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MEMBERS PRESENT: Vice-Chairman Wilkerson, David Poole, Jim Hutchins, and Fred Nussbaumer.

MEMBERS ABSENT WITH PRIOR NOTICE: Steve Ethington.

MEMBERS ABSENT WITHOUT PRIOR NOTICE: Brent Jensen and J.B.

OTHERS PRESENT: Brad Hawkins-Clark-Planning Director, Leandra Rountree – Administrative Assistant; David Hargraves- Prosecuting Attorney.

Vice Chairman Wilkerson opened the public hearing at 7:00 p.m. and welcomed everyone, then explained the public hearing process.

Item One- A Planned Unit Development by Landmark Engineering and Planning, Inc. to request approval to allow a reduction to the minimum lot size on 385.63 +/- acres along with a Preliminary Plat to request approval to allow 90 buildable lots and 5 common lots on 385.63 +/- acres located on Morehouse Road, a portion of Section 6, T 06N; R 02W.

No ex parte or conflict of interest was reported.

Letters read into record:

Gem County Road and Bridge-Concerns with street names and road shoulders.

Idaho Transportation Department-Concerns with setbacks, access, and noise abatement.

Brad Hawkins-Clark showed a power point presentation, described the history of the property, and did an overview of the application.

Vice-Chairman Wilkerson-Would the power lines have to be buried?

Brad Hawkins-Clark-The PUD development would require all utilities to be underground.

Vice-Chairman Wilkerson-Those letters were not included in the packets.

Brad Hawkins-Clark-I can read those to you. I did talk to Matt Ward from the Idaho Transportation Department in the permitting office and he determined there would be some kind of permitting required. They are not proposing any entrances off of State Highway 52, but they are proposing two accesses onto Morehouse Road. That being said, the design of the intersection at Morehouse and Highway 52 will need to be looked at. Their tentative statement to me was a deceleration lane and a turning bay in the highway. Those are not in writing, but that is what I was told verbally. On the staff report I have listed out the required findings you need to review and make. One of the findings for subdivisions deals with adequate water supply. They are proposing

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individual wells and septic. These are three-acre minimum lot sizes going up to six-acre lot sizes. Gem County code says no individual wells for one acre or less. If you approve it for individual wells that means they are not subject to the DEQ public drinking water system. However you do have a requirement that says domestic water shall be available in sufficient quantity to meet foreseeable demands and if insufficient data is available to verify that then an onsite well test should be required. They have shown a typical on the plat that shows septic drain field spacing from wells. That does meet SWDH's standards in terms of the spacing. At this point we don't have any test well results; I think that is something that might be helpful. SWDH has been onsite a couple of times; their preliminary comments that are in your packets say that a full subdivision engineering report would be required. At this point, they would require a specialized treatment system. That would be different from a standard drain field due to the high ground water in the area. There are several special considerations that I think are important items to listen to tonight from both the applicant and the public.

Vice-Chairman Wilkerson-If the applicant gets approval on the PUD, which allows various types of uses; can the applicant change their uses and go with some commercial or change the sizes of their lots?

Brad Hawkins-Clark-If they wanted uses other than residential they would have to include that in the application.

Vice-Chairman Wilkerson-If the PUD is approved strictly for residential can they come back with wanting to add commercial?

Brad Hawkins-Clark-They could come back with a new application; they would have to propose an amendment. That would require re-noticing as well.

Vice-Chairman Wilkerson-Would they have to re-notice for new lot sizes?

Brad Hawkins-Clark-If the density increases yes.

Vice-Chairman Wilkerson-I am just looking for protection, once the PUD is approved it won't allow a developer to change it drastically.

Wendy Kirkpatrick-104 9th Avenue South Nampa, ID.

I am here with a project called Wood's Ranch; we are dealing with a lot of acreage. It is 385 lots, and in a lot of ways it is a pretty straightforward application. This property is currently zoned A-2, this zoning would allow a developer to come in without a PUD and do a series of 5 acre lots, they could come in and do 77 open lots without having to provide open space or any landscape buffers. This property has been slated for residential development and the A-2 zoning is the current zoning. We are not asking for a Comprehensive Plan or zone change we want to use the current zoning and provide what we think would be a better project for Gem County than a traditional subdivision. I

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will go through some of the amenities we are providing. I believe when applying for a PUD I think you need to earn it. I think we have done a number of things to earn that PUD. We are proposing to do 90 residential lots and 5 common lots on 385 acres. We will be providing 66 acres of open space, which is nearly 17 percent of the project. We are providing two different types of open space, both landscaping and active. We have large landscape buffers along Highway 52 and Morehouse Road and a landscape entranceway into the subdivision. In a lot of ways this is a big step up from the type of subdivision you would see in Canyon County or Gem County. This is a very nice subdivision for anywhere we have a lot of landscaping. We are providing active open space through a pathway system that runs along the slough. We imagine this to be a pedestrian and equestrian pathway system, but we are providing a whole trail network that runs through the subdivision and that will make this more of an active open space area. We are providing landscaping, active open space, and additionally we are using the open space to help protect the slough that runs through the project. The slough is almost entirely encompassed in open space lots, and where it is not we will provide an additional easement to protect those areas to keep them non build able. We are providing a number of amenities through this project, 17 percent of the project will be dedicated to open space. In exchange for a PUD designation, the point was not to increase density; it was to allow a variety of lot sizes. Rather than being stuck with just a five-acre lot size, we are providing a combination of lot sizes that go between 3 acres to 6 acres in size. That will allow us to provide different types of housing projects. I think one of the problems with five-acre lots is that you get people that don't know how to maintain it. When you have the mix of 3, 4, and 5-acre lots it gives someone the opportunity to have more of a rural, country lot without having to maintain a five-acre lot. The 3, 4, and 5 acres would give people a choice on how large of a lot they want and how much land they want to maintain. We think that is a real selling point of the subdivision, it is a rural atmosphere but it is a more manageable lot than a straight five acres. Those are a couple of the amenities that we will be providing. We think with the landscaping, the entranceways, and open space we think this is a high quality development. This is actually an Eagle type subdivision that is being proposed. We think through the amenities and through the diversity of lots sizes that we are hoping to earn the PUD designation on this project. There are a couple of issues on the project I wanted to briefly go through. The first is kind of a non-issue that is dealing with our wells and septic. We will work with SWDH and meet all regulations on our septic systems. They will be a signature on the plat, we would not be able to complete our plat and have it recorded or have any building permits issued without the health district's approval. That is an issue we will work out with the health district, they are actively working with our engineer. We also have a wetland specialist working on the site. Those issues will all be mitigated prior to any project approval. We are proposing to have one well for each individual home site, which is allowed through Idaho Statue. We will also make sure that with the irrigation water that we are using for this property we will maintain our water rights and not exceed existing water rights for the property. All of those should be non-issues. We will deal with the state and local agencies and be in compliance on those issues. Another issue I would like to bring up is the crossing between phase 3 and phase 2. We have a couple of reasons we

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are proposing not to do this crossing. If you look at the scale of the subdivision this is actually by itself nearly sixty acres in size. If you were to have a separate developer come in and propose this project, this project is such a large scale it would be unlikely you would have this crossing put in. There are a couple reasons for not putting it in. We have the scale of this project, the access we have to Idaho Boulevard, and the size of the slough. This would be a significant crossing, if we were developing in Boise or Canyon County we wouldn't be required to cross that. The third reason being that we are concerned if we were to create another crossing we would get quite a bit of cut through traffic through the subdivision. We have the scale of the subdivision, the size of the slough, the cut through traffic, and the potential environment impacts of doing a crossing over the slough. There wouldn't be a way to do a crossing without there being some sort of environmental damage to the slough. That is an area that we are proposing to keep as natural as possible. We have had several meetings with Brad and he has been really helpful. We feel we are presenting a really high quality project for Gem County.

Fred Nussbaumer-On the easement you are talking about on the slough, how wide is that going to be?

Wendy Kirkpatrick-Some of that will depend on the mapping of the wetland areas. When that is finalized that will be protected through the easements. We have a general idea that all those areas would be in the common lot, a non-buildable lot, or in the easement. We could address that through a condition of approval that all slough or wetlands areas must be kept non buildable.

David Poole-By using a common trail for both equestrians and pedestrians there could be a disadvantage to that. Fencing off the slough would resolve some of the issues that would come up as far as safety goes. Have you entertained any thoughts on how you would be able to manage that?

Wendy Kirkpatrick-The first issues with there being interface between equestrians and pedestrians, I think they can be compatible uses. I don't see it as an issue, if you are concerned about it, we could have a restriction that there would be no horses allowed on the pathways. We thought with this being a rural subdivision that this would be a real amenity to the residents. We could widen the pathway or we could restrict it from equestrian uses. We think that it is manageable and it has been done in other places.

David Poole-Some of the things I can see happening would be ATV traffic.

Wendy Kirkpatrick-I think ATV's would be prohibited.

David Poole-I am trying to say that all of that needs to be in the planning stages so we know where we are at.

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Wendy Kirkpatrick-We could add that as a condition in the CCR's. As far as the fencing along the waterways, if you look at other developments like the Boise Greenbelt those are not fenced. I think it is a great visual amenity to the surrounding property owners. I think it should be buy at your own risk, if you have young children then you shouldn't buy a house next to the slough. I think that is something the people are going to govern themselves on that. We will work with the irrigation district and if there is a concern that it needs to be fenced we will meet that condition. I think in this area it would be detrimental to this area to have a fence up there.

David Poole-It would keep the livestock off of the bank and if you are going to have equestrian uses you will have to consider that.

Wendy Kirkpatrick-That is a good point if we were to have an equestrian trail; and that may be a reason not to allow equestrians on the trail. I don't think it warrants a fence and it would be detrimental to the project because most people are going to have a backyard fence. If you have a backyard fence and then another fence along the slough it would create an alley effect. It would attract from having the open space.

Vice-Chairman Wilkerson-You could put in your covenants that every lot fences their lot up to the slough with the same fencing.

Wendy Kirkpatrick-I think this is going to be a really nice upscale subdivision and you are not going to have to worry about someone having a chain link fence or post fencing. The developer can deal with that through the CCR's. I think this is going to be a high quality project where that is not going to be a concern.

Fred Nussbaumer-Who is going to be on the CCR committee?

Wendy Kirkpatrick-Generally before the lots are sold the developer would maintain the CCR's. At this point we could be taking suggestions on what should be in them. Generally the government does not have power to enforce the CCR's, but it could be a guideline or they are things we can list as conditions of approval.

David Poole-Is there going to be a homeowner's association responsible of taking care of the open space?

Wendy Kirkpatrick-Yes, there would be. The developer would maintain that initially until they reach about fifty percent of the lots being sold off then it would be handed off to the homeowner's association.

Jim Hutchins-Is the Seven Mile Slough and the path around it going to be open to the public? Can I still go in there and go bass fishing, or is that going to be a private thing?

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Wendy Kirkpatrick-It would be located on a common lot. Generally it would only be available to the residents in the subdivision. That is not a part of your county pathway system. That is something we should discuss tonight. I am not sure if there is a mechanism to incorporate this into the county pathway system, which would change the access to the slough.

Vice-Chairman Wilkerson-Lets talk about your equestrian paths, on the map you are showing 20-feet from the slough to the property lines and an 8 foot wide dirt horse path. I would be concerned with you contaminating the slough with horse manure. That is a concern of mine. One of the recommendations of staff was for the path to be 10 feet instead of 8 feet. By your drawings you only give us two specific locations. Safety of the residents with being close to the slough is a concern. I have a real concern for using the slough as a horse path. You mentioned compatibility and gave an example of the Boise Greenbelt, you quite often hear complaints about dogs on the greenbelt. Are you familiar with the bike paths in Blaine County?

Wendy Kirkpatrick-Yes.

Vice-Chairman Wilkerson-They have a paved bike path for pedestrians and beside it they have a sawdust path for equestrians; you may want to look at something like that. In your comments under landscaping you mentioned keeping the areas along the slough in their natural state. Putting a horse path along the slough that would not be keeping it in a natural state.

Wendy Kirkpatrick-I think that is arguable. It sounds like you have concerns with there being horses along the pathways. If this was keep just a pedestrian pathway would you feel more comfortable with contamination, erosion, and safety issues.

Vice-Chairman Wilkerson-I think those issues are something that you can probably control if you keep animals out of it.

Wendy Kirkpatrick-I have not had a chance to talk to the developer about it, but I can see your point.

Vice-Chairman Wilkerson-You mentioned landscaping, why is there no landscaping on the entrance off of Idaho Boulevard?

Wendy Kirkpatrick-This is not the main entrance to the subdivision. If you would like to see more landscaping we could add some to provide more of an entranceway.

Vice-Chairman Wilkerson-The County ordinance states that the entrance would have to be landscaped.

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David Poole-It is considered the only entrance because you are not crossing the slough so you have to consider it the main entrance to that phase.

Wendy Kirkpatrick-We need to make sure we have enough frontage on this lot, but we could do a portion of this lot in a landscape buffer.

Vice-Chairman Wilkerson-You would have to change the size of the lot to get your buffer area to get your landscaping.

Wendy Kirkpatrick-That is a good suggestion to add landscaping to lot 31.

Vice-Chairman Wilkerson-What is the existing land use?

Wendy Kirkpatrick-It is pastureland.

Vice-Chairman Wilkerson-So it is not considered vital pasture land. I think you received a letter from the Oxley's, can you show us on the plat where the Columbia Ditch is?

Wendy Kirkpatrick-I don't want to say for sure.

Stephanie Oxley-8326 W. Idaho Blvd.

Our Columbia reservoir is a collection of wastewater and the reservoir is right here and this little bit is the delivery ditch across to Brogan Road. And delivers to approximately 100 acres west of the property. It would go through lot 15

Vice-Chairman Wilkerson-The way the plat is drawn it would cut off your access to your water?

Stephanie Oxley-Yes, I believe they are planning on piping it.

Wendy Kirkpatrick-We have an existing water right that we will not exceed. We will not do anything that would be detrimental to the neighbors. There are Idaho Statutes that would restrict us from doing anything detrimental to the neighbors. We will work with the irrigation district to make sure we are not violating any of our water rights. We are not attempting to acquire any additional water rights.

Vice-Chairman Wilkerson-So you will address the Oxley's letter?

Wendy Kirkpatrick-Yes, we will meet all of the existing water rights.

Jim Hutchins-Is there drainage water from existing adjoining properties that comes from existing irrigation, natural drainage, or historical drainage that goes into that property that gets to the slough?

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Wendy Kirkpatrick-I believe there probably is some historical drainage from adjoining properties. When the site is engineered and we engineer the grading of the site, all of that will all be dealt with. Again, we will not do anything detrimental to the surrounding neighbors or their water rights.

Jim Hutchins-If historical drainages are plugged off it creates a real problem for the property owners.

Wendy Kirkpatrick-It is to the developer's advantage to work with the property owners when doing a project. It is difficult to go into a project when you are not cooperating with the neighbors. They will work with the neighbors on that.

Vice-Chairman Wilkerson-Brad, on page 6 of the staff report it says if the commission were to allow higher density in phase 3 of the project this policy could be better achieved. Can you tell me what you mean by this? They are already getting a higher density because it looks like they have one lot that exceeds five acres.

Brad Hawkins-Clark-If you take Idaho Boulevard west the Letha town site is 300 feet, the 60 acres is isolated and it could almost be viewed as a stand-alone project if it wasn't under the same ownership because of the separation. My thinking because of the stand-alone nature and to help prevent direct access to Idaho Boulevard at what could be a very dangerous intersection and to protect that area and to blend it better with Letha, I think that whole area could be rethought. Instead of using the same style of lot patterns that they have down here, maybe go a little bit smaller or put another road in so they don't have to use Idaho.

Vice-Chairman Wilkerson-Really what you are saying is put more lots in phase 3, and decrease the size of the lots?

Brad Hawkins-Clark-Yes.

Wendy Kirkpatrick-If we could exceed 90 lots, we would be more than happy to go in and do some additional lots in phase 3. In order to meet our maximum number of lots, this is the configuration that worked for this project.

Brad Hawkins-Clark-It would be platted as one lot now, but if they were willing to hold out and keep it as one lot now there may be something in the future to work with.

David Poole-So what you are saying overall is dropping phase 3 and just keeping Phase 1 & 2.

Wendy Kirkpatrick-That would be something that we would look at if we could have this as one lot in the subdivision to go through and do another subdivision later and pick

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up some of that added density in phases one and two would be a great option for the developer to look at.

Fred Nussbumer-What type of irrigation system are you proposing? Is it going to be pressurized underground system to all of the lots? What is the drainage going to be off of the larger lots?

Wendy Kirkpatrick-We will be doing a rural road section where we will be dealing with the drainage water through roadside swales. That is how we like to deal with drainage when dealing with large acreage developments. There will be pressurized irrigation available to all lots.

Fred Nussbaumer-Where would that water be picked up from?

Steve Lynn-We are not certain of the location of the irrigation pump station, but it would be directed from wherever the head gate is. It would be a location that would be piped around the subdivision.

Vice-Chairman Wilkerson-Like the existing diversion?

Steve Lynn-Yes.

Vice-Chairman Wilkerson-Fred mentioned wastewater; I think there have been comments that the wastewater will go through a filtration pond and back into the slough.

David Poole-Gem Soil Conservation District is the one that suggested that.

Wendy Kirkpatrick-Because we are still in the preliminary stages we have not done the final engineering on this project. We will work with the Gem County Soil District on any requirements they have for the storm water.

David Poole-You are going to put a lot of impervious surfaces on this piece of ground and you are going to have extra water that has to go somewhere. You need to manage that storm drainage and try to maintain or contain on site as much as you can of filter it so it goes back in.

Vice-Chairman Wilkerson-Doesn't the ordinance say that wastewater needs to be managed on site? Can it be drained to both state and county roads?

Brad Hawkins-Clark-I'm sorry I would have to look that up.

David Poole-There are some regulations for that.

Wendy Kirkpatrick-We can't have the drainage go onto an adjoining property.

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Steve Lynn-It would be maintained along the roadsides. It would go into a regular borrow ditch or it would go into an infiltration type of swale. That part of the design has not been completed.

Vice-Chairman Wilkerson-Talking about schools, if you are adding 90 lots with 3 children per lot that is another 270 children to the school district. The existing school is several miles away from the site. Any comments from staff about the possibility for a site for a potential school, or is that a non-issue because the school district did not respond?

David Poole-I think that is another issue we will need to get some response on.

Vice-Chairman Wilkerson-It says in the staff report the map shows the standard 50-foot separation between septic system drain fields and domestic wells per Southwest District Health Standards. I believe that should be 100 feet.

Wendy Kirkpatrick-We have a detail showing where we will have a septic and well.

Vice-Chairman Wilkerson-It shows where they can be put, not the distance between each.

David Poole-Is the engineer going to designate for each lot where the septic systems, drain fields, and wells will be located?

Wendy Kirkpatrick-That will be dealt with through the building permit. We have a general idea of where they will be located and there are a lot of restrictions of where we can put those especially where we are adjacent to the slough. The developer will not go in a construct a well and septic for each property owner.

David Poole-I don't think that is as important as where it is going to be. My feeling is with the high water table out there I think that needs to be followed through with.

Wendy Kirkpatrick-There will be a test pit done on each lot and we will work with Southwest District Health to determine the restrictions for placement of the septic.

Vice-Chairman Wilkerson-The health department will go out and do a perk test to determine where each septic can go.

David Poole-I understand that, but the point is that the developer can go in and designate this. One of the reasons for doing that is then you have an engineer involved with every one of the septic systems.

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Steve Lynn-There have been past designs where the building envelope would state where a well would be best suited.

Vice-Chairman Wilkerson-You mentioned you are not planning on putting any sewer or water system in there. Have you given any thoughts because of the close proximity to the community of Letha and because you will impact them somewhere down the road of putting in a sewer and water system to go to Letha sewer and water?

Wendy Kirkpatrick-From what I know of the existing sewer system in Letha it would not be feasible for us to hook into that system. Because we are located in the county and this is a rural large acreage subdivision it would not be financially feasible. If we were to have a sewer project it would be a very different project. At that point you would be looking at 3-4 homes per acre. That would change this from a 90-lot subdivision to several hundred lots.

Vice-Chairman Wilkerson-We have the potential of having 1100 home subdivision being piped through the city sewer system, so it is still doable.

Wendy Kirkpatrick-It would be a much larger impact on your school and road system. It would be a very different project if we were to put this project on sewer.

Vice-Chairman Wilkerson-The subdivision does not qualify for either a floodplain or hillside development, but Gem Soil Conservation District mentioned that in 1996 that area was flooded.

Wendy Kirkpatrick-This project area is in zone X meaning we are not in the flood plain. To the north side of the slough is in the flood plain.

Vice-Chairman Wilkerson-It mentioned that area was underwater my thought is if get the same thing as Banbury over in Boise that this is allowed to go in, then citizens are coming back to the state or county to protect their homes from flooding. I just wanted to throw that out.

Jim Hutchins-The slough did put water out in those fields in 1996.

Vice-Chairman Wilkerson-When they did a site visit not very long ago that top northwest lot had standing water in it.

Wendy Kirkpatrick-When this has been flood irrigated you would probably see a lot more water on this site than you would if this were to be developed.

Vice-Chairman Wilkerson-There are a couple of items under the preliminary PUD application under design features that you have not meet yet.

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Wendy Kirkpatrick-That was part of my discussion tonight over the amenities that we are providing, we believe we are earning a PUD with the amenities. I think through providing a variety of lot sizes we have actually put a lot of thought into the views that we can accommodate. We are meeting the requirements. What is difficult about the PUD Ordinance, it is not designed to address this scale of a project. Normally with a PUD you are going in and doing mixed use, residential, commercial and it would be easier to go in and make concrete findings if we were doing this type of project. We are attempting to use the PUD for a large rural subdivision. I believe we are meeting the criteria, but it is not as distinct as if we were doing an in town subdivision.

Vice-Chairman Wilkerson-Back to the trail system, it says you have 66 acres of open space. How much is that active usable space when you exclude the slough, the wetlands, and the other waterways? You could get down to the requirements of useable open space.

Wendy Kirkpatrick-You have to look at the project as a whole. I think when you look at the pathway as open space, when you are on that pathway; you are a part of the environment, which includes the slough and the views. I think this entire area would need to be included as part of the active open space. The only area I think would be debatable would be the small landscape areas which are purely aesthetic areas. I think everywhere where we have a pathway adjacent to the open space area, that area can be counted as active open space. That is how it is counted in other counties.

Vice-Chairman Wilkerson-In my opinion open space is to be a benefit to the majority of the residents. If you have 5 people out there that have horses, where is the benefit to the other residents? My thought is you need to provide more common open space. Open space for the recreational benefit for the majority of the residents.

Wendy Kirkpatrick-There are some things we could do to address that. Where we have the larger open spaces we could have a picnic gazebo or benches. Whatever you think we need to do to address the largest number of residents, but generally open space when you have a pathway I think meets the definition of open space.

Vice-Chairman Wilkerson-This next question is for Brad, the staff report says lot 17, block 3 shall be amended to create a new common open lot at the intersection of Gunsmoke Trail and Woods Ranch Road which complements the common lot on the west side of the road. So I guess the common lot on the west side of the road is their existing open space as shown?

Brad Hawkins-Clark-Yes.

Fred Nussbaumer-You say the pathways are going to be the open space and the people that are buying these lots are going to put fences up. This isn't going to be open space with a beautiful view; it is going to be a fenced corridor down through this subdivision.

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Wendy Kirkpatrick-We can deal with that as a condition on what type of fencing you want. If you would like to see an open split rail fencing to maintain that rural atmosphere or if you want to make sure if it is solid fencing that it is lattice type fencing. We can deal with the aesthetic issues. My primary concern is if we have the backyard fencing and then the fencing along the canals you would get the tunnel effect. I think we can address that through the type of fencing that will be allowed on those back lots.

Vice-Chairman Wilkerson-You have the letter from Gem Soil Water Conservation District that recommends a community water system and again hooking up with the sewer system of Letha.

Wendy Kirkpatrick-With this project that would not be feasible. Idaho statute allows us to drill a well. Our lots are well over an acre in size. We meet all standards for having individual wells.

Vice-Chairman Wilkerson-You wrote a letter addressing a few items addressing large-scale developments. I think the requirement of that section is you should provide an estimate of the cost for public services.

Wendy Kirkpatrick-I did a lot of research on that, and I was not able to get a specific amount that would be needed for each home. What I did provide for you was an estimate based on your current levy rate, which is increasing. I provided you an estimate based on the best available data. I was not able to secure estimates from the agencies on how much it costs to serve each individual home. If you have that we would be glad to listen to it, but I was not able to find out that information when I talked to the Assessor's office or the individual agencies.

David Poole-It appears to me when we start talking about those services that are out there now and they have a cost involved per resident that is just a matter of mathematics. That is available if you do the proper research you can get the information. I think you were missing that by not getting the proper answers.

Vice-Chairman Wilkerson-Brad, does their response under item B satisfy your needs?

Brad Hawkins-Clark-We would like some more numbers there.

Wendy Kirkpatrick-I can go backwards based on your levy rate. What I don't know in fact, is if I do the math backwards and figure how much we are paying in if that with your current levy rate covers the cost. It would have been easy for me to say this is how much we are contributing and this is how much it costs, I don't know for a fact if that is true. I imagine that is why you are revising the current levy rate.

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Vice-Chairman Wilkerson-We would like to know whether you are paying for yourself or not, \$383,000 may not cover it. You got the letter from Mason and Stansfield about the roadway widths on Morehouse, that the right-of-ways should be increased to forty feet to your side of centerline. I think that is a requirement where the roadway is on a section line. Also the same on Idaho Boulevard.

Wendy Kirkpatrick-We will meet all roadway district standards.

Vice-Chairman Wilkerson-Will all your interior roadways be paved?

Wendy Kirkpatrick-These will all be paved.

Jim Hutchins-Was the mosquito abatement district advised?

Vice-Chairman Wilkerson-There is a requirement in there that you need to contact the Mosquito Abatement for your drainage. They want to see if they meet their standards.

Wendy Kirkpatrick-We can address that in a condition of approval, where they have to sign off on all of our proposed drainage plans.

Jim Hutchins-Are they in the district?

Brad Hawkins-Clark-Yes, the mosquito district was notified.

Vice-Chairman Wilkerson-I believe the applicant needs to get with them as well to see if their designs are in agreement with the district. It says in your letter to allow 90 buildable lots and 5 common lots. Can you tell me where the 5 common lots are?

Wendy Kirkpatrick-Showed commissioners the common lots on the plat.

Vice-Chairman Wilkerson-You are saying in five, you have a common lot 1C?

Wendy Kirkpatrick-Those would be for different block numbers. They are each named 1C because there is only one common lot on each block in the subdivision.

Vice-Chairman Wilkerson-I think the county engineer requires that the lots in each block be consecutively numbered.

Wendy Kirkpatrick-We will do whatever is required on the numbering.

Vice-Chairman Wilkerson-On your face sheet it shows, Letha Irrigation, Reid Ditch Company, and Emmett Irrigation. Emmett Irrigation is not involved with this development. My concern is the slough and lack of common lots available for different uses for different people.

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Wendy Kirkpatrick-Your concerns would be protection of the slough and erosion and contamination of the slough and then wanting to have common lots for different types of uses.

Vice-Chairman Wilkerson-Not everybody is involved with horses.

Wendy Kirkpatrick-I think all the concerns you have brought up can be addressed. I think we can work on these with staff through condition and keep the project.

Vice-Chairman Wilkerson opened the public portion of the hearing.

Rick Welch-

One of the issues we noticed on the plat was an entry into the subdivision either onto Vanderdasson Road or Idaho Boulevard. They stated this was very difficult to do, but right now to get response to this development we have to go clear out to the highway all the way down to Morehouse Road. It would save us a lot of response time if we had an entrance off of Idaho Boulevard or Vanderdasson. Also, I don't see any water supply in the development for fire suppression. We would like to see an 8-inch main in the road and fire hydrants supplied by pressurized water of some type. We had some concerns on the road names, but that was taken care of.

Vice-Chairman Wilkerson-Besides the access, you are recommending some type of fire suppression?

Rick Welch-That is correct.

Vice-Chairman Wilkerson-What other options would be available for the applicant to talk to you about? In the past we have talked about underground tanks.

Rick Welch-In the past we went with underground tanks, but we there are a lot of service problems with the tanks. In the future we would like to see some type of system. We did give them an option of having a one inch line off each individual well to feed the 8-inch line in the road, with backflow valves on the wells. We are just looking for some type of means to get water out there is what we are looking for.

Ron Shurtleff-102 N. Main Street Payette, ID.

I am the water manager for water district number 65. It is a state district that includes the Payette River drainage. I have a few concerns; I think the water issues may be more complicated than what the developer is anticipating. I think before I would consider considering this request, I would hope you would learn of the specific methods they plan to mitigate the problems they might create. Some of the water in this district is actually filed on wastewater and excess water or return water off of the fields. I know Landmark development is intent on making sure they don't create any problems, but the fact that

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they are developing this ground is likely to create a problem. I think they probably need to talk to the landowners and come up with a method of mitigation before they start developing. I also have a concern with the quality of the water in the slough. It sounds like livestock is going to be allowed in the subdivision, and the size of the lots is going to be somewhat of a problem. Sometimes people don't recognize how detrimental they are to the soils and there will be a strong likelihood that there will be too many animals put in a small place. The soils are likely to be pulverized and the runoff is going to end up in the slough. I think we need to have something concerning that with covenants. If I were sitting on the commission, I would be reluctant to pass a subdivision that included homes being placed in the flood plain and you did allow those homes to be placed in the flood plain, you should make the stipulation they be put above the 100-year flood. The evidence is very strong that this is going to flood and we are not certain we have seen the worst flood. We would be wise to recommend that they be placed above the 100-year flood plain. I would also be reluctant to approve this unless there were specific plans on how the landscaping water is going to be handled. If I were you I would want to see the complete plan before I approved it. I believe the Landmark people intend to do the right thing, but based on what I have heard I don't believe they know enough about their water rights or the water system that supplies this area. If I were in your position I would be very reluctant to move forward until that was solved. That covers everything I have noted. I don't think I would be in any hurry to move forward.

Fred Nussbaumer-In your district, do the farmers pay a fee for the water?

Ron Shertliff-They don't pay anything for the water, they pay a maintenance assessment.

Fred Nussbaumer-With the number of lots here, are we looking at you having to collect from 90 different owners or would you be able to set up a situation where they would all pay together?

Ron Shertliff-All of the water rights that are serving this property are all owned by either Letha Irrigation or the Reid Ditch. Those particular companies would have to be addressed and that would have to be solved within them. I would hope that they would form a water users association and they would be dealt with as one entity. The Department of Water Resources will have to be involved on any change that is made on these systems and it would also have to have the blessings from Letha Irrigation or the Reid Ditch whichever acreages are being addressed.

Norma Decordova 1477 Morehouse Road.

I am right across the street from the existing lot that has been cut out. Their main water for this 365 acres, comes right through my property. Right now they are not using it and that is fine, but it comes out at the corner of mine and there is a big ditch all the way through my property that delivers water to their property and then it is being dumped into the slough or the drainage. I have had to call on this before because there were two big muskrat holes that were not taken care of so all of the water was running out into my

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field. My concern is what are they going to do with that existing ditch that is going through my property now that they are required to maintain. I am not opposed to them ditching it in and covering it up, but they need to maintain that ditch.

Jim Hutchins-Is that the Reid Ditch or Letha Irrigation that is delivering water to that property?

Norma Decordova-I believe it is Letha Irrigation.

Stephanie Oxley-8326 W. Idaho Blvd.

Read letter into record.

Lee Rigdon-8411 W. Idaho Blvd.

I am the president of Letha Sewer District and we were not notified of anything that was going on in regards to this project. I believe part of the environmental effect they have failed to consider is the possible odors that would come at different times from our ponds. Since we have been in existence for 30 years we do have priority. Another thing that has not been addressed is the different services that would be used, the sheriff, ambulance, and the influx to the hospital. I see a good plan, but I think they should have waited until they got the report from the Army Core of Engineers plans and designations of where the wetlands are and then present the plotting. They have not considered the well depths because of the high water table. How are the septic tanks going to affect our drinking water? They have not clearly stated what is being done with the wastewater. They are saying individual, it is too many the way it is going to affect us. I am not in favor of this plan at all because we do like our rural residences. They have not considered the amount of wildlife that is out there. All of this development is going to destroy the ecology we have and I don't see the use of it. This whole thing is damaging the whole ecosystem that is out there right now. I am against this plan.

Fred Nussbaumer-Is your moratorium still in effect?

Lee Rigdon-Yes it is. Right now the pond is under control, but we cannot take anymore.

John Buck-1248 Morehouse Rd.

I live on Morehouse Road; it is a gravel road all the way through right now. I am worried about having only part of Morehouse Road paved. I think we should see a trust fund put up so the county taxpayers don't have to foot the bill. I don't think it is fair to the people of Gem County to fund things when out of town developers come in and set up things in our community and leave us stuck with some of the costs. I would hate to see it paved in the long run because I like the country feel out there, but I know growth is inevitable and hopefully we can control it. I also have an artesian well on my property. I don't understand how artesian wells work, but I would certainly hate to lose my water supply. The pollution in the ground water with that many septic tanks is also a concern of mine. When I put in fence last year, I had to dig the holes with a backhoe and set the

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posts in concrete because the water level is so high out there. I don't know why you would take a piece of ground that is not suitable for subdividing and subdivide it. The last thing is the mosquito issue. The mosquito's are a big problem out there, it's an issue and I think it needs to be considered.

Shawn Hoem-8004 W. Highway 52.

Stephanie Oxley covered most of my concerns; the only one I have to say is how will this residential development impact my existing agriculture operation? Right now I raise sheep, but plan to put in a pig operation. Most of my ground is sub irrigated and who is going to compensate me for the additional water I am going to have to buy to irrigate my ground? I would like to have those concerns addressed with additional concerns that have already been raised.

Margaret Barber-2688 Tom's Cabin Road.

This traffic is going right by my house, there are no shoulders, and we get people in the ditch all the time. You are adding 200 cars going right by my house and I don't like it. Can the developers be required to pay for the traffic signals that will ultimately have to go in? The intersection of Tom's Cabin and the highway is a nightmare; we just had a truck go off the road a week ago. It is a deadly place and you are adding more traffic to it. There was a comment about the amount of dogs out there, we already have a couple packs of feral dogs out there, and you are going to be adding to that problem. When people get out in the country they want horses, if you don't at least double the size of the trails and fence them off. The kids are still going to be bringing in horses, you are putting all the kids in danger. I agree the slough should be fenced off; kids with horses like to get in the water with horses. Can they be required to do the perk tests in the spring?

Wendy Kirkpatrick- I will briefly go through some of the comments from the neighbors. First we had the fire chief with some concerns about the access to the subdivision. Before this hearing, we went out to the Letha Fire Station and drove the perimeter of the site to see how long it would take to reach a home in the interior of the subdivision and we were at 3 ½ minutes, in Boise that would be considered a reasonable time.

Don Wilkerson- You have to keep in mind that is a volunteer fire department. It is not manned. That 3-½ minutes would be up to about a half an hour or more.

Wendy Kirkpatrick- It sounds like that is an issue, but I don't believe that the lack of a crossing will add to the response time to that project. We will work with Rick Welch and meet all fire district requirements for this subdivision and we will work with him throughout the project. Our first neighbor that got up that was concerned about the water rights to the project, we will make sure that we retain and do not exceed any existing water rights. They also brought up the issue of the flood plain and again I want to reiterate that we are not in the floodplain. We are in zone X; we are not in the floodplain or the floodway. From the information I have, when we had the flooding it was

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contained to this area. This area has not been revised, it do not have a federal flood plain designation on this site. We had another neighbor who had a question on the existing ditch and how it will affect her property, we will work with all property owners and make sure that there water rights are retained and we will make sure they are not negatively impacted by this development. Next we had Stephanie Oxley who had a number of issues. I will go through some of the more significant issues that she addressed. She had questions of animals on the property; we will deal with this through the CCR's. We are envisioning this to be an upscale subdivision and we are not concerned with there being an excess of dogs. If you want to place a limit on that this evening we can do that. We do not envision this being a problem. The question of will this project effect existing wells was brought up. We could do a test well and do a draw down test to see when that well is running continuously what effect it has on the surrounding properties. Through state statute we are allowed to have a well for each parcel and we will work with IDWR. It is the developer's advantage to put in a well that will work for the property. She had some comments about basic impacts to the schools and traffic flow. While we are dealing with a large amount of acreage if you look at the actual impact of the 90 homes it is comparable to an in town subdivision of about 30 acres in size. While this is a larger project because of the scale, the impact would not be much greater that what you would have as a city subdivision. We had some questions about Morehouse Road. and whether this will be paved. This segment of Morehouse Road is a part of the parcel that the developer is purchasing, but this section is not. The developer is willing to work with the road district and meet whatever conditions they require whether that is future improvements for the road or money put into a road trust. We are more than willing to work with the highway district realizing that at some point it will be necessary to pave this road. Because they don't own this property it's not possible for the developer to propose to improve that road. They realize that is a huge benefit to their development to have that happen. They will work with Gem County and the road department to find out the best way to have those improvements happen. We had a concern about mosquitoes in the area and we will work with the mosquito abatement district on our drainage plan. It is to the developer's advantage to deal with those issues because that would detract from the subdivision if there was a severe mosquito problem out there. That issue will be dealt with the best it can. We also had a gentleman talk about his sheep operation and his potential pig operation; we shouldn't be doing anything to negatively impact his farming operation. He is actually protected through the Idaho State Right to Farm Act and if any complaints were to come up from this development all adjacent agriculture projects will be protected and that will be a note on the subdivision plat. We had a woman that works with the Letha Sewer District and she had a couple of concerns about the potential odor of the ponds in the summer. That is an existing use and they have statutes that protect them as an existing use. That is going to be something that people moving in will have to keep in mind. That is something the neighbors will be aware of when they purchase their property. That is not something we are concerned with in the development. She also brought up some concerns about the septic tanks and how they are going to work, we have a gentleman that is here tonight that works with septic systems in areas with high water tables. I will have him address how the systems work and how it is going to work

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in this area. He will be working with Southwest District Health to make sure that those septic systems are put in and they meet all regulations. Just to wrap up I want to emphasize that we are through the PUD providing a superior project than what you would get through a standard subdivision. I think we have met your criteria for a PUD through the open space, landscaping, and the design of the subdivision. We can deal with some of the issues that came up tonight through conditions and we will work with all agencies and we can be conditioned to meet all of their conditions of approval. I think we should be able to successfully move through any issues that come up with those agencies.

Keith Spiers-15780 Racetrack Drive.

I have a brochure here so you can understand what the systems do and how they work. These are called ATU's or extended treatment packages. These are required when you go down to a higher density subdivision. These systems are nitrate-reducing systems. We have over 400 of them in the valley right now; we have had them in since 1999. We have had 100% passing tests 4 years in a row. They have to be monitored and tested every year. The setbacks are 200 feet and we can go within 1 foot of groundwater. Under most conditions we can put in a cap and fill there is no pump involved. These systems work off of a blower. They are the only system that can do nitrate reduction without a pump.

David Poole-They do require power?

Keith Spiers-They do require power, it is a very simple 110 20-amp circuit. The alarm will come if the power goes off. When the power comes back on the unit comes back on by itself.

David Poole-What about usage during the power failure?

Keith Spiers-If you don't have any usage during the power failure, you won't have any water in the house.

David Poole-I understand but you should have some water.

Keith Spiers-We had to test them in Valley County and they will operate for 7 days with the unit turned off and they will still do treatment. The sewage going through them actually comes out of the reaction chamber and before it is diluted down before you start losing your treatment quality is seven days. If the system is off overnight, it's not really going to hurt it.

David Poole-What is the wattage required to run it?

Keith Spiers- It runs on 1.2 amps. It is like running your refrigerator actually. We have checked them. I don't think it would take five dollars a month to run it. They are very easy to service and they are a very simple system. If they do go out the alarm comes on

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and we have blowers in stock and have full time service men. The blower can be changed in 30-40 minutes. I work with the health departments very closely.

Vice-Chairman Wilkerson-Do you have a system out near Firebird?

Keith Spiers-Yes we do.

Vice-Chairman Wilkerson-Can this serve more than one home?

Keith Spiers-It can.

Vice-Chairman Wilkerson-You are proposing one system per lot?

Keith Spiers-Yes.

Jim Hutchins-These have to be tested and serviced?

Keith Spiers-Yes, they have to be serviced and tested every year and they have to pass every year.

Jim Hutchins-Is that at the owners expense yearly or is that incorporated in the original price?

Keith Spiers-Right now it is set up now through The Idaho Waste Water company which is the managing entity set up through the State of Idaho and the fees right now are \$165.00 a year. That covers the maintenance, service, and the testing.

Jim Hutchins-If the homeowner decides he doesn't want to pay the money what happens?

Keith Spiers-Then it could be an issue. We have over 400 in right now and I have maybe 3 that I have trouble collecting. It is a pretty good monitoring system because we not only monitor the system we check the sledge level each year. They get a field service report every year, we send them the test results and let them know if they are good or bad. When the system needs pumped now we let them know.

Vice-Chairman Wilkerson-It still has a drain field?

Keith Spiers-Yes, the thing that it allows is you can go within one foot of groundwater. You can normally do a system without a pressure mound. Everything is gravity feed, so there is no pump to fail, if the blower does go out it is not going to back your house up.

Vice-Chairman Wilkerson-What happens if the sub water exceeds the depth of the drain field?

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Keith Spiers-They are usually monitored very close. When they are engineered they check these pretty close. I have subdivisions where they are an extreme cap and fill. We only go 3 inches in the ground.

David Poole-You have more evaporation that way.

Keith Spiers-You get good evaporation and the drain field is only 3 inches in the existing ground. If the builder does it right, you can still do these will gravity feed.

Vice-Chairman Wilkerson-The drain field is only 3 inches below ground level?

Keith Spiers-Yes, it is called an extreme cap and fill.

Vice-Chairman Wilkerson-So the top of the septic tank is above ground line?

Keith Spiers-Yes, the top of the tank is out of the top of the ground about 14 inches.

Vice-Chairman Wilkerson-I can see a problem out there with the crawl spaces.

Keith Spiers-I think they are looking at addressing that as an elevation issue. We had this in Valley County and that is why we are using this system up there.

Wendy Kirkpatrick-I neglected to address a couple of issues when I was running through the neighbor's testimony. Dealing with the pedestrian/equestrian trail we are more than willing to have this be a pedestrian only trail. I think that would solve a couple of problems where they had concerns on water contamination and erosion. They are more than happy to reduce this to be one lot in the subdivision and have this be just another single lot in the subdivision where they would come in and re-plot this later. At that point they would resolve access issues or the type of development that would happen there. There are two changes that they wanted to propose. I know your staff report does not have findings so we can't finalize the hearing, but what you could do is make a recommendation this evening and through the next couple of weeks we could work with staff and go through findings and some of the conditions you want added. We could go through those at our next hearing, but I think you could still make a recommendation on the project tonight.

Jim Hutchins-You did not address the issue about public access to the slough.

Wendy Kirkpatrick-If this was a common lot in the subdivision, unless we were able to work with Gem County on a pathway system this would be restricted just to residents in the subdivision.

David Poole-If it is part of the river system it may be public.

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Vice-Chairman Wilkerson-I think it would be benefit to your developer to provide public access to that slough.

Wendy Kirkpatrick-That is something that you could direct us to work with Brad to see if there is a way to get that to work.

Steve Lynn-I did talk to Rick Welch and he said there are alternative ways to provide water to the subdivision other than having a pressurized system. There are plenty of options for fire protection that he was agreeable to.

Don Wilkerson-As long as you and the fire department come to an agreement.

Wendy Kirkpatrick-They would be a required approval before we could have the project platted, and you can condition us to have a written sign off from the fire department.

Vice-Chairman Wilkerson closed the public portion of the hearing.

Vice-Chairman Wilkerson-There are a lot of unknowns that Planning and Zoning, the public, and the applicant would like to have answered. I think we should follow the staff recommendation on the motion.

David Poole-Made a motion to continue the application to the next hearing.

Motion failed with lack of a second.

Brad Hawkins-Clark-The next regular meeting is the second Tuesday in October.

David Poole-Do you think this will give staff and Landmark enough time?

Brad Hawkins-Clark-I would like a little more direction on some of these bigger issues. Particularly the open space and the question on the roads in regards to Idaho Transportation Department and also on the PUD do you or do you not support the density? These are things I think we need to know so we don't go down the wrong path. Some direction on those big ones will be helpful.

David Poole-My concern is that some of these agencies we are working with don't move very quickly. Most of the issues that we need answered and addressed are in the staff report. I think it is a matter at this point to continue it and give them time for both the PUD and the preliminary plat because in both cases we don't have enough information. If you are asking us to guide you in the right direction, I think a lot of what you have as issues are pretty obvious and it may take more than one trip to go back through this. As

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far as I am concerned I would like to continue both of the applications. I would make a motion to that effect.

Motion received a second.

Fred Nussbaumer-Does that give you enough information to work with?

Brad Hawkins-Clark-One big question, do you or do you want the vehicular access across the bridge to be looked at? The fire says yes, the developer says no.

David Poole-My personal opinion is that the answer would be no.

Jim Hutchins-I think we should follow Rick Welch's recommendation on this.

David Poole-Is there an alternate way to get to this off Vanderdausson that does not have to go across the slough?

Vice-Chairman Wilkerson-You have to go clear down to Tom's Cabin. I don't want to go against Rick's comments on this, but if the development does not to be built, you still have to go through those roads to serve the rest of the people in Fire District One. With the type of ground out there and the additional cost I don't think it is that critical of an issue that a bridge be built.

Brad Hawkins-Clark-It is enough of a design issues I wanted to get clarification, we can take it from there.

Vice-Chairman Wilkerson-Also I think Mr. Poole brought up the motion. We brought up sewer and water issues, the protection of the slough, and public access to the slough. I think those are some of the bigger issues.

David Poole-All of those were addressed by us as well as the public, they need to address it back to us so can make an informed decision.

Vote: Unanimous.

Item Two –Adjourn.

Fred Nussbaumer- Made a motion to adjourn.

The motion received a second.

Vote: Unanimous.

Vice Chairman Wilkerson closed the meeting at 9:30 p.m.

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
September 25, 2006

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Chairman

Secretary