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MEMBERS PRESENT: Don Wilkerson, Steve Ethington, J.B., David Poole, and Fred Nussbaumer.

MEMBERS ABSENT WITH PRIOR NOTICE: Jim Hutchins.

OTHER MEMBERS ABSENT: Brent Jensen.

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

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

Item One- A Preliminary Plat for High Vista Estates by Mike Homan to subdivide 177.72 +/- acres, which includes 32 single-family dwelling lots in an A3, Rural Agriculture Zone. The property is located on Little Freezeout Road that is a portion of T 06N;R 03W; Section 36.

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

No exparte or conflicts of interest were reported.
Don Wilkerson has previous knowledge of the property.

Brad Hawkins-Clark-I don't know if the Commission received the topography map, but there are some pretty steep contours. There would have to be some switchbacks in the driveways in order to get up it. Some of the concerns are listed on page four and five in the report. The issue of fire suppression, the issue of access, and the issue of how much right of way they need to give along the north are the three biggest issues that should be discussed. We are recommending that you continue this so we can get more detail. Hopefully that gives you a good overview of where we are.

Don Wilkerson-The lower southwest corner; is that part of the subdivision now?

Brad Hawkins-Clark-Yes, the map that is posted on the bulletin board is the large map that was submitted. They started their application process prior to the Moratorium. The fees were paid a head of time. Some of the dates are staggered.

Shawn Nickel-839 East Winding Creek.

I am here tonight representing Mike Homan and the High Vista development. We did receive the staff report quite late last week. As staff and as the Commissioners stated that is an old vicinity map. We have added that triangle shape and also the corner as part of the development. We do have the thirty-two lots. I did get a hold of Middleton Fire District

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today and I want to put on record some of their comments. They were okay with the access, they wanted to clarify we had twenty foot wide all weather driving surface. As far as the fire suppression, we have two options. We can have a subdivision system of a water storage tank for fire trucks to connect into or each structure over 3600 square feet would be required to have some sort of individual suppression systems, that would include sprinklers, two hundred fifty gallon per minute pump, year round swimming pool, or year round pond. That would happen at the building permit portion of the development, they stated they would not need anything prior to the preliminary plat approval unless we were to do a development wide system up front. We are going to work with Middleton District on that, we are probably going to have it at the building permit and establish through the CCR's and through an agreement with the fire district on getting those permitted individually and what type of systems will be on the houses. The second issue is with regards to the right of way. The right of way that is proposed on the North we are showing a forty foot wide right of way. Currently there is a sixty-foot wide easement centered on that North property line, thirty feet on our side and thirty feet on the North side. We are proposing to provide an additional ten feet on our side to make the total forty feet. You have the existing thirty feet on the North side and if that were to ever develop an additional ten feet could be required to make that an eighty-foot wide section line road. We would like to point out that in our submittal with the road sections that are proposed we do intend to build at full road width along that North boundary along our portion of that right of way. One of your committees suggested a sixty-foot on our side; we would like to stick with the forty-feet. I would like to get your feedback on how you want me to address that. Our lot sizes range from five to six acres in size. We could possibly fit an additional ten feet of right of way making that sixty feet on our side. Sixty feet would require us to redesign the development; I believe we could do that without losing any lots. I think it is appropriate to have a section line road be the eighty feet that is required by your code. However, because there is that existing easement that is already recognized by the County we would like to propose the forty feet on our side and forty feet on the North side. Some of the comments from your staff and the County Engineer included some minor issues regarding notes on the plat and vicinity map. These are things that we can handle and resubmit either now or later, they are rather minor. Some of the documentation we will get to your staff and engineer is the test hole data from Strata, we do have that completed. They also want the water statement, which we will get to staff. With regards to the concerns about the hillside I just want to point out that seventy six point seven percent of the site is less than ten percent slope. Eighteen point eight percent is between ten and fifteen percent slope, four percent is between fifteen and thirty percent slope, and point five percent is over thirty percent slope. We are not required by the code to submit a hillside report because we are less than thirty percent of the entire site. I just wanted to point out that is the breakdown of the slope on that property. We do have a professional engineer, Bailey Engineering that will engineer this and work with the County engineer on appropriate engineering issues associated with this. There were some items about double frontage lots, I wanted to point out that we will put as part of the final plat notes and the CCR's that no direct access on to the section line roads or on Little Freezout will be allowed. All internal lots will have to take access off our internal road system. Staff is recommending we do temporary turnarounds on two of our streets. We will provide that

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with easements, that will be run by Middleton Fire District to make sure they are okay with the type of turnarounds we put on there. I believe that meets staff recommendation. I think those are the majority of the concerns that your staff and engineer have brought up. The fire department issue was one of the key concerns, also what you would like to see on that section line road. We can move forward once we know where to go with that.

Don Wilkerson-On your north easement we have a letter from a property owner stating there is a thirty-foot existing easement to the north but it is limited to the type of access. Does that hinder your project?

Shawn Nickel-It would only be hampered by slope. The easement is on record as being an ingress egress also an irrigation and drainage easement. The only thing that would hinder that would be slope or topography. The easement itself is available for access.

Don Wilkerson-For all parties?

Shawn Nickel-Yes sir, from my understanding of the records.

Don Wilkerson-You mentioned it is an existing thirty-foot easement and you are looking at increasing it to forty feet by adding an additional ten.

Shawn Nickel-It is an existing sixty-foot easement.

Don Wilkerson-I am talking just north of the property line.

Shawn Nickel-Thirty feet is on our side and thirty feet is on the North side.

Don Wilkerson-You mentioned giving an additional ten feet to the north of that thirty feet to make that eighty feet through there.

Shawn Nickel-We are planning on providing an additional ten feet on our South side, so we would have forty you would have the existing thirty on the north side. The intent would be if and when the property to the North would develop the property owner could ask for an additional ten feet.

Don Wilkerson-What if it doesn't develop and the people don't want to give the easement and the county requires eighty foot easement? So you may have to give up fifty feet on your side of the property line.

Shawn Nickel-That is correct. I was going by what was in the staff report.

Don Wilkerson-With that in mind, to me you are looking at a crystal ball you don't know what is going to happen. If you have to take fifty feet out of the south side of your property

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line for a road easement you may have to reduce the amount of lots. Right now your bumping five acres on a lot of the lots.

Shawn Nickel-We have some play in it. If we have to take too much out, we may lose two to three lots.

Don Wilkerson-Did you get the comments from Middleton fire District over the phone?

Shawn Nickel-Yes I did. I will get it in writing.

Don Wilkerson-When you said a water storage tank that their truck could back up to, is that a storage tank on each lot?

Shawn Nickel-My understanding was one tank for the entire subdivision that they could come and fill and fight a fire within the development.

Don Wilkerson-So they go back and forth from the tank to the fire. That does not seem like a good way to fight the fire.

Shawn Nickel-I prefer the individual.

J.B.-What part of the staff report were you referring to that had to do with that?

Brad Hawkins -Clark-The paragraph is number six on page five of the staff report.

J.B.-It does say the technical review does recommend sixty feet width. If you had to give up the additional twenty feet you would be forced to redesign this because some of the lots would be less than five acres?

Shawn Nickel-That is correct. We predict to lose two or three lots.

J.B.-Haven't we discussed using net acreage and the net area to include the streets. I think we have discussed that in some length.

Chairman Ethington-I agree with you it should be included. The way I understand it now, the Ordinance does not say that.

J.B.-Can he use net acreage?

David Poole-I think the problem we are discussing is whenever there is an existing road they've been paying taxes to the center of the road not a standard subdivision going in. I think with a subdivision going in they need to adhere to the regulations we have. I think the problem we are talking about is that somebody who owns twenty acres and has been paying

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to the center line for twenty or thirty years and then when they split it it's not actually twenty acres. I don't think that has anything to do with this.

Brad Hawkins Clark-I would interpret that the eighty feet is the ultimate width that Gem County wants. We may have to refer to David in terms of the question of the taking. The question being is thirty-two lots going to justify eighty feet of right of way? That is where we get into the legal issue of how much. How do you actually apply the section line road? It is more equitable in staff's opinion to say half and half. If you are right on the line, you go to the center and you dedicate half of what is ultimately required. This is the way majority of the roads get built. You need to ensure from a public safety standpoint and for future residents that traffic is going to move. I think normally a two-lane road is going to carry between two to three thousand trips a day, as long as that leaves adequate room for parking on both sides and spacing for driveways. I think this is a clarification or maybe a little bit of background on how we want to apply the requirement on the section line roads. If you are always going to ask the first one in to dedicate one hundred percent, in my mind we might want to set up some sort of latecomers agreement so that the people that come in second are not getting the free ride.

Shawn Nickel-I do appreciate the need to make sure that we do have all future right of ways. I can look at the possibility of adding another ten feet that way we would have fifty feet on my side and thirty feet on the North side. That way you would have that ultimate eighty feet.

J.B.-On your existing if you were to give ten more would that require redrawing?

Shawn Nickel-A little bit, we would have to shift some lots.

J.B.-If you go twenty feet would that change it drastically?

Shawn Nickel-Yes.

Don Wilkerson-You mentioned maybe tweaking it a little bit, have you thought about approaching the property owners to the North and procuring an additional ten feet of easement?

Shawn Nickel-I have not, and I don't know if Mr. Homan has. I have not talked to Mrs. Womak; I intend to talk to her. She had concerns about her driveway access we want to try to work out with her.

Don Wilkerson-Like Brad said it would be nice if you could get that and you could build a road centered on that.

Chairman Ethington-I have a question on the irrigation plan, have you addressed that at all?

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Shawn Nickel-That is another issue. My understanding was that he had no irrigation rights on this property. The only irrigation would be from the domestic wells, but that would only be a half-acre per well that they would be able to irrigate off of. That is something I would like to clarify in the next meeting. If there are water rights we would have to submit an irrigation plan.

Chairman Ethington-As far as you know there are no water rights?

Shawn Nickel-That is correct.

Chairman Ethington-I thought domestic wells were up to one acre.

Shawn Nickel-If it is up to one acre, I am not aware. As far as I am aware, it is still a half an acre.

David Poole-On item number thirteen where it asks to verify intersection angles it states one may be in questions, is that something you need to do while you are tweaking and you can come back and make sure those angles are appropriate?

Shawn Nickel-Currently that is at seventy degrees we can make that ninety degrees.

David Poole-The preliminary roadways we can get those confirmed?

Shawn Nickel-Yes, sir.

Don Wilkerson-What intersection is in question?

David Poole-It looks like it is the first one coming in.

J.B.-Do we have a map of what irrigation district this is in?

Don Wilkerson-It says it is in Emmett Irrigation; they may have sold their water rights.

Shawn Nickel-It is my understanding when he purchased this property there were no water rights.

J.B.-Brad, can you follow up to see even if they do not have water right now, is it available, if it is we would want pressurized irrigation system.

Brad Hawkins -Clark-Sure.

Chairman Ethington opened the public portion of the hearing.

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John Evans - 1103 E. Phillips.

I have a couple questions, all weather-driving surface I am assuming that is paved since it is five acres. I am also looking for open space.

Chairman Ethington-What is the Ordinance for open space?

Brad Hawkins-Clark-The Landscape Ordinance is what guides open space. The Comprehensive Plan encourages open space. The Landscape Ordinance chapter is what tells us about open space. It says that if it is R zoned they have to file a landscape plan and follow that. This is an A zone, my interpretation is an A zone subdivisions are exempt from the Landscape Ordinance.

Chairman Ethington-Is there a clause that says something about ten lots?

Don Wilkerson-A large-scale development is a subdivision that exists of ten or more lots or dwelling units. That is the definition in the Subdivision Ordinance, not the regular Zoning Ordinance.

David Poole-In the Subdivision Ordinance now does it require open space?

Don Wilkerson-Special developments such as a planned unit development or a large-scale development, the commission shall require sufficient open space or park facilities of at least five percent of the development.

Chairman Ethington-The question is, does this qualify as a large-scale development?

Don Wilkerson-It says ten lots or more is a large-scale development, but it does not specify zones.

Brad Hawkins-Clark-We have two different areas that it talks about open space.

Don Wilkerson-If you go by the Subdivision Ordinance there should be open space.

David Hargraves-This is another issue we can look at.

David Poole-Then give the applicant the opportunity to address it.

Don Wilkerson-Five percent of one hundred seventy seven acres is eight point eight five acres. That cuts into the number of buildable lots.

J.B.-I would be inclined to apply the agriculture exemption and say open space is not required because it is in the A zone.

Don Wilkerson-I don't think we can find that in the Ordinance.

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J.B.-The ordinance says the agriculture zone is exempt, the other says in large-scale development it is required. It is agriculture, why make a common area where there are five-acre lots? If you had a hundred quarter acre lots I think there should be common area.

Brad Hawkins-Clark-I would like to hear the feedback. We can give you our opinion.

J.B.-We are going to want a legal opinion.

Shawn Nickel-To address Mr. Evans the roads will be asphalt paving. The intent of the open space requirements is when you have a large-scale development with smaller lots in areas where you don't have a large space for children to play. That is the need for the open space requirement. In a larger lot subdivision, I don't think that is the intent with a large acre development. One thing we can look at is providing a pathway system in the development. We can do it on easements without having to carve up lots and reduce the size of the lots. That would be usable open space, if you envision each individual property owner fencing the five acres your circulation for pedestrians would be on the streets. If you have an internal walking path that provides a good open space, without creating a park especially in a subdivision where there is no irrigation. We ask the staff to give their interpretation and possibly consider allowing a pathway system.

J.B.-Do you envision this to be an equestrian friendly neighborhood?

Shawn Nickel-We are not marketing this as equestrian. The CCR's will not disallow horses.

Don Wilkerson-During Brad's Power Point he mentioned some of the lots in the southeast corner are steep, have you looked at designating a buildable location on those particular lots?

Shawn Nickel-We have not looked at that, but we can look at that when we go back and do some tweaking.

David Poole-You are going to have some problems with the septic if you don't address that issue up front.

Shawn Nickel-We do still have to meet the fire department requirements for access to those lots. They need to be able to get their trucks up to the structure to fight a fire. They are only going to allow us a ten percent grade.

Chairman Ethington-We need to address some things, there are many unanswered questions. We have input from Middleton Fire District, but nothing in writing.

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David Poole-I think we need the input before we make a recommendation. I think we need to continue it until we get the input to make a decision.

Chairman Ethington-How do you feel about making a recommendation to staff about the open space?

David Poole-I think staff has all that in the record right now, we will need that addressed.

J.B.-I would like to discuss the open area issue, this is agriculture I think five acres or more should be exempt. If we were looking at high-density housing I could see the need for a park or something to that effect. I would like to look at it under the agriculture application and say open space is not required.

David Poole-If we have that opportunity I agree. There is no need for the open space.

Fred Nussbaumer-We have two issues we need to discuss, the easement on the section line and also the intersection on the roads.

Chairman Ethington-There was a question the commission had on requiring them to come up with the centerline. They are recommending forty feet and staff was recommending at that time the property owner north of them would be required to give forty feet as well as the property owner south of them.

Fred Nussbaumer-I think that property owner should be contacted to see if that is a possibility. We may not have to require as much from the developer on his side.

Chairman Ethington-The County Ordinance requires eighty feet. Should we require this property owner to give up fifty since they already have the thirty on the North?

Fred Nussbaumer-I'm not saying that, we need to check with the other property owner to see if we could gain some easement on that side of it so each one would only give forty feet.

David Poole-Does this go into BLM land? Under those circumstances we are talking about a road that will dead end. I think the road situation that forty on each side would work providing that it will meet all the slopes. If he has problems he will have to give it up on his side because he is building the road.

J.B.-If we require him to come up with eighty feet now and what if the people to the north say no. When someone else comes along they have to pay their portion of that. Is there anyway that if they gave up their additional twenty feet and funded it, could we put a condition on it that if the north portion is ever developed they will have to reimburse them for their half?

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Chairman Ethington-I think what they are saying is that the property east of them is BLM we won't see a high volume of traffic.

J.B.-If you are going to allow seventy but if you are going to insist on the additional ten, is there any way we can not give a free ride to the other property owner?

David Poole-If we go forty feet I think we will wind up with seventy and if the other gentleman comes in and wants to develop he will have to give up ten feet.

J.B.-For the time being with only one development going in, seventy would be substantial?

David Poole-You are only looking at four lots going down that road, my only question is what does the other side look like? Is the slope too steep? If it is, he will have to engineer his road so that the cut and fill is all on his side.

J.B.-If we require the eighty now would we be able to attach that stipulation?

David Poole-I don't think we could without an Ordinance.

Chairman Ethington-Our Ordinance says eighty feet, if there is anything that varies from that they can apply for a variance from that, correct?

Brad Hawkins-Clark-Minimum right of way standards are eighty feet for section lines. Does that mean all section lines we ultimately want eighty feet or does it mean that the first one commits to the full amount. It says it will be eighty feet, but it does not say when. There comes a point that if the people to the North come in and want to develop and they say no, you just deny the application because they are not providing the right away.

J.B.-The bigger question is what if they never develop? Will the County be satisfied with seventy feet?

Brad Hawkins-Clark-That would come down to road analysis, if they never develop then you have what is currently there today. They seem to be getting by fine with thirty feet right now.

J.B.-Is the County satisfied with a seventy-foot easement at this time?

Brad Hawkins Clark-That call is for Dennis Pulley to ultimately make because he is responsible for the roads. From a planning standpoint we look at general capacities of the road. Is it adequate to handle the anticipated growth?

J.B.-If it is just an easement why does he have to change the lines if he is only changing the easement lines?

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David Poole-Because it is a deeded easement.

David Hargraves-The minimum right of way you can have forty feet on the south side of the section line and forty feet on the north as long as you have a strip that is eighty feet wide I think you are okay.

Don Wilkerson-If there is an eighty foot road right of way and the roadway width by County standards specifies that the asphalt portion must be twenty four feet then the whole twenty four feet could be on the South side and still meet the requirements?

David Hargraves-I think it could.

Don Wilkerson-Dennis Pulley is concerned about the narrow right of way because of the cuts and fills, in order to get the proper slopes he may have to make the roadway narrower. It is a question that has to be defined and addressed by the applicant it looks like they are willing to work with us to make that eighty feet available. There are several letters here that the applicant needs to look at to come back with. I think we should make a motion to continue the hearing to allow the applicant to address these letters.

Chairman Ethington-On the open space requirement, I can't see anywhere where he would not be required to have five percent of his total acreage in open space. I don't think it is really needed because it is a large area with five acres parcels. I recommend that he would not have to provide open space, but he may have to apply for a variance to do that.

David Hargraves-We will look at the ordinance to see what the ordinance will require.

Don Wilkerson - Made a motion to continue the hearing for the Preliminary Plat for High Vista Estates to allow the applicant to look at these letters and address the issues.

The motion received a second

Vote: Unanimous.

Item Two-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.

Maureen Hill showed a power point presentation on different views of the property.

No exparte or conflicts of interest were reported.

Don Wilkerson has previous knowledge of the property.

Bryce Walker-We had our technical review meeting, as far as I know we addressed all the concerns from that meeting with the exception of two items that I will address. Those

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changes are already on the plat or they will be soon. We made some changes to the plat; I will show you what the changes will be. I have outlined where there are significant changes in yellow. At the Technical Review meeting there were several things that were mentioned by the Road Department. The most important change was the fact that the cul-de-sac had to be less than a two percent grade. When we made the cul-de-sac flat, it made the grade that goes up to the second phase over seven percent. We had to redesign that end of the subdivision to change that, we moved the culdesac out to the east close to the canal bank and raised the grade of the road coming up to the cul-de-sac to six percent. We moved the cul-de-sac as far east as we can and it is as high as it can go. We still have a grade that goes to the east that would be six point seven percent. The concept of the road is that we are trying to avoid any curves the fire department indicated that they would rather have a straight road that is steeper instead of curves. It has a flat section at the cul-de-sac, a section that will have six point seven percent grade, a section at the canal bank that will have a three point nine percent grade, and the bridge will flatten out at zero percent. We think that is the best way to build it. We also changed the open space to put it all in one area. The second issue is the entrance on the west side at Mill Road where we were asking for alternative compliance, I will address that issue later. The staff report had requested information on the adjoining lot sizes. On the north side of the subdivision is a parcel that goes across that is one point four acres, further east there are two five acre parcels, across the road to the west there is a one acre parcel and a two acre parcel, and on the south side of South Slope are two five acres parcels. Also on South Slope Road there is a whole row of one-acre parcels. On the irrigation, we will provide underground main line with gravity feed to all the lots without putting in a pump. There is enough fall out from the canal that it will deliver to all the lots, it is not sufficient pressure to run sprinkler systems on each lot. If anyone needs to boost their irrigation pressure with sprinklers they can. That is the way the ditch company wanted it, they wanted us to have one delivery point for the entire subdivision and the homeowners association will take care of all the billing for the irrigation rights. We are in the Emmett Irrigation District; the water is delivered by the Black Canyon Canal. The intersection at Mill Road is a ninety-degree intersection and we will put in a stop sign. On the fire suppression in talking to the fire department, they said we could put in a twenty five thousand gallon storage tank that they could pump out of, we could break up the twenty five thousand gallons throughout the subdivision, or we could put in a main line for everyone's individual well to pump into and that would be the fire protection line. We will be doing one of those. I submitted a request for alternative compliance in regards to the Landscape Ordinance. We had some unique things we were doing, other site conditions exist that were not anticipated in the Landscape Ordinance. Some of those site conditions are the that we are proposing two acre lots where the concern is not to visually buffer asphalt and concrete or to keep people from seeing in or out of the property, the nature of a two acre parcel is a setback that is back from the road. People generally want a view of the country, they do not want look at a berm or a planting strip you can't see through. We proposed to put a three rail fence down Mill Road. At the entrance to the subdivision, we will enlarge the sight triangle and that will make a green entrance into the subdivision. I think the homeowners and the general public will like that better. We made some environmental quality improvements with this design because we would have an improved view from both inside

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and outside the subdivision. We have preserved some of the traditional uses which are orchard, pasture, and hay production. We have enhanced the safety of that intersection by adding a larger sight triangle. The one remaining item relating to the use of the open space lot, we plan to have the homeowner's association own the open space and lease it out and use as an orchard. I am willing to lease it for an orchard for at least five years. After that, the homeowner's association would be allowed to lease it out for hay or grass. In doing that we preserve the main character of our country property, which is the view and the openness, and we maintain some of the traditional uses of South Slope. This will benefit the homeowners association by the rent offsetting some of the costs of maintaining some of the landscaping areas, the irrigation system, and perhaps the irrigation costs. I am going to continue to live there; it is an area I enjoy and I want to maintain that feel on South Slope.

J.B.-I have a couple of problems with it. I support not having common areas and a landscape plan on five-acre lots, but two-acre lots is not agriculture, I would insist on a full landscape program not an alternative landscape program. As to leasing the orchard, it is my understanding that the primary purpose of a common area is that it is to be used for common to give children a place to play if you are leasing it out; you are not accomplishing a common area. I would be much more inclined to have you lease it to someone and have a swimming pool there and have a common area for the residents. To suggest to lease it out does not meet the goal for a common area. I would like to see a pressurized water system, not a gravity system. It is my understanding that we require a pressurized system. There would not be enough gravity there to water everyone's property.

Don Wilkerson-The definition of open space would be used for recreational uses that should be available for anyone that lives there to use that piece of property not for it to be fenced off. It does say in Emmett Irrigation's letter that they would require that a pressurized irrigation system be engineered. It also states that pump requirements need to be established. Have you talked to them about a pressurized system or the size of the pump?

Bryce Walker-I think with the fall we have from the canal we have a pressurized system without having a pump. When I originally bought the property it was all irrigated with ditches, there was no pump.

Don Wilkerson-You were flood irrigating then, you were not trying to put it through a pop up sprinkler.

Bryce Walker-Each person would have to have a booster pump.

Don Wilkerson-The irrigation district is requiring a pressurized system and also having a water users association. It mentioned in the Black Canyon letter that you would have to have storm retention on your property, in other words the runoff could not go into the canal.

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Bryce Walker-I think they were looking at phase two because the part that is below the canal would not run into the canal. When we do phase two there may be some concern about runoff into the canal.

Don Wilkerson-I think that needs to be clarified with Black Canyon Irrigation. Have you come up with a new name?

Bryce Walker-Lynda Vista.

Don Wilkerson-I had a question about the street name Walker Court. I think it should be named street or drive.

Bryce Walker-That is fine with me.

Don Wilkerson-You mentioned four hundred thirty five feet would be six point seven percent grade, I think that needs to be approved by Dennis Pulley.

Bryce Walker-We are doing it the way he suggested doing it in the first place.

Don Wilkerson-Are you also looking at culverts to get the drainage from one side of the road to another?

Bryce Walker-Yes.

Don Wilkerson-You addressed fire suppression. I am glad to see that you combined the two open space lots. You went from fourteen lots to thirteen lots; I am wondering where you lost the other lot.

Bryce Walker-It originally included two open spaces, I combined those.

Don Wilkerson-It looks like on lots eleven, nine, and eight that over fifty percent of the lot is non-build able it's either slope, canal, or canal company road. You must own to the centerline of the canal.

Bryce Walker-Yes.

David Poole-In phase two how many lots are you talking about?

Bryce Walker-I sketched an idea for six, following the ridgeline. There is also a potential for two more that are owned by someone else. I told them they could use our road if they paid me for a pro rated share.

David Poole-You are talking about an additional eight lots. Right now you have two lots using that six point seven percent grade. After phase two you would have ten lots that

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would have to use that slope. Therefore you would have quite a bit more traffic on that steeper slope.

Bryce Walker-Lot six fronts on the cul-de-sac.

David Poole-From a homeowner's position depending on where they put their house they may be using the slope instead of the cul-de-sac.

Bryce Walker-Yes I see what you are saying. Lot four would not use it, it would be inaccessible from the road.

David Poole-Not being able to do a site visit, I did not realize that. So there would be nine lots using that steep grade. That is up to the road department. I think we need to follow through with the open space being open to the general public and we do need pressurized irrigation. If you have pressure there it would not take a very big pump to run it. I think most of the homeowners would want pressurized irrigation. I think we need those answers before we do a lot more.

Bryce Walker-The pump is already there; it would just cost the homeowners to run it.

Fred Nussbaumer-I think we need clarification on the pressurized water system. The last subdivision that was approved had the same recommendation and it is a gravity fed system. I think what they are really meaning is that they want underground delivery system to each lot. It is a gravity flow and that was what was recommended.

Chairman Ethington-I would think the landscape plan would require a pressurized system.

Bryce Walker-I think there is a question on what you mean by pressurized. It is pressurized at about ten pounds at the top, and thirty pounds at the bottom. It is not pumped up to a higher pressure so you can sprinkle the higher pieces of ground.

J.B.-Pressurized to me means mechanically improved, gravity is not pressurized to me.

Don Wilkerson-I think you need to get clarification from Emmett Irrigation.

Chairman Ethington-This Landscape Ordinance will be an asset to you, if you do it right people will be busting down your door to buy your lots. There will be street buffers that will be required; there are a lot of different things in here that you need to follow. A pressurized sprinkler system will be required. You can form the homeowners association to maintain that.

Bryce Walker-I think it is a shame.

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Chairman Ethington-It actually will be a benefit to you. There is a real need for this type of ordinance.

Maureen Hill-I need to clarify something, we just realized this. On lot one with the applicability factor on the buffer requirement, it requires a twenty-five foot buffer along the outside of Mill Road, and there is a drainage easement going across the corner. We are concerned that lot one may not meet the minimum acreage size once that buffer is placed.

Chairman Ethington-This is one of the discussions we had earlier, on an easement like this there is a two acre minimum, does it extend to the boundaries?

J.B.-This does not apply.

David Poole-This is cutting into the subdivision. We need to keep in mind that when you include phase two this is not a small subdivision it is a nineteen-lot subdivision.

J.B.-If it is not a deeded buffer it may or may not affect the property size.

Brad Hawkins Clark-Open space requires that it is on a common lot.

David Hargraves-That would reduce the lot size to below the minimum lot size. We don't have a mechanism in our zoning ordinance that allows for trade off.

David Poole-I think he could do some lot line shifting to make up for the twenty five feet.

Maureen Hill-I wanted to point out that we discussed in the TRC meeting that lot number five be dedicated to a public road in anticipation of future development. I think it requires a little bit more clarification.

Bryce Walker-I didn't know if you wanted it to be dedicated now or when we do phase two.

Maureen Hill-It needs to be done now. You are getting this information now because when all of this information came the record was already closed, and that is why he is bringing this forward now.

David Hargraves-It looks like the Zoning Ordinance on the section on landscape is applicable here because it is an R zone. The common area must be accessible to all residents and it also must provide a shade tree. I understand your arguments about this area being better in pasture, but there is some flexibility in the alternative compliance ordinance, but that requires that one or more conditions are met. Which one did you say applies?

Bryce Walker-A, D, and E.

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David Hargraves-How is compliance impractical?

Bryce Walker-Because in a two-acre subdivision you don't need a place for kids to play, you don't need more softening of concrete or pavement. Everyone has two acres or more.

David Hargraves-You are saying it would be impractical.

Bryce Walker-It would be defeating the purpose of having the lot. You go out to the country so you can see the vistas and look at the horses in the fields.

David Hargraves-So you say it is impractical, is that your argument?

Bryce Walker-It is counter to what people use country for.

David Hargraves-What were the other points?

Bryce Walker-D and E.

David Hargraves-What would be the environmental quality improvements?

Bryce Walker-The unimpaired view and the preservation of traditional use.

David Hargraves-What are the safety improvements?

Bryce Walker-You improve the safety of the intersection by having a larger sight triangle.

David Hargraves-What about the other common lots that you are proposing to be rented out for pasture?

Bryce Walker-I'm only talking about the buffer street on that one. I will point out that the use can be passive; it doesn't say that it has to be people walking around on the property.

Chairman Ethington-There are certain requirements that if we think are important we are going to insist on it. We lost a lot of orchards and trees on the South Slope, we want to see things that were taken out put back in and trees would be a beautiful alternative to grass or pasture. On the ordinance it says landscape buffers along streets are required in order to improve the visual quality along landscapes. We are looking for trees along that area too. That is what the idea of this buffer is calling for. When you bring back the design that is one thing we will be looking for. On the irrigation it says all landscaped areas must be served by an automatic underground irrigation system. In that case it will be required that it be pressurized. This is not going to hinder you; it will be an asset to you and the community.

Don Wilkerson-What are you going to build on lot six? When you take in the tow of the slope and the twenty-five foot offset of the canal company there is not a lot to build on.

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Bryce Walker-That is what we lost by making the change to the culdesac. My original plan was to have that lot be common area and I was told it did not meet requirements.

Chairman Ethington opened the public portion of the hearing.

None.

J.B.-The landscaping issue concerns me, these are not five-acre lots our ordinance requires a common area and buffers. His proposal of renting it out does not work because it would not be available to all of the owners, but if he has proposed it being orchards and the homeowner's association be responsible for maintaining the orchard would that have been different that renting it out?

Don Wilkerson-Are you defining this as open space?

J.B.-If it were an orchard for the entire subdivision and they were responsible for maintaining it.

Don Wilkerson-The definition of open space is that it be available for recreational use.

David Hargraves-There is a section that allows for alternative options. If Mr. Walker chooses those alternative options there needs to be an analysis to see if these conditions were met. Ultimately I think the decision is yours.

J.B.-The reasons he gave for the alternate to me was that they were inconvenient and not practical to him.

David Poole- Made a motion to continue the meeting for the Preliminary Plat for Panorama Orchards to allow 11 single-family dwelling lots to allow the applicant to address the open space, the landscape ordinance, and the irrigation.

The motion received a second.

Vote: Unanimous.

Item Three-A Planned Unit Development (Preliminary Plat) with a Sketch Plat by Serge Engurasoff for a mixed use development in the MX, Mixed Use Zone, 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 exparte or conflicts of interest were reported.

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Angela Comish did a PowerPoint presentation on the property.

Angela Comish-I came in with a sketch plat because when we discussed it, we wanted to get your thoughts, ideas, and input on this. I want to clarify; I am not asking for Preliminary Plat approval, I am asking for your opinion on how to proceed to prepare a Preliminary Plat. The goal of this meeting is to talk about the overall concept, the general development idea, site access issues, community neighborhood issues, and surrounding land uses. My goal is to gather information and suggestions and hopefully approval to proceed with putting together a Preliminary Plat. My client asked me to put together a master plan, I noticed the church to the west, I saw Haw Creek to the South, I saw the lots on the East side, and the agriculture behind it. I think this is a transitional piece of property from mixed-use stuff to more of the agricultural thing. I had it surveyed you can see where the mixed-use zone is and where the agricultural is. I came up with this plan, in the upper west part I proposed a mix of one to five acre lots with a school then I showed a few smaller lots on the north end. In the mixed-use zone I showed a mix of one acre residential as well as one-acre commercial lots. My client thinks this is an overall good plan; his concern was trying to put something like this together all at once. He wants to focus on mapping out the mixed-use zone. At this point architects got involved. We decided to start with a small section and put that in there and talk to people. We wanted to stick to the corner and came up with this. I am not proposing these uses to you, these are just ideas. When we come in for a special use, you can decide what uses you would want in there. We had a public meeting last month, which was very well attended. Everyone's first comment was that they did not want anything in that field, but if you are going to put something there they suggested a restaurant, coffee shop, or mailbox drop off. Whatever it is they want it kept low rise. People were concerned with the ground water issues and rightfully so with Haw Creek and with wells out there. Some items I need to clarify: why a PUD, to me you don't want all your commercial lots to be more than one acre. That prohibits a small business owner that wants to come in and do a small business. I am a small business owner and I don't know if I could use or afford an acre so we put in a couple that are less than an acre. Staff questioned if a thirty-six-acre piece of commercial is justified, that is why we are only proposing eleven acres at this time. It may be that we may not do anymore commercial, if the demand is not there, my client will not go any further. I understood the six hundred sixty feet of mixed use went from the highway property line on either side; there may be something different I am not seeing. Staff said there is no open space showing that is my fault we will definitely show that. There is no residential showing in the mixed-use portion; we will most likely show that in the next phase. Since I put the sign up on the property I have had several calls from people wanting to build.

J.B.-Is it currently in crop?

Brad Hawkins Clark-Yes.

Fred Nussbaumer-A year ago I met these gentlemen. I just wanted to make that known.

Chairman Ethington opened the public portion of the hearing.

Ron Leonard-277 W. Black Canyon.

I own property that butts up to this land. My main concern is what is going to happen if they put any kind of development on that corner. How are they going to have any access? What is going to happen to my ditch water, am I going to have to get pressurized water? They've talked about bringing in gas, are they going to make me get gas? I don't know if Haw Creek is considered wetland, I don't know how they are going to build any houses in there. The existing hardware stores are suffering right now, I know we have to have development but I can't see it.

Chairman Ethington-Are you for or against?

Ron Leonard-I'm not for it.

Farrin Farnsworth-2220 Haw Creek Circle.

I own forty acres just south of it. I am concerned about some of the driveways that are going into the property especially on Central. There may be a time when I want to sell to a developer; they may want a road coming into my property from Central. If I were living where this proposal is on this map I would be very unhappy because lights would be coming into my house. The question I have is, what kind of setback or minimum requirements does the Gem County Road Department require for putting in a driveway if you are coming off of Washington onto Central? I don't know if it is a thousand feet or a hundred feet. That is my only concern. I think it is going to happen I think we are ten to fifteen years away. I thank you for your time.

Terry Walker-225 West Central.

I am just directly south across Central. Our driveways butt head to head on what is on the map. My main concern is the general change in the whole atmosphere. Right now it is a good place for kids and grandkids to play. That is a big change a high intensity commercial look from the way it looks now. Lights, traffic, etc.

Earl Lewis-

On the concept map, I have a driveway coming into my driveway. I am really opposed to the feasibility to the whole thing. When you consider the empty buildings we already have. I think we can make better use of this land instead of adding more empty buildings to the County.

John Winter-522 W. Central.

My property is adjacent on the west side. I have five acres there. I have some concerns. I am concerned along the highway where they are showing five accesses off of that, it sounds like too much. It looks like there should be a frontage road and maybe one access. There are a lot of cars that go through there. The next thing I would like to make sure of, I am

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very concerned about the water and sewer. It is away from me right now, I am really interested on what is going to happen on the residential part of it because I have a well. I am afraid if there are a lot of wells going in there I will have to do something. I will either have to go deeper or have a well problem. I want to really make sure that you guys look into that. I think the irrigation could be a problem on the residential part that is not easy to irrigate. I have heard that Haw Creek has flooded in the past. I don't know if it is a flood plain or not, but if you go down there it is really low. Is there going to be any run off, containment ponds, or storm sewers because my access lane is about on the same level as Haw Creek and I would like to not see it get flooded. These are issues that I know require additional planning as the thing develops.

Chairman Ethington-Basically look at the whole concept of the commercial area right now. I know at some later date that will be a good issue, but probably not tonight.

J.B.-Even on the driveway issue, she should have put a piece of yellow paper that says commercial and nothing more because where they put driveways has nothing to do with reality. It is strictly a concept right now.

John Winter-My ulterior purpose is to make sure that this is brought out because eventually it could be an issue. Fire protection for the commercial area. Is there pressure there? If there is do the taxpayers have to pay for taxes to bring the hydrants up there? I have comments on the residential.

Chairman Ethington-I would just address the commercial concept that is what she is presenting at this time.

J.B.-I would like us to keep on point. Fire abatement and some items have no relevance tonight.

Chairman Ethington-I want to give these people an opportunity to say something. I want to mention this concept is mainly around the commercial area. The future west area of residential is not even on the comprehensive plan so you can't even put anything there right now other than it is a forty-acre zone. It is a concept on the commercial area if you want to see that area developed. If you think it is the right thing to do at this time, or if it should be down in Emmett.

Carl Peterson-2434 Haw Creek.

I live on the corner of Central and Haw Creek and I am opposed for the record. I live there because it is a rural setting. I don't want to live where there is a gas station on every corner. How many of you would want a gas station across the street from you? I don't want to see the lights, garbage, twenty-four hour traffic that a commercial place will bring in. I am concerned about water and Haw Creek. I know we have rules for containment but especially fuel. You look at all the old fuel centers that have gone up over the years, I know we have new regulations, but once it gets in the aquifer how do you get it out? I am

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concerned about the way of life. I like the Walker's have small children and twenty-four hour traffic is not a family atmosphere and that is why I live where I do. Those are my concerns, if you want suggestions I think it would be a great idea to put a nine-hole golf course with homes on it.

Mark Rekow-2696 U.A. Avenue.

My property borders the northwest corner of the proposed development. I don't feel what is proposed fits into the surrounding areas. I feel that it is agriculture property and should continue to be agriculture property. When the residential phase begins that will border where I farm. I already have one individual that says I am disturbing his peace and quite. I am totally opposed to it. It should be agriculture ground.

Terri Barrus-2360 U.A. Avenue.

I want to complement Brad on the Staff Report. When I saw the original plan I almost had a heart attack when I first saw it. It made me feel a lot better when I heard Angie talk. She is trying to find something that fits in that area. When I was going through this I hit upon several items that have been discussed already. The Zoning Ordinance states that in the mixed-use zone residential is allowed and that office, commercial, and light industrial will be allowed by special use permit. Brad mentioned several items in the staff report to keep in mind with the special use criteria. I am encouraging you to keep in mind those items he has listed on page nine. If you have a doctor's office or a restaurant with low lights I don't think that would be as disturbing as a place with big bright parking lot lights and two hundred and seven parking lot spaces. I think you are looking at having more traffic coming in off of Central because of the restrictions from the Idaho Transportation Department on the highway. I think you need to put something that will not have a huge amount of traffic. I think the staff report is self-explanatory and I wanted to reiterate those things that I thought were important.

Stan Smith-2428 North Washington.

I have seen a lot of the development that is happening here. My mother lives right across the street. All of the businesses in the commercial development already exist here in Emmett. The existing use is agriculture and residential that is the character of this neighborhood. The commercial area that is proposed here is out of line in this area. All of the traffic problems, noise, and the lights should indicate that this is maybe a nice idea for folks from California that want to develop this area in this fashion. I don't think you want to turn this into California. If there is an access road put in for commercial use then it probably shouldn't come out of the residential side of things. If Haw Creek does have year round water then by federal standard it should qualify as wetland and you should take that into consideration.

Martin Joyce-2465 Haw Creek.

I am concerned with the traffic coming off. From where I live you can't see the Walker's driveway or the Lewis' driveway. We have a lot of kids in that neighborhood and they gather at my house for the bus stop. As far as businesses go just down the road we have just

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about every business that they are proposing. I don't see it being a benefit to me or people in the area to continue with this.

Angela Comish-I don't have a lot of rebuttal, those are all very valid points. Idaho Transportation Department told us it was up to you guys as far as what the driveways will have to be. If it is a thousand feet spacing for access then we will only have one access on Washington, there won't be a ton of driveways. I can totally respect your concerns for kids and your street over there on Central. I guess the best thing that I would see that we do is line up driveways with people's driveways so we don't add conflicting traffic in that area and we try to minimize the number of driveways. I would not want big lights; I would want a restaurant or something that is low lying. I would want something subtle and low key. I think professional offices would be appropriate. This is your current comprehensive plan that shows this area zoned mixed use and your proposed shows it as mixed use as well. If you don't want it there it needs to be taken off the comprehensive plan. I look forward to your input and any questions I can answer.

Chairman Ethington-Even though that is a mixed use there, we treat it like a special use permit. Even though there are many other uses we have to take the consideration of the surrounding areas and they are not all allowed depending on if they fit the criteria of that special use or the mixed-use zone. It is kind of a tricky deal but that is why we are here tonight to discuss it.

Don Wilkerson-In the staff report it says you can develop this piece without a Planned Unit Development under current zoning and subdivision ordinance. Can you tell us why you are not trying to go through that process rather than a Planned Unit Development?

Angela Comish-I suggested some of those lots to be smaller than an acre to provide the opportunity for small businesses to be able to locate here.

Don Wilkerson-If it is zoned mixed use; does it have to be one acre in size?

Brad Hawkins -Clark-There is a one-acre minimum in the mixed-use zone.

David Poole-I think you are into septic and water issues.

Angela Comish-I want to clarify, as far as water systems, it will be community water systems. I have already talked to the Health Department on that.

Don Wilkerson-You went through several concepts until you got to this one; I noticed that several of your lots especially on the north side are less than one acre. How does that deal with septic systems?

Angela Comish-That is going to have to be one acre minimum.

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Don Wilkerson-Any thoughts on a centralized sewer system?

Angela Comish-That is a possibility. We will either do a couple of central sewer systems or one large one.

David Poole-Maybe we need something on the line of an assisted living facility. It would be lower impact and not as much traffic.

Angela Comish-I had a call on that the other day; I think that would be an excellent idea.

Chairman Ethington closed the public portion of the hearing.

J.B.-Other than the fact that she hurt herself by putting too much information on the map, I think commercial use along the highway is very appropriate and it should be addressed. I don't think we have enough empty buildings because I've been trying to buy some. The prices that they are asking, you can build a brand new one. This no growth in my back yard concept, according to the projections twenty years from now all the way from Boise to Ontario and up to Horseshoe Bend is going to be city. We need to get a head of it and address it or watch the train go by and deal with it in other ways. I think along the highways are appropriate places for Commercial. I keep hearing that this town needs a good restaurant. It is not going to happen until the growth gets here and people come around to support it. I am in favor of developing commercial north of the river along Highway 52. I would like to see it done.

Don Wilkerson-I think it is a good plan, but maybe at the wrong time. I think we need to get infrastructure up there to support before we start doing developments like this this far outside of the City. As our Comprehensive Plan says we should encourage growth within the urban type area. Which is closer to the city area of impact, which this is outside of. They said the second phase would be residential, I think we need to see some residential in with the commercial. It sounds like we have addressed access along the highway, which was one of my concerns. Frontage roads may be required. I think it is going to get there, but I don't know if it is going to get there right now.

Fred Nussbaumer-I know we are going to have growth there, and I know it is going to happen. Is it better to look at an area we have some control over then to have it spread over the entire farming area. This is away from the main area and I realize that there are a lot of people it is going to affect. I live below this area and I am concerned with new development as far as the water quality and sewers. Parts of Don's comments I certainly agree with, we need some control of the water and sewer systems up there. Whether it comes from the City or somewhere else, it needs some real serious consideration.

David Poole-I concur with Fred and J.B. in the fact that along the corridor we try to guide those things not to say that that land is that way. If we are going to do these things we want to keep it along these business corridors. The impact on the types of business suggested

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probably are not going to work especially when she has to come before us for a Special Use Permit. As a P&Z member I have to listen to that and try to weigh it. I think we have the corridor there find the type of business or residential that will work with the area and then go that direction. I think there is probably some out there. I know we are trying to follow those lines and we have some ability to get them to address it as far as landscaping making less impact on people as they go by. I think we have a lot of input from the public side as well as input from our side to make it work the right way. I think we have to have some control, let's try to maintain it.

Chairman Ethington-The general concept is way too premature for the valley right now. We are too far from the infrastructure of Emmett. We are seeing the growth down in Emmett rather than going north. We really have to listen to the public here because that is their neighborhood. Following the criteria of the special use permit is relevant in this application and will it be harmonious with the surrounding area. I don't believe it will, it is too harsh, too quick, too fast. I think Dave had a good idea something with a softer approach something like an assisted living facility You have to look at the comprehensive Plan also, we are encouraged to put new commercial uses and offices in Letha, Sweet, Ola, Montour and Emmett. We really have to look at that.

David Poole-As far as the residential zone that is going to take a rezone. The mixed-use corridor is there.

Chairman Ethington-It is zoned for that, but we can treat it as a Special Use Permit and look at each application. The feeling from the commission as well as public we would not be in favor of having a stark commercial change.

J.B.-We have to put a motion that we are looking at that to be commercial. I got the feeling from three commissioners that they wouldn't be opposed of them addressing it as commercial and going forward with some sort of plan.

Chairman Ethington-We are saying the sketch she has there is too high density right now. We are saying to take it back and redraft it. We are not saying we're not against commercial.

J.B.-Would we have looked at it any differently if she had just pasted a yellow piece of paper saying that it would be commercial?

Chairman Ethington-I would have asked what type of commercial.

David Poole-I think that would be a little too vague. I think she wanted something more than just that.

Chairman Ethington-To her benefit knowing what we are saying her will help her when she comes back for the Special Use Permit. This gives her a guideline.

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David Hargraves-To clarify, we have two applications, the first is a sketch plat that relates to the subdivision aspect of the development. The second application is the preliminary development plan that is under the Planned Unit Development section.

Chairman Ethington-We have mainly been discussing the Sketch Plat tonight.

Brad Hawkins-Clark-I think you have been addressing the Planned Unit Development. The sketch really hasn't gotten much discussion tonight. That is really more about the layout, not the uses. There is no formal action in the ordinance required for that. It is basically Angie being able to take some of your thoughts and comments. The sketch plat actually says preliminary plat on it.

David Hargraves-The sketch plat you don't need to take any action. If this were to go forward you would be addressing it as a subdivision. This is a Planned Unit Development and subdivision. For the Planned Unit Development you are being asked to take action to either approve or deny. Approving that in principle would allow them to file a final plan.

J.B.-I would like to approve it in principle. Something needs to go there, we agree that it is going to be commercial. Let them take the input we have given them tonight and come back with something that is appropriate.

David Hargraves read into record the standards for a Planned Unit Development.

David Poole-The reason for considering a Planned Unit Development is to allow for smaller lot sizes. Do they still have to come before us for a Special Use Permit? So we are still controlling what goes there.

David Hargraves-To me it looks like you are approving a concept with the standards of a Special Use Permit. Once the preliminary development plan is approved in concept that allows them to file a final development plan.

Chairman Ethington-The concept what they presented is not what we are looking at for all various reasons stated. If that is the case do we present it to her to go back and give us another sketch to go back and soften the edges?

David Hargraves-This is the first Planned Unit Development I have done. I am trying to figure out what the ordinance wants us to do.

Chairman Ethington-It sounds like that is what you are saying. Bring back another sketch that fits into the comprehensive plan and the surrounding areas.

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J.B.-To me the concept plan is that that corner is going to be commercial. That is the concept. I would like to be able to say that concept of how it would get there and whether there is enough water and sewer and these other things come later.

David Poole-Those things have to be addressed through the system.

J.B.-But the concept of that corner being commercial I would like to go forward with.

Don Wilkerson-It is already commercial as mixed use. They don't have to go through a Planned Unit Development to have commercial. The only thing a Planned Unit is to allow for smaller lot sizes.

David Hargraves-I think we are just considering that corner that eleven acres, that being commercial.

Chairman Ethington-I thought the whole idea of what was coming to give a general concept of what they want to do. We have done that as well as the public, we are not saying we are opposed to the commercial, we are just saying to go back and soften it up.

David Hargraves-I think that is a reasonable interpretation.

J.B.-Are we encouraging them to go forward or are we telling them to go out and do it and waste their time because we are not going to look at it as commercial?

Chairman Ethington-I think she has the general drift of what we are saying here.

David Hargraves-I think the danger of approving it and not being happy with what was suggested by the applicant is that if something similar to that was brought forward after you had approved that concept and then you denied it and the Board of County Commissioners denied it ultimately, it's like saying go ahead and do it then once it comes before you, you say no.

David Poole-Under a special use does it have to go in front of the Board?

David Hargraves-This Planned Unit Development has to be approved by the board.

J.B.-If we call it a restaurant are we restricting any future business from doing something different in that building?

Chairman Ethington-No not future it just depends on what the environment entails at that time. Maybe the Comprehensive Plan will change at that time. What Don and Dave are saying this might be a few years early; maybe five years from now might be the time. What we discussed is that Emmett is two miles that way, and they are trying to put Emmett two miles this way. They are not against growth; they just trying to have controlled growth.

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J.B.-One way or another I want to encourage what they are doing.

David Poole-My concern about accepting or denying the Planned Unit Development concept is the way it is presented now. I personally could not accept the concept as it is presented now. I think for the residents' concerns and my concerns we need something more. I don't think she was looking for hard and fast, she was looking for input. Lets leave it open and get some more input.

Don Wilkerson-For clarification; is this a Planned Unit Development?

David Hargraves- Yes.

Brad Hawkins -Clark-The Ordinance actually requires that the Planned Unit Development to show the entire thing. You are required to look at the whole thing. I think that is part of your motion if you get to that point is to say generally do you like their idea of residential on the western sixty percent and putting multiple commercial over on the east or do you want to see residential in the mixed use area? Think more on the broad land use terms like office, commercial, multi-family. It is more helpful to think of a concept if you think in land use terms instead of specific uses.

Chairman Ethington-If you are looking at considering the whole ninety-three acres as a Planned Unit Development, it is a direct violation of the Comprehensive Plan we can't even address it.

Brad Hawkins -Clark-There are two pieces to the concept, one is the overall use, but then you have specifically the ten acres that is being proposed. I think you can address that as a subset of your motion.

J.B.-Made a motion to reopen and continue the hearing for a Planned Unit Development with a Sketch Plat where she can present additional information so staff can review it more and will have more appropriate information at the time.

David Poole-And possibly give legal counsel some time.

David Hargraves-I prefer to see you narrow the commercial types of businesses because the concept is to for hardware stores, gas stations and restaurants. I think that scope needs to be narrowed.

J.B.-We are hoping she will present something different next time.

The motion received a second.

In Favor-J.B., David Poole, Fred Nussbaumer.

Opposed-Don Wilkerson.

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Vote: 3 to 1.

Don Wilkerson-Instead of us telling the applicant what we would like to see the applicant is going to come to us.

Brad Hawkins-Clark-That is what I heard.

Regular Meeting:

Item One – Approval of Minutes of May 8, 2006; May 15, 2006; and May 22, 2006.

Don Wilkerson-Made a motion to approve the minutes as corrected.

Motion received a second.

Vote: Unanimous.

The minutes were approved and signed.

Item Two–Items from the Public.

Rick Welch-On any Technical Review Committee's we need to make sure that the Fire District is notified.

Item Three – Items from the Planning Director.

Brad Hawkins-Clark-On the Subdivision Ordinance the Board has meetings scheduled next Monday and Tuesday, Monday in Sweet and Tuesday here at 6:00 P.M. They have a draft number three that has all of your amendments. They also have a draft number four that has several other modifications. They are not significant things; some of them are things such as time frames. Item B, the joint City/County water information meeting date is July 10, 2006 at 5:30 and the City/County Comprehensive plan meeting will start at 6:00, and the regular meeting to start at 7:00.

J.B.-Doesn't the water issues come under the direction from Southwest District Health's authority?

David Poole-For planning purposes, if there is an area off concern, we need to be aware.

J.B.-We can't deny something based on water.

Chairman Ethington-Yes we can, that is our job.

David Poole-We can suggest that we don't want to bring it down to one-acre lots.

Brad Hawkins-Clark-You are not a regulatory agency with authority from the state of Idaho to regulate water quality or quantity, but you are the designated planning agency.

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One of the things that the state land use-planning act says is that you have to consider water.

Don Wilkerson-This meeting is information instead of site specific, correct?

Brad Hawkins -Clark-Exactly, it is up to you.

Chairman Ethington-If you do this, you should mention to him to keep it short.

Brad Hawkins -Clark-I would like your feedback on the applications; the ordinance requires that we process these applications in a certain period of time. We don't know for sure how many applications we are going to have after the moratorium is lifted. Two meetings will be scheduled in July and August if it is necessary. You don't actually hold hearings on the minor subdivisions, but we will send you a copy of the minor subdivision in the packets. If you want to talk about them you would say at the beginning that you want to pull it off the consent and put it into the regular. If you don't then you can just approve it, you don't even have to talk about it.

Chairman Ethington-That sounds good.

Item Four– Items from the Deputy Prosecuting Attorney.

David Hargraves-Dave asked a question about continuing versus tabeling. You continue when you need more information. You can table if you have all the information you need, but need more time. You want to be sure that the record has everything you need before it is tabled. For your next July meeting we have some Zoning Ordinance amendments.

Item Five-Items from the Zoning Commission.

Chairman Ethington-I just wanted to let you know you guys are doing a good job getting us information on these reports.

Don Wilkerson-I gave Jennifer some information on a clock we could use. I suggest we look into using that.

Item Five –Adjourn.

David Poole- Made a motion to adjourn.

The motion received a second.

Vote: Unanimous.

Vice Chairman Ethington closed the meeting at 10:45 p.m.

MINUTES
GEM COUNTY PLANNING AND ZONING COMMISSION
GEM COUNTY COURTHOUSE
June 12, 2006

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Chairman

Secretary