, Brad Dreyer and Brett Shepherd.

Jack Hellbusch opened the meeting at 7:15pm and led the Pledge of Allegiance.

Agenda Item 2 – PUBLIC HEARING: The Planning & Zoning Commission of the City of New Meadows held a public hearing concerning proposed variances to the property at the corner of North Miller Avenue and Nora Street, New Meadows, Idaho.

Presently, there are three buildings that contain ten living units on the property. The proposal would allow for; sidewalk, lot size, front & rear setback and parking variances from the current New Meadows Zoning & Subdivision Codes.

Applicant Presentation:

Jeannie Mitchell: P.O. Box 2462, McCall, Idaho 83638

Mitchell stated that with their variance application, they have addressed concerns raised about sidewalk maintenance, irrigation, and parking. She said she was available for questions if needed.

Planning & Zoning Commissioner Jack Hellbusch opened the Public Hearing at 7:17 P.M.

Written Testimony:

City Clerk / Treasurer Mac Qualls read written testimony received from Daryl Norris. Norris wrote that the property was originally designed to be a single owner complex, and because of the illegal split, community members were not allowed a voice via a public hearing. He also stated that the variances are not close to the standards, and if approved, would condone previous illegal activity. Norris felt the issue should be brought before the Title Company and County, not the City.

Opponent Testimony:

Brad Dreyer: P.O. Box 99, New Meadows, Idaho 83654

Dreyer stated that he agreed with D. Norris' statement. He added that this was brought before the City Council and Planning & Zoning previously and needed a variance in order to be built. The owner split the property illegally and filed it with the County. He felt that an approval would open a blight on the community. He also felt that CC&Rs were necessary to prevent future issues. In summary, Dreyer stated that the issue should be resolved by the Title Company and County, not the City.

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Neutral Testimony: There was no neutral testimony for the proposal.

Supporter Testimony:

Brett Shepherd: Donnelly, Idaho 83615

Shepherd stated that there is a separate meter for the sprinkler system, and that each unit has its own water meter. He felt that housing was critical to this area and that the apartment complexes were some of the nicer dwellings in the area. He was in hopes that issues such as parking and sharing of the sprinklers could be worked out.

Paul Bull: 15461 Barnett View Circle, Caldwell, Idaho 83607:

Bull stated that every request of the applicant has been fulfilled. Agreements have been created for sewer easements, water, parking, and sidewalks. These can be recorded as soon as the issue is resolved. He stated that there are three tax legal documents, three tax lots, and three parcels of property. Because of the actions in 2011, the process was dropped at Planning and Zoning. Bull stated that the applicants have given everything that was asked of them.

Applicant Rebuttal:

Jeannie Mitchell: P.O. Box 2462, McCall, Idaho 83638:

Mitchell clarified that all water meters for the units are billed separately. The only common meter is the sprinkler system, and an agreement is in place for operation and repair of that system.

The Public Hearing was closed at 7:27 P.M.

Agenda Item 3 – Variance Application:

Planning & Zoning Commissioner Hellbusch stated that most of the testimony dealt with the subdivision and not the variance application. Hellbusch read the variances requested for each of the lots. He noted that the structure is already in place, they cannot start over, and mistakes were made.

Commissioner Roff was concerned with the precedence that could be set for the future with this decision. Roff agreed with previous comments that this may be the Title Company's issue and not the City's. Stuart also agreed. Tushkowski stated that the issue of variance will continue into the future and that it will be brought before the Council again and again. He did not feel that the variances made sense.

- Planning & Zoning Commissioner Tushkowski moved to recommend denial of the variance application; Commissioner Stuart seconded the motion. Voice vote indicated no opposition to the motion with all members signifying aye. Motion carried.

Agenda Item 4 – Subdivision Application:

Tushkowski stated that the lots do not conform to City Code and that they will never conform. He felt that they should be held as one property. Roff felt that the problem should be rectified in some way, but with caution. Because the application for variance was denied, the subdivision application also must be denied.

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- Commissioner Tushkowski moved to recommend denial of the subdivision application; Commissioner Roff seconded the motion. Voice vote indicated no opposition to the motion with all members signifying aye. Motion carried.

Agenda Item 5 – Nora Street Subdivision:

The Council discussed the issues with the subdivision application. These included the future ramifications if approved, consequences if not approved, and the City's responsibility to remedy the problem. The reason for the subdivision application was to rectify an exception letter given to the Title Company by the City stating that the properties do not meet City Code. Because of the letter, banks will not loan on the properties. New Meadows' City attorney advised that the letter of exception cannot be removed, but that it can be rectified by completing this application process to bring the properties into compliance with City Code.

Council President Good felt that the problem stemmed from the illegal subdivision of the lots in the beginning. She agreed with the Planning & Zoning recommendation because there were many issues that do not work. Fairchild also felt that it was not the City's responsibility to fix the problem, but that she would like to help in some way. She did not feel that this decision would necessarily set precedent, being an unusual case. She stated that approval with contingencies may be an option. Hines felt that the applicant should be allowed to move forward in some way. Good suggested an extension to further review the application.

- Council President Good moved to suspend the application decision until the August 14, 2017 City Council Meeting; Council Member Fairchild seconded the vote. Voice vote indicated no opposition to the motion with all members signifying aye. Motion carried.

Agenda Item 6 – USFS Bunkhouse Driveway:

County Commissioner Kraig Spelman addressed both the City Council and Planning & Zoning Commission regarding the placement of the driveway of the USFS Bunkhouse on Norris, and moving it to Katherine Street. He stated that moving the driveway would alleviate flooding issues on Norris and the east side of town, and that a temporary culvert is currently in place under the driveway. The Council questioned why the driveway was not placed on Katherine originally. Planning & Zoning Commissioner Hellbusch stated that he did not recall any issues with the previous decision to place the driveway on Norris. Council President Good was concerned with overturning previous Planning & Zoning decisions without knowing why they were made. The Council reviewed the original documents for the property. Spelman stated that he would be willing to help the resident on Katherine continue to receive irrigation water by running a small pipe under the road.

- Council Member Hines moved to approve the relocation of the USFS Bunkhouse driveway from Norris to Katherine Street; Council Member Edwards seconded the motion. Voice vote indicated no opposition to the motion with all members signifying aye. Motion carried.

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Agenda Item 7 – CDBG Procurement – Grant Administrator / Engineering:

Council President Good stated that the Council needed a vote to allow advertisement for a grant administrator and engineering firm for water projects.

- Council President Good moved to approve advertising for a grant administrator and engineering firm for water projects; Council Member Edwards seconded the motion. Voice vote indicated no opposition to the motion with all members signifying aye. Motion carried.

Agenda Item 8 – Adjourn:

- Planning & Zoning Commissioner Tushkowski moved to adjourn; Roff seconded the motion. Voice vote indicated no opposition to the motion with all members signifying aye. Motion carried. Meeting adjourned at 8:51 P.M.

/s/ Anthony J Koberstein
Tony J. Koberstein, Mayor

ATTEST: /s/ Jacob M Qualls
Jacob M. Qualls, City Clerk / Treasurer

/s/ Jack Hellbusch
Jack Hellbusch, Planning & Zoning Chair