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**MEMBERS PRESENT:** Don Wilkerson, Steve Ethington, J.B., David Poole, Jim Hutchins, Brent Jensen and Fred Nussbaumer.

**OTHERS PRESENT:** Brad Hawkins-Clark- Planning Director, Jennifer Kharri – Development Services Coordinator, Maureen Hill – Planning and Zoning Analyst; David Hargraves- Prosecuting Attorney.

Chairman Ethington opened the public hearing at 7:15 p.m. and welcomed everyone, then explained the public hearing process.

**Item One- (Continued) A Preliminary Plat for Panorama Orchards by Bryce Walker to subdivide 28.0 +/- acres, which includes 11 single-family dwelling lots in a R3, Rural Residential Zone. The property is located on Mill Road that is a portion of T 06N;R 01W; Section 30.**

Don Wilkerson reported that he had ex parte communication.

**Bryce Walker-** I was delayed getting in my landscape plan because I didn't have the element of pipe sizes from the pipe co engineer. Last time I was here the main concern seemed to be the open space. I did submit a landscape plan with a pressurized irrigation system. It will be a self contained pressurized system. It will deliver at 32 psi to every lot. We built a delivery system with restrictive valves. The system will be on at all times April through October, pipe-co has designed and specified all pipe sizes. The landscaping buffer along Mill Road will be parkway type strip, it will be a 25-foot buffer backed with a vinyl fence. Lot 10 will be maintained as an Orchard as the common open space and under a long-term lease with a grower. I had a meeting with the County Attorney, Planning Director, and staff to determine what was required of me and just what we could do with that lot. It was the attorney's opinion that the open space would be okay as an orchard as long it was divided if the orchard ever stops. The fire department added a sentence to the letter you received, they are okay with 6.7 grade instead of having to do an s-curve. I don't believe there are any remaining issues.

**Don Wilkerson-** On your irrigation plan, you mentioned a pressurized irrigation system to each lot, but I see a gravity irrigation plan.

**Bryce Walker-** The gravity is pressurized. Three lots will be served by gravity; it was designed by the same engineer as the other system.

**Don Wilkerson-** I talked with Dennis Heaps from Black Canyon Irrigation District, and he said that he has a 25-foot setback off of the canal. According to Mr. Heaps your 15-foot easement won't work. You can landscape in that easement but you can't excavate.

**Bryce Walker-** That is not a problem, I can move the setbacks.

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**Don Wilkerson-** I have a problem with the open space. Open space should be available by all the people that live there at any time. It should not be fenced off or used as an orchard. Our Ordinance says it should be recreational.

**Bryce Walker-** I refer you to Mr. Hargraves, he said it was okay that way.

**David Hargraves-** The legal side requires five percent common open space. Common open space is defined as five percent of the gross land area. It can be active or passive. It must be accessible by all residences in the subdivision. The landscape shall be suitably improved for its intended use except for natural features. Shall contain at least one deciduous shade tree and a lawn either seeded or sod. I think Mr. Walker is trying to say is that open space can be active or passive.

**Chairman Ethington-** The point I would like to say is the Ordinance says that open space needs to be landscaping. And I don't feel a native orchard is landscaping. We created this Landscape Ordinance specifically to address items like this and I think if we allow a subdivision without the landscaping we are defeating the purpose.

**David Hargraves-** I am not here to advocate one side or the other I am just saying what the code says.

**Don Wilkerson-** The Ordinance says open space needs to be accessible by all residences of the subdivision. Mr. Walker is proposing a fence around the orchard and to me that would not be accessible to all residences.

**J.B.-** I don't think it has to be fenced off to be non accessible, all it takes is the farmer to say, "don't pick my apples". I think the open space needs to be recreation used land, as much as I would hate to cut down an acre of trees. I think kids need to be able to have a picnic or play kickball collectively. I would be very opposed to allow it to be anything other than that.

**David Hargraves-** Where it talks about open space being active or passive, my understanding from talking with our planner is if the open space is passive it is open and can be viewed by all then it would be accessible. I am not telling you how to interpret the ordinance, I am just telling you that is one way to look at it.

**J.B.-** I have a hard time saying that because I can see something with my eyes that it makes it accessible.

**David Hargraves-** The definition of open space also says it can contain trees and natural environmental features.

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**Chairman Ethington-** On the landscape plan we need to see a list of plants and sizes. We need to see the size of the trees; we are looking for a certain caliper. We need a list of size and calipers of the trees.

**Brad Hawkins-Clark-** Normally our interpretation is at the preliminary plat level the landscape plan is conceptual and at the final plat we would get a detailed landscape plan. We as staff have been making sure that they meet the minimum calipers. I guess at this point it wouldn't have to be amended; I think the bigger issue here is the open space.

**Bryce Walker-** I have devised a way to maintain some of the heritage of the valley with some cherry orchards. I have put in the covenants that that orchard will have to be managed or it will have to be converted to ordinary landscaping like a park. I have found a way to conserve a cherry orchard and I think that is greatly need.

**Steve Ethington-** Is it presently an operating orchard?

**Bryce Walker-** Yes.

**David Poole-** What center are those trees planted?

**Bryce Walker-** 22-foot aisles and 12 foot continued rows.

**Brent Jensen-** You have on your plat some lots extend up into the center of the canal. What is the canal districts position on extending those property lines up that bank? I am concerned that you might have some property owners put an access road up that bank.

**Bryce Walker-** The canal company does not allow digging within that area.

**Brent Jensen-** How are you going to address that issue that no one tries to cut in a road even a four-wheeler road?

**Bryce Walker-** I think we could put it in the covenants it isn't in there now but we could add it.

**Brent Jensen-** I would suggest you add something to the covenants about digging roads to reduce the problem associated with excavating on the canal bank.

**Don Wilkerson-** I agree with you Brent because I have seem some places where they did a four wheeler trail and now it is a 4-foot gully because of wastewater and rainwater

**Brent Jensen-** I don't know how to legally word that, they could have foot access but no mechanical access.

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**Don Wilkerson-** Don't you think that if someone was digging that much into the bank that the general public out there with their knowledge they would know that it is not allowed and try to stop them.

**Brent Jensen-** This has been a headache for the canal company and here we have the potential of five more situations.

**Bryce Walker-** I think I could mitigate that some with some education at the time of the sale to let people know about living next to a canal.

**Brent Jensen-** If it is the covenants it would be more legal.

**Don Wilkerson-** I have a question on the covenants, it says that residences shall be limited to one primary dwelling on each parcel plus servant or guest quarters. Are you proposing that the servant or guest quarters be attached to the primary residence?

**Bryce Walker-** I did not make that specification.

**Don Wilkerson-** There is only one residence allowed per lot, but a second dwelling can be attached. You may be opening yourself up here if someone does want to do that but the Zoning Ordinance won't allow it.

**Bryce Walker-** We sure can address that.

**Don Wilkerson-** My other question here is you say a kennel is defined as two or more dogs or cats, that is different from our ordinance.

**Bryce Walker-** I made it more restrictive than the ordinance.

**David Hargraves-** On the attached quarters, one way to make sure it complies with the Zoning Ordinance is to reference the Zoning Ordinance in case it changes in the future.

**J.B. -** Would the person leasing the cherry orchard allow the children who live in the subdivision free access to the cherry trees?

**Bryce Walker-** We would have to make sure they stay away during the spraying.

**Brent Jensen-** There are certain times that if it is a producing cherry orchard that you wouldn't want the children to be around because of the spraying and during harvesting.

**J.B.-** That goes back to having open space being a recreational place that is accessible.

**David Hargraves-** Mr. Chairman, the Landscape Ordinance does not require a recreational area.

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**Chairman Ethington-** It says it must be accessible by all residences actively or passively.

**Bryce Walker-** There would be no reason for children or a resident to access the cherry orchard after harvesting.

**Fred Nussbaumer-** How long of a lease do you have for the grower on the orchard?

**Bryce Walker-** Five years.

**Fred Nussbaumer-** What happens after that, do the homeowners take care of it?

**Bryce Walker-** They do but, after the lessee has to put into the same specification of open space.

**Fred Nussbaumer-** Who mows the grass?

**Bryce Walker-** The homeowners association will be responsible for it.

**Fred Nussbaumer-** Is that written in your covenants?

**Bryce Walker-** Yes, it is. It is mentioned in the same paragraph as the maintenance of the buffer down Mill Road.

**Chairman Ethington-** Maureen, do you have any additional comments?

**Maureen Hill-** There is another request before you to change the name of the subdivision. It is Lynda Vista instead of Panorama Orchards.

**Chairman Ethington opened the public portion of the hearing.**

None.

**Chairman Ethington closed the public portion of the hearing.**

**Brent Jensen-** I think it is a good idea especially with the restrictions by covenant that were discussed. To prevent erosion on the canal bank is a big one and we need to remember that this is just the preliminary plan.

**David Hargraves-** As we looked over the ordinance there is a section of provisions on landscaping that provides some flexibility. There is a section called alternative compliance that allows the administrator the ability to approve compliance if certain criteria are met.

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**J.B.-** I don't think the orchard complies with the spirit of the intent of the Subdivision Ordinance. I don't think this is accessible, to me accessible means you can use it and get to it. I am against this subdivision with the open space as a cherry orchard.

**Don Wilkerson-**If you look at open space in other subdivisions, it is usually a grassed area with a park and sand boxes and a playground. A fenced off orchard is not the intent of open space. I am against the proposal that is written here for the open space.

**Jim Hutchins-** I agree, I think that the orchard does not fit in with homes around it. The spraying could be detrimental to the families. With the orchard concept I cannot go along with it.

**Brent Jensen-** He has addressed it; he has a long-term plan when the lease is up to make it a recreational area.

**Chairman Ethington-** I was firmly against it but I keep going back and forth. One acre is not economically feasible as an orchard. Farmers are not going to want people to have access to their orchard. It would be nice to have some cherry trees, like Bryce said we are losing a lot of our orchards. Maybe a compromise would be to cut down some of the trees and make a grassy park area also. I think I am also against the proposed plan.

**Jim Hutchins-** In a orchard like that, kids are going to climb trees and I think we would be opening a can of worms for lawsuits to the developer.

**J.B. -** Made a motion to recommend approval of the Preliminary Plat for Panorama Orchards with the following stipulations:

- ?? Remove the orchard and per the Landscape Ordinance develop a common open space area that would be grassy lawn for kids to play on and would be accessible to all property owners.
- ?? The irrigation line on the north side of the canal be moved out of the 25-foot setback.
- ?? Add restrictive wording to protect the integrity of the canal bank and access to it.

**The motion received a second.**

**Discussion.**

**In Favor:** David Poole, Don Wilkerson, Jim Hutchins, and Fred Nussbaumer.

**Opposed:** Brent Jensen.

**Vote:** 4 to 1.

**Item Two- (Continued) A Planned Unit Development (Preliminary Plat) with a Sketch Plat by Serge Engurasoff for a mixed use development in the MX, Mixed Use Zone,**

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**located at the Northwest corner of W. Central Road and North Washington Avenue, a portion of T 07N; R 01W; Section 30. The Commercial PUD comprises 10.9 +/- acres and the Sketch Plat comprises approximately 92.10 +/- acres.**

Brad Hawkins-Clark showed a power point presentation on different views of the property.

No ex parte or conflicts of interest were reported.

**Angela Comish-** 1523 West Hayes, Boise.

Last time we looked at this I had buildings and parking on that plan. I added a new plan; I took off everything and added some housing to take advantage of the mixed use. So maybe we can come to an agreement on what uses are appropriate for that area. Brad and I got together after the last meeting and went over the meeting to figure out what you wanted as uses. I left a space for open space that will either meet or exceed the required space. I did leave the gas station/convenient store on the plan because Brad and I had worked on a project in the City for a gas station and we thought it work for this area with the agreement on hours of operation to be 6:00 a.m. to 10:00 p.m. If the hours were restricted I thought you might consider it.

**David Poole-** Are you going to have access off of the Highway 52?

**Angela Comish-** There are access restrictions; the guy from the transportation department didn't call me back but according to Brad, they are restricting access every 1,00 feet and this property is a little over 2,000 feet. I believe we would be approved for two accesses. The housing will access off of Central. We put the housing by the other residences to kind of blend with the surrounding area.

**Fred Nussbaumer-** What are your plans for sewer, septic?

**Angela Comish-** The next thing I would do in my engineering process would be to meet with the Southwest District Health folks and tell them the restrictions and recommendations from the Planning and Zoning Commission to see what they will approve. So we could find out what we do with this property, do we go out and dig test holes, do we test the soil? Obviously we would take in the proximity to Haw Creek and the residences on the sides of us and probably design a central system.

**David Poole-** Same with water?

**Angela Comish-** Most likely with water as well, if there is no water available up there to put a well in we could in a central well, but the health district will determine all that.

**J.B.-**I like the changes, I think you addressed the major concerns. It is a corridor that makes sense to have it on the highway.

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**Fred Nussbaumer-** What lot sizes are allowed in this area?

**Chairman Ethington-** They in a 40- acre zone right now.

**Angela Comish-** With the mixed use zone it is a 1-acre minimum but we are not bound by that because of the Planned Unit Development. Again that will be determined by the health department, they will dictate the density.

**Fred Nussbaumer-** Who would make that decision?

**Chairman Ethington-** Southwest District Health would dictate what is acceptable as sewage.

**Don Wilkerson-** Even though it is mixed use, some of the uses they are proposing would have to come back before us for a Special Use Permit.

**Brent Jensen-** The mixed use is parallel to Washington, how many feet does the proposal come down central?

**Angela Comish-** The property is 600 feet deep.

**Brent Jensen-** So, you don't go beyond the mixed use?

**Angela Comish-** Correct.

**Brent Jensen-** There is still a balance of mixed use north of this proposal.

**Angela Comish-** Right, it borders Black Canyon Highway. At this point this Planned Unit Development is only 11-acres. It is only 1/3 of the entire property.

**Chairman Ethington-** What is interesting about the mixed use is that they will still have to come before us for a Special Use Permit on some uses but not for residences.

**Chairman Ethington opened the public portion of the hearing.**

**Dave Smith-** 1211 South Plaza.

I am interested in stuff north of the river and when you start talking about high density how long before it affects the wells around there. I am just concerned with the water issues and transportation issues. I think the fewer accesses the better. I guess I would hope she could incorporate in the next plan only one access off of Central for all but I think it looks pretty good.

**Don Wilkerson-** I think last meeting they said that every 1,000 feet per access.

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**J.B.-** The water will be dictated by the health department.

**Brad Hawkins-Clark-**Under a Planned Unit Development normally you would require them to provide those details. With a PUD you can increase the density by 15 percent.

**Chairman Ethington closed the public portion of the hearing.**

**Don Wilkerson-** If I remember right last time this came before us we had two items, a Sketch Plat and a PUD, are we ruling on both items tonight?

**Brad Hawkins-Clark-Right.**

**Don Wilkerson-** We are looking at the concept, so lets remember that as we go through our discussion.

**David Hargraves-** There are standards to address; I think Brad put those in his staff report.

**Brent Jensen-** It goes against the whole theme of the proposed comprehensive plan we just discussed.

**Fred Nussbaumer-** I have a major concern with the availability to handle the water and sewer supply. I have concerns with having residential being mixed with businesses with children being around. I don't think it fits with what we want to do.

**J.B. -**I am surprised that there were no negative comments from the public this time. I like this plan; water and sewer don't concern me because it isn't our concern until they go to the health department. As far as the concept, I don't want Highway 52 towards Payette to be the place for business. I think this a natural place for some growth to happen. From the basic concept, I am in favor of it.

**Jim Hutchins-** I live too close to this, I have worked this ground and I know the productive capabilities of it because I have harvested it. The water and sewer is definitely a problem. Yes, this is a small area but what about the whole picture? Primarily the water wells are at the 50 foot level give or take 10 feet which is pretty good water. I have had to replace my own well because of a subdivision in the area. The whole neighborhood is against this proposal, we live in this area because of what we had. I am opposed to any development in the prime agriculture zone. Look at what the foreign countries are doing to us today on oil, we are strangled. The only farm ground we have is in production and if it keeps getting taken away we are getting closer to having imported foods. I am opposed to taking this farm ground out.

**Don Wilkerson-** I am against approving the sketch plat because there is not enough information to make a recommendation. On the PUD, I don't think that there is

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infrastructure close enough to this. There was a lot of opposition on this from the last hearing. The water and sewer is a concern.

**David Poole-** It is on our map and it is the plan for that area. We planned the mixed use. I think we are headed in the right direction. As far as the water and sewer, if it does not meet the engineered requirements from Southwest District Health it won't happen. As far as the access it sounds like those requirements have been addressed. We are planning here, we planned the mixed use. We still have control in the mixed use because of the Special Use Permits. She has stated there ideas and concept and I think we are heading in the right direction. I don't like to see farm ground being taken away either.

**Brent Jensen-** I would like to see a little more about the remainder of the mixed use.

**J.B.-** They could come in now and apply for an Ace Hardware Store with a special use permit, I would think the highway makes sense for some sort of businesses. The community response to a special use permit may be different. We zoned it mixed use, and it is along the highway and I don't think houses make sense in that corridor.

**Brent Jensen-** If there is a special use permit for a retail business they are not going to want to be subject to an annual review. Do we need to change that in the ordinance?

**Jim Hutchins -** In the same vicinity there has been a restaurant, grocery store and a bar fail. We already have a convenient store and gas station right there. I don't understand the welfare of it.

**Chairman Ethington-** I don't know why we made it mixed use, we are leapfrogging. Looking at these standards for a special use permit, we are looking at changing the comprehensive plan and it would be against this.

**Brent Jensen-** The problem is this is mixed use.

**Chairman Ethington-** For 1-acre home sites up there, they would come before us with a subdivision.

**Brent Jensen-** That would mean a septic and well per 1-acre.

**David Hargraves-**We are operating under the current Comprehensive Plan. That doesn't necessarily mean that you should look at the future land use map.

**Chairman Ethington-** Is it better to have what she is proposing or the one home per acre with the well and septic for each lot?

**Don Wilkerson -**Made a motion to table the hearing for a Planned Unit Development with a Sketch Plat to make a decision at the next meeting on July 27<sup>th</sup>.

**The motion received a second.**

**Vote:** Unanimous.

**Item Three- A Variance request by John Perkins to allow a 16-foot easement for access instead of the current 40-foot requirement by Gem County Zoning Ordinance. Located at 5880 Sweet Ola Highway. T 07N; R 01E; Section 15.**

Brad Hawkins-Clark showed a power point presentation on different views of the property and explained the staff report.

Don Wilkerson reported exparte communication with speaking to Jennifer (staff) on the application before the hearing.

**Sherri Perkins-** To me this is the safest entrance. Before we bought this property, there was need of medical assistance to the property and there was no problem with access. To come from the other way is twice the difference and we would have to put in a road. It isn't flat it comes up over a hill and back down and up a hill again. Where we have our building permit site is on a hill. We would have to drop back down from our home site.

**Brent Jensen-** Is that forty –foot easement a deeded easement?

**Sherri Perkins-** It is a deeded easement.

**Brent Jensen-** What is required is a deeded access easement.

**Brad Hawkins-Clark-** The ordinance allows deeded land that is yours, a public right of way, or an easement from someone.

**Chairman Ethington-** Have you approached the property owner for an easement?

**Sherri Perkins-** Yes, I have approached both property owners and one said absolutely not and the other wanted too much money for it, we could not afford it.

**J.B.-** Have you built your home yet?

**Sherri Perkins-**It is currently being built.

**J.B.-** Did I hear you right that when someone told you, you didn't think it needed to be a drive able surface?

**Sherri Perkins-** I have a drive able driveway that I use everyday. The way I read and understood it, it just says that a forty-foot easement is required; it doesn't say it needed to be

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a drive able easement. The forty-foot easement was acquired to obtain a building permit after we purchased the property.

**Don Wilkerson-** Without the intention of using it.

**David Hargraves-** The definition says access to a parcel needs to be a forty-foot easement.

**Don Wilkerson-** You knew you needed a forty-foot easement to get a building permit and you did acquire one, but you had no intention of using it? So, you are going around the process?

**Sherri Perkins-** No, that is the way I read it that I needed a forty-foot easement. I can drive a four-wheeler on it.

**Jim Hutchins-** On the forty-foot easement, there are slopes and valleys you said, are they pretty steep?

**Sherri Perkins-** The one going off towards Highway 52 is pretty steep. My driveway off of the other easement is pretty steep.

**Don Wilkerson-** I went by there on my way up to Cascade and there are other roads up there for access, the forty-foot easement is do-able.

**Chairman Ethington opened the public portion of the hearing.**

**David Smith-** 1211 South Plaza.

I know when you try to put a house in where there is no power the power company makes you pay for getting power to your place and then they pay you back as more houses are built. I can see that happening here potentially and that hopefully there could be something worked out to where she can get the forty-foot easement from the Sweet- Ola Highway paid for and perhaps get that passed on in the future to help her get her money back.

**Jack Blevins -** 5770 Sweet –Ola Highway.

We have not discussed a price on that easement. My question is why was a building permit issued before the easement issue was taken care of? That trailer there is a hardship trailer and should have been removed three years ago. I have met with the County Commissioners and Brad and Mr. Hargraves on this matter and did not get an answer back. They are living in this trailer while the other home is being built and it should not even be there. I think if there is a forty foot easement already, they should access it. The code is the code. The stepson of the previous owner has land to the East of the parcel, it may not be on the books and it will happen. Let's do this right, there are going to be more and more people going across my land. We don't want to just give them an easement; we still have to pay taxes on it.

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**Sherri Perkins**- The price that was discussed to my step father- in- law was \$17,000.00 for the 24 feet and the same price was offered to us.

**J.B.**- What would it cost you to build the other road out to Highway 52?

**Sherri Perkins**- I don't know and as I was thinking that maybe ITD would not allow an approach to come off right there, I don't think anyone has approached them.

**Brad Hawkins-Clark**- As far as the Temporary Hardship Permit, Mr. Blevins is right. The permit was issued in 2003 and the need for the hardship went away 10-11 months after that. It should have been removed in 2004. There was some complaints brought into the office. When I came on the Perkins were just about to the point of applying for a building permit. The ordinance does allow for people to reside in a temporary trailer if they have a valid permit for a permanent dwelling. In terms of right now it is okay. It could be argued, should we have issued the building permit maybe or maybe not. We told them they needed a forty-foot easement in place and they needed to file for a variance because it was obvious they had no intention of using it.

**Chairman Ethington**- They are building a home, so that trailer will be removed right?

**Brad Hawkins-Clark**- Correct.

**Don Wilkerson**- Brad, when was the building permit issued?

**Brad Hawkins-Clark**- About a month ago, I believe.

**Jack Blevins**- 5770 Sweet Ola Highway.

That particular piece of property was put on the market prior to John and Sherri buying it. The realtor called me when she thought she had it sold wanting an easement. I discussed a price with Rodna Sisk who was the previous owner and she did not want to pay that price. They could not get a building permit at that time to sell it and now they get a building permit, I just don't understand it. How come a realtor couldn't sell it but a private party could, I want some clarification.

**Chairman Ethington closed the public portion of the hearing.**

**J.B.**- I would like to see Brad go out with a cease and assist and stop the building of the house. I think we have been conspired against in an effort to get around the law and I am appalled by it. She has to create her forty-foot road and use it, to come to you with a forty-foot easement and say they didn't know it had to be drivable doesn't wash with me. I am offended that they tried to circumvent the law. I am very much opposed to the variance and for her to continue building the house until she has a road in.

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**David Poole-** You can put a road in for construction purposes, but if the law says they need a forty-foot easement then it will have to be in place prior to the issuance of the certificate of occupancy. As far as access for building, it happens for construction purposes. Depending on what our determination is they may have to put in a driveway on the forty-foot easement. If it is the law, we need to follow it.

**Brent Jensen-** The forty-foot access easement would be available from Sweet Ola Highway it sounds like. The other option would be to construct the road south to Highway 52. One way or the other there will be more land available to the east of the property. The landowner could try to get back some of the costs when people go through their property. It is an unfortunate situation.

**Don Wilkerson-** I am concerned with only sixteen feet for almost 500 feet. It has the potential of serving numerous amounts of traffic. There is a lot of ground that could develop. I would surmise that the land to the north could also access the same road. Sixteen feet might be okay for 2 or 3 cars a day but if you have 25 to 30 cars a day it would be different. We have approved these before, but they only affected one parcel there was no ability for it to go to another parcel. I think we need to follow the ordinance, and use the existing forty-foot deeded easement. Unless the applicant can come to an agreement with Mr. Blevins on a future more easement maybe they could write in the easement as additional properties sell to the east and need an easement they will need to reimburse the original property owner who owns the easement. Just a contract written up that way.

**Brad Hawkins-Clark-** I just want to clarify I don't think it is accurate at least in staff's opinion to say that this easement would have to remain for future development. The variance is tied only to this parcel. Any development to the east under the new subdivision ordinance would have to apply for a subdivision. The ordinance is very clear that you have to have a public street. I want to make sure you understand staff's interpretation. It is complicated by the fact that you can't close it off because the people to east still use it, they are grand fathered in.

**J.B.-** Made a motion to deny the Variance request to allow a 16-foot easement for access instead of the current 40-foot requirement by Gem County Zoning Ordinance.

**The motion received a second.**

**Vote:** 3 to 2.

### **Regular Meeting:**

#### **Item One – Black Canyon Planned Community Time Extension Request.**

**Pam Garrison-** 2545 South Substation Road. Representing Black Canyon Partners.

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I hope that you received our letter with the supporting documentation explaining our reasons why we are asking for this request. Our request is to ask for an extension on submitting the final plat for the preliminary plat that you approved in November of 2004. It took us until June 20, 2006 to get an order signed to meet all the requirements and conditions of approval to begin construction of the project. With that information we hope that you will realize that we need more than two months to get the civil engineering for the project to you for your final plat approval.

**Don Wilkerson-** How long of an extension are you asking for?

**Pam Garrison-** We are hoping for at least one year. The civil engineer has told us that it will take a couple of months for them to work us back into their schedule. This project requires a lot of engineering with the wastewater; we are building a city out there if you will with our wastewater treatment plant and municipal water supply and all of the off site improvements to Frozen Dog and Shaleroch Road. The interior roads in the phase one subdivision will also have to be engineered.

**David Poole-** Made a motion to grant the extension from June 20, 2006 for a two-year extension to June 20, 2008.

**The motion received a second.**

**Vote:** Unanimous.

**Item Two – Approval of Minutes of June 12, 2006 (Continued to the next meeting.)**

**Item Three – Items from the Public.**

None.

**Item Four– Items from the Planning Director.**

**Brad Hawkins-Clark-** Tonight you received the proposed amendments to the Zoning Ordinance that you will hear on July 27<sup>th</sup>. Basically these are some clean up things.

**David Hargraves-** There has been a request to tighten up the rezone standards. You will see a lot of strikeouts and changes to clean up and organize the ordinance a little better. I think there is language similar to the Special Use Permit standards. I just transferred the standards out of the Statutes to the ordinance. Also, there has been a request from those in planning and zoning to condition rezones, any condition has to be based on a development agreement. Development agreements have to be authorized by the zoning ordinance so we are adding that to the ordinance so we can do development agreements in the future. There is also a provision that will authorize hearing examiners to hear some

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of these applications. We clarified and reorganized the appeal process. We also added an outline for hearing procedures.

Discussion on the upcoming proposed amendments to the Gem County Zoning Ordinance.

**A. Recent Board of Commissioner Meeting Decisions.**

None.

**Item Five- Items from the Deputy Prosecuting Attorney.**

**David Hargraves-** I appreciate your efforts on making your decisions based on the standards of the ordinance. You had some great discussions around those standards.

**Item Six- Items from the Zoning Commission.**

None.

**Item Seven –Adjourn.**

**David Poole-** Made a motion to adjourn.

**The motion received a second.**

**Vote:** Unanimous.

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

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Chairman

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Secretary