

May 21, 2007

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*2 **GEM COUNTY PLANNING AND ZONING PUBLIC HEARING***

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*6 **Date: May 21, 2007***

*7 **Time: 7:00pm - 8:55pm***

*8 **Place: Gem County Courthouse***

9

*10 **MEMBERS PRESENT:***

*11 **David Poole, J.B., Lawrence Whitsell, Brent Jensen, and Don***

*12 **Wilkerson***

13

*14 **MEMBERS ABSENT WITH PRIOR NOTICE:***

*15 **Fred Nussbaumer***

16

*17 **MEMBERS ABSENT WITHOUT PRIOR NOTICE:***

*18 **Sissy Stewart***

19

*20 **OTHERS PRESENT:***

*21 **Wendy Atkins - Planner 1, and David Hargraves - Prosecuting***

*22 **Attorney***

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*24 **This is a summary, not verbatim.***

*25 **Transcription done by Amanda Shaw***

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PROCEEDINGS

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City of Emmett, Gem County, May 21, 2007

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5 **Consent Agenda - Item No. 1-A El Paso Road Subdivision**

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Item No. 1-B Truesdail Subdivision

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8 **MR. DAVID POOLE:** *Tonight we do have a quorum. I apologize*

9 *for missing last week. So I guess it's time we get started.*

10 *Meeting will come to order. We have a couple of items on our*

11 *minor subdivision review. Gentlemen, are there any of you that*

12 *would like to pull anything off the consent agenda?*

13 **MR. DON WILKERSON:** *I have a couple of questions for staff.*

14 *In the staff report it mentioned that Lots 2 and 3 would have a*

15 *joint access off of El Paso Road, and it says it's 30 feet wide.*

16 *Is that 30 feet wide on each lot or 30 feet wide total?*

17 **MS. WENDY ATKINS:** *My understanding is it's a 30 foot wide*

18 *total.*

19 **MR. DON WILKERSON:** *That's only 15 feet each side of the*

20 *property line. I don't think that's enough.*

21 **MS. WENDY ATKINS:** *Okay.*

22 **MR. DON WILKERSON:** *Also, have they resolved the issue of*

23 *the 30 foot set back from the toe of the slope to protect the*

24 *canal?*

25 **MS. WENDY ATKINS:** *That's a recommendation on further*

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1 *finding of the plat.*

2 *MR. DAVID POOLE: We're talking about the first one on*
3 *here; I think it was the El Paso Road Subdivision.*

4 *MR. DON WILKERSON: I see it's a recommendation but I don't*
5 *know if it's a condition. Okay, they do show it as a condition*
6 *there. But I'd like to pull it off to discuss that shared*
7 *access of only 30 feet total. When you talk about the 30 feet*
8 *total for the canal, there's an item here. Item 2 in the notes*
9 *says, there shall be no construction of any structure within 25*
10 *feet of the east toe of the slope of the C-Line West Canal. So*
11 *there's a conflict between the staff report and the notes on the*
12 *plat map. So I think there ought to be some discussion on that*
13 *one.*

14 *MR. DAVID POOLE: Well I think he's got a staff question on*
15 *that one, do you as well?*

16 *MR. DON WILKERSON: I just think it ought to be pulled off.*

17 *MR. DAVID POOLE: On the El Paso?*

18 *MR. DON WILKERSON: On the El Paso. Shall I go on to the*
19 *other one?*

20 *MR. DAVID POOLE: That's why you got the floor. Go ahead*
21 *and then we can make a motion.*

22 *MR. DON WILKERSON: This is called Truesdail. There was a*
23 *question in John Henderson's notes that says, "where does a 15*
24 *foot easement end and a 10 foot easement for the irrigation*
25 *start and end?" And I don't think there's been a resolution to*

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1 that. Also, in some of our previous discussions, as the Board
2 of County Commissioners made the decision, where you take an
3 additional 15 feet to make a 40 foot road easement on a county
4 road, that structures have to be removed. I think the Highway
5 District, in his letter, said an irrigation ditch would have to
6 be removed. So do you know if the County Commissioners have
7 changed their stand on that? David, do you know?

8 MR. DAVID HARGRAVES: You're going to have to repeat that
9 for me.

10 MR. DON WILKERSON: In the past, if a structure was within
11 that 40 foot easement for a road right-of-way, a new dedication,
12 it had to be removed before the final plat. The Board of County
13 Commissioners was maybe going to look at that a second time.

14 MR. DAVID HARGRAVES: Commissioners are taking a look at
15 them on a case by case basis. I mean, there are some
16 exceptions.

17 MR. DON WILKERSON: So how do we treat it; case by case
18 basis?

19 MR. DAVID HARGRAVES: I'd say consider it and make a
20 recommendation to the Board.

21 MR. DON WILKERSON: Okay.

22 MR. DAVID HARGRAVES: What the Commissioners are looking at
23 is the difficulty to the applicant, the likelihood of the road
24 being widened, the right-of-way being used. And if it does look
25 like it's going to be widened or going to be a problem, they're

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7

1 willing to enter kind of an agreement, let it stay there until

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2 such time the County decides to widen the road.

3 MR. DON WILKERSON: Okay. So what your saying is that's
4 the Bord of Commissioners decision, not ours?

5 MR. DAVID HARGRAVES: Yeah. You could make a
6 recommendation to them.

7 MR. DON WILKERSON: The Intermountain Gas show they need a
8 5-foot easement down the interior lot line. I have no problems
9 with the Truesdail as it's shown.

10 MR. DAVID POOLE: Anybody else have a question for staff?
11 If not, then, Don, would you like to present a motion?

12 MR. DON WILKERSON: I make the motion that from the consent
13 agenda that we accept Truesdail Subdivision, as presented by
14 staff, with attached conditions.

15 MR. DAVID POOLE: Okay, and how about the El Paso? You
16 want to move that?

17 MR. DON WILKERSON: And El Paso, make a motion that it be
18 moved -- we move from the consent agree for further discussion.

19 MR. DAVID POOLE: So your making a motion to recommend to
20 the County Commissioners the Truesdail Subdivision and to remove
21 from the consent agenda the El Paso Road Subdivision, right?

22 MR. DON WILKERSON: That's correct.

23 MR. J.B.: I'll second that.

24 MR. DAVID POOLE: And it's been seconded by J.B.. All
25 those in favor signify by saying 'I'. Opposed same sign.

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1 Motion carries.

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3 (Vote unanimous.)

4

5 *Items Removed from the Consent Agenda - Item No. 1-A El Paso*

6 *Road Subdivision*

7

8 *MR. DAVID POOLE: Okay. So Truesdail has been recommended*

9 *for acceptance for the County Commissioners. Back to El Paso*

10 *and discussion from the Board Members. Any further discussion?*

11 *Don, you want to make any determination on that one?*

12 *MR. DON WILKERSON: My first discussion is the joint access*

13 *for Lots 2 and 3. If it's 30 feet total, I don't see that as a*

14 *wide enough driveway to access those two lots. There ought to*

15 *be at least a minimum of 40 total. That would be 20 feet each*

16 *side of property line.*

17 *MR. DAVID POOLE: Any Commissioners have discussion on*

18 *that? Then would you like to put that in the form of a*

19 *recommendation to the Board of County Commissioners?*

20 *MR. J.B.: Does 40 meet our code?*

21 *MR. DON WILKERSON: Well if you want to go 40, it's 40 each*

22 *side of the property line. That would be a total of 80. That*

23 *might be a little too wide for short driveways onto the*

24 *property.*

25 *MR. DAVID POOLE: So what your saying is that you feel it*

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9

1 *needs to be adjusted to 40 feet.*

2 *MR. DON WILKERSON: Right.*

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3 *MR. DAVID POOLE: 20 feet either side of the property.*

4 *MR. DON WILKERSON: Okay. Question for Wendy. How do you*
5 *want to address conflict between the note on the plat and the*
6 *recommendation on the canal bank? Do we go by the plat or do we*
7 *go by the staff recommendation?*

8 *MR. DAVID POOLE: Well staff recommendation is greater than*
9 *the one on the plat, is it not?*

10 *MR. DON WILKERSON: Yes it is.*

11 *MS. WENDY ATKINS: And that staff recommendation was based*
12 *on a conversation with the Black Canyon Irrigation District.*
13 *Again, it was a verbal conversation. I understand you want that*
14 *stuff in writing but.*

15 *MR. DON WILKERSON: Okay.*

16 *MR. DAVID POOLE: Okay.*

17 *MR. DON WILKERSON: I have one just generic question.*
18 *There's a statement on page 6. When it says prior to Board*
19 *review, is that the Board of County Commissioners?*

20 *MS. WENDY ATKINS: That's correct.*

21 *MR. DON WILKERSON: Okay. It says the applicant shall meet*
22 *with the County Road and Bridge Department regarding potential*
23 *dedication of right-of-way for El Paso road.*

24 *MS. WENDY ATKINS: Yes.*

25 *MR. DON WILKERSON: And that's when it's on a section line*

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10

1 *or a quarter section line?*

2 *MS. WENDY ATKINS: Actually, it's whenever there's supposed*

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3 to be a dedication.

4 MR. DON WILKERSON: But our ordinance says usually on a
5 quarter section line or section line it would be 80 feet.

6 MS. WENDY ATKINS: Right.

7 MR. DON WILKERSON: This is on a section line a quarter
8 section line. I guess my question is why do they have to go to
9 the County Road Department when it's an ordinance item? It
10 should be cut and dry. I'm just asking a question for my own
11 information.

12 MS. WENDY ATKINS: That's a good question. I can further
13 research it if you'd like.

14 MR. DON WILKERSON: Okay. I make a recommendation for
15 approval to the Board of County Commissioners with suggested
16 changes, that the joint access of Lots 2 and 3 be increased from
17 a total of 30 feet to 40 feet, and that the dedicated easement
18 to protect the canal be shown as 30 feet, per the staff report.

19 MR. DAVID POOLE: Second to the motion.

20 MR. LAWRENCE WHITSELL: I second it.

21 MR. DAVID POOLE: Been seconded by Lawrence Whitsell.

22 MR. J.B.: Discussion.

23 MR. DAVID POOLE: Discussion.

24 MR. J.B.: Mr. Chairman.

25 MR. DAVID POOLE: Go ahead, J.B..

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11

1 MR. J.B.: Don, I agree with you on Item 3. I'd personally
2 like to see you have an amendment that changes this. That it
3 not be subject to County Road Department, but that it meet our

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4 ordinances. So I would like to make a motion to amend the
5 motion on the floor, to take Item 3 and stipulate that the road
6 would meet ordinance, that it's not subject to the road and
7 county departments.

8 MR. DAVID POOLE: Okay. So your amendment will be rather
9 than 30 feet --

10 MR. J.B.: No. My amendment is strictly to this sentence
11 here that he brought up. Prior to the Board review meeting, the
12 applicant shall meet with the Gem County Road Department. No.
13 That the roads will meet ordinance.

14 MR. DAVID POOLE: Okay, in this particular subdivision. So
15 you want to amend his motion?

16 MR. J.B.: To add on Item 3 that any agreements will meet
17 County ordinance.

18 MR. DAVID POOLE: Okay. Is there a second to that
19 amendment?

20 MR. DON WILKERSON: I second it.

21 MR. DAVID POOLE: Don Wilkerson seconds that amendment.
22 Discussion on the amendment? If not, all those in favor of the
23 amendment to the motion signify by saying 'I'. So we've got a
24 unanimous decision on that.

25 (Vote unanimous.)

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12

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2 MR. DAVID POOLE: Discussion on the motion as amended. If
3 not, all those in favor of the motion as amended signify by

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4 saying 'I'. Opposed same sign. Motion carries unanimously.

5 That is going to be recommended to the Board of County

6 Commissioners with the amendments that were made here.

7

8 (Vote unanimous.)

9

10 Public Hearing - Item No. 1 - (Continued) Rezone #RZ-07-007

11 Draper Enterprises, LLC.

12

13 MR. DAVID POOLE: Okay. Next item on our agenda is the

14 Draper Enterprise, LLC. It was continued. Dave, can you, for a

15 public record, give us a little comment on that? I see that we

16 have some information from you here. The development agreement

17 that we had talked about on that, does that apply to this one?

18 MR. DAVID HARGRAVES: Yes. I think the only question was

19 whether the developers were going to attach to the whole

20 property or just the piece that's being requested to be rezoned.

21 I think I've given you all the information that I have for you

22 there.

23 MR. DAVID POOLE: So your statement is that it can be

24 attached to the whole --

25 MR. DAVID HARGRAVES: Yeah. I mean the statutes refer to

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13

1 the parcel and the whole thing is the parcel. So the whole

2 parcel can be subject to the development agreement.

3 MR. DAVID POOLE: Okay. I guess we need to reopen this in

4 hearing. But the only items that we're going to open for the

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5 hearing are what we continued this for, and I guess that was the
6 development agreement. Gentlemen, any other things? We're
7 discussing the existing approach.

8 So is the applicant present? Any comments you'd like to
9 make? Okay. If you want to step forward.

10 MR. JERRY RADANDT: My name is Jerry Radandt. I don't have
11 any problem with what the PA's asked of us.

12 MR. DAVID POOLE: All right. Any questions from the Board,
13 gentlemen. Thank you, Jerry. Okay. Any further input for
14 Draper, LLC Rezone #RZ-07-007? If not, we'll close the public
15 hearing portion of that and bring it before the Board.

16 Gentlemen?

17 MR. DON WILKERSON: I wasn't here during the initial
18 meeting but I have one question and it might be directed to
19 Dave. In the letter you sent us, in that first bullet there,
20 the question was whether development would pertain to the total
21 partial or only the 9.7 acres on the south. Per your letter, it
22 looked like your determination, it would pertain to the entire
23 partial.

24 MR. DAVID HARGRAVES: Yes, if that's what you wanted.

25 MR. DON WILKERSON: Okay. Then I think when you put the

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1 draft out for the development agreement, Item A says future use
2 constructed on the north, 650 feet of said property. If your
3 determination on the first letter says the DA would apply to the
4 entire partial, wouldn't Item A also apply to the entire

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5 *partial?*

6 *MR. DAVID HARGRAVES: I'm not sure what document your*
7 *referring to but I don't think I sent you a document. I sent it*
8 *to Brad.*

9 *MR. DON WILKERSON: Well he sent us a copy.*

10 *MR. DAVID HARGRAVES: Yeah, I didn't draft that. Brad*
11 *drafted that.*

12 *MR. DON WILKERSON: Oh, Brad drafted that. I apologize.*

13 *MR. DAVID HARGRAVES: Sorry I can't answer that.*

14 *MR. DON WILKERSON: Okay. I guess I'll address my question*
15 *to Wendy.*

16 *MS. WENDY ATKINS: Okay.*

17 *MR. DON WILKERSON: Shouldn't that bullet one, on this*
18 *letter dated 5/9 also include the total on Item A, on the draft?*

19 *MR. DAVID HARGRAVES: I'm not sure we're following you.*

20 *MR. DON WILKERSON: It says that they've made the*
21 *determination that the DA wouldn't involve the whole partial,*
22 *right?*

23 *MS. WENDY ATKINS: Right.*

24 *MR. DON WILKERSON: Okay. Then you go over here to the*
25 *draft of the development agreement, and it says therefore all*

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1 *future new construction on the north 660 feet of the said*
2 *partial would only be acceptable to review. To me, they're*
3 *contradicting themselves. If he's going to say the DA applies*
4 *to the whole partial, to me, this Item A down here should also*
5 *apply to the whole partial, not just the north 660 feet.*

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6 MS. WENDY ATKINS: *My understanding, when I spoke with Brad*
7 *regarding this today, what they're talking about is the 660 feet*
8 *would fall within the site plan review for landscape and things*
9 *of that nature, versus the development agreement. Does that*
10 *make sense? So the first 660 feet, you would have a site plan*
11 *for, is my understanding. The rest of the parcel would be the*
12 *development agreement.*

13 MR. DON WILKERSON: *Okay.*

14 MR. JERRY RADANDT: *The front 10 acres is all commercial.*

15 MR. DON WILKERSON: *Yeah. It's in the mixed use zone.*
16 *That's what the 660 feet is. But I don't see in the draft where*
17 *it addresses the remainder 1800 or so feet of the property to*
18 *the south. I guess that's my question.*

19 MS. WENDY ATKINS: *Okay.*

20 MR. DAVID POOLE: *I think it's the next, 1-B states that*
21 *the developer agrees that any use of the property for*
22 *outdoor/indoor storage will be restricted to the southern half*
23 *of parcel. In other words, the first 660 or 10 acres, whatever*
24 *the case is, they submit landscaping and building elevations for*
25 *review. That first 10 acres is going to be so obvious off of*

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16

1 *the road and the back part of it is just going to come under*
2 *commercial zoning.*

3 MR. DON WILKERSON: *So the back part they won't have to*
4 *have reviewed.*

5 MR. DAVID POOLE: *They don't have to have a site review.*

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6 MR. DON WILKERSON: Okay. Does that answer your guy's
7 question about the first 250 feet of the partial south? That
8 probably should have been 660.

9 MR. DAVID POOLE: Well we're in the position to change it
10 if we feel like it.

11 MR. DON WILKERSON: That was just a question I had. So the
12 development agreement really only applies to the front 660 feet,
13 on Item A?

14 MR. DAVID POOLE: Yeah. The item A is just for the
15 building elevations and the landscape plans, not for review. So
16 at this point do we want to make any determination for rezone?
17 We refer this to Gem County Commissioners. There is another
18 hearing. Any of you want to put this in the form of a motion so
19 we can move forward?

20 MR. J.B.: Well part of that motion needs to include or
21 apply the development agreement to the entire parcel.

22 MR. DAVID POOLE: Well the development, yes. That's what
23 we need to do is to put this, you got a draft for that. So one
24 of you need to suggest that that's the way you feel. Then we'll
25 suggest to the Board of County Commissioners that this whole

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1 parcel be rezoned as commercial. That's what he's asking for,
2 right?

3 MR. DON WILKERSON: The south 9.7 acres.

4 MS. WENDY ATKINS: Right. That's correct.

5 MR. DAVID POOLE: Well the first part already is, but by
6 giving him that, what we're saying through a development

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7 agreement -- then we have this draft here that we're going to
8 recommend that the Board of Commissioners do a development
9 agreement with this draft.

10 MR. LAWRENCE WHITSELL: Mr. Chairman, I have a question on
11 that 660 feet. Is that the corridor width or is it less than
12 that?

13 MR. DAVID POOLE: That's the corridor width. That's
14 already a mixed use corridor. So what we're asking him, to give
15 him the commercial zoning that he's requesting, from what I
16 understand, that we have a little more control of that first 660
17 feet by getting building elevations and landscape plans.

18 MR. J.B.: Mr. Chairman. From the public input we have,
19 regarding this and their opposition to storage units on the
20 corridor coming in, have we addressed the concerns by only
21 applying this review to the first 660 feet?

22 MR. DAVID POOLE: Yeah, but this second Item B says that
23 all the storage will be on the back.

24 MR. J.B.: I understand that, but the storage was the issue
25 in the first place. Storage at all was their issue. So just by

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18

1 saying it's on the back, but not having it under review, have we
2 addressed the communities concern?

3 MR. BRENT JENSEN: There was testimony given at the last
4 hearing, some concern by neighboring property owners in that
5 south portion, about that in particular.

6 MR. J.B.: Exactly.

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7 **MR. DAVID POOLE:** *Okay. Well at this point, that's where*
8 *we're at to make our suggestion to the Board of Commissioners.*
9 *That's the reason we left this open was to try to close some of*
10 *these holes.*

11 **MR. BRENT JENSEN:** *I suggest design review for the entire*
12 *parcel.*

13 **MR. DAVID POOLE:** *Well that's something that can be put in.*

14 **MR. J.B.:** *I make a motion that we present to the County*
15 *Commissioners for their approval, with our recommendation of*
16 *approval, this rezone with the following conditions: One, that*
17 *the entire parcel be under the development agreement. That*
18 *under Item A, any future construction on the entire parcel be*
19 *subject to review.*

20 **MR. DAVID POOLE:** *Rather than the north 660 feet.*

21 **MR. J.B.:** *Exactly.*

22 **MR. DAVID POOLE:** *Is there a second to this motion?*

23 **MR. LAWRENCE WHITSELL:** *I second it.*

24 **MR. DAVID POOLE:** *Discussion on the motion? If not,*
25 *signify by saying 'I'. Opposed same sign. Motion carries. We*

□

19

1 *are making that recommendation to the Board of County*
2 *Commissioners. Thank you very much.*

3

4 *(Vote unanimous.)*

5

6 *Public Hearing - Item No. 2 - (Continued) Final Planned Unit*
7 *Development (Stage Coach Canyon) - Angela Comish*

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8

9 *MR. DAVID POOLE: Item No. 2 is the continuation of the*
10 *final planned unit development for Stage Coach Canyon. Is Angie*
11 *here?*

12 *MR. J.B.: She is.*

13 *MR. DAVID POOLE: Being continued is a public hearing. If*
14 *you want to hold your comments until we ask you to address them.*

15 *MS. ANGELA COMISH: Angela Comish, 1523 West Hayes in*
16 *Boise. First, I'm just going to pass out some pictures. These*
17 *are just sketches that they had of the kids' camp and of the*
18 *landscape area out front of the subdivision. I want you to have*
19 *those for your files.*

20 *I'm not sure Brad gave you the letter, but I'm just going*
21 *to read through it real quickly and then we can discuss it. For*
22 *the planning and zoning meeting held on April 30th, I understand*
23 *that there were two issues that needed to be resolved. First*
24 *was an agreement with the Gem County Fire District No. 2. I met*
25 *with them the night of the 9th and we did come to an agreement.*

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1 *Dennis Robins, Fire Chief, should be giving you a letter*
2 *shortly. I believe you probably have a copy of that. If you*
3 *don't, I have a copy of that one that was sent to me. They are*
4 *going to take the lot. I don't know if you have a copy of the*
5 *plat there. The one showing the emergency egress through it,*
6 *we're going to give them that lot. It made really good sense.*
7 *They agreed that was a good plan.*

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8 *Second item was a requirement for open space to touch all*
9 *of the lots in the PUD. Roger Bennie, of Tri County Surveying,*
10 *and I have both spent time working on a way to have all the lots*
11 *touch that open space. A number of the lots in this subdivision*
12 *are at that 2 acre minimum. They have subdivision boundaries on*
13 *one side and a road on the other side, leaving no acreage really*
14 *to dedicate to open space. We could revise the layout, but at*
15 *this stage it would be difficult and time consuming. So I am*
16 *respectfully requesting that a variance be granted.*

17 *One thing that we had talked about was taking the one road*
18 *that runs east to west, and widening the roadway section on it*
19 *so that the shoulder would maybe be wider. Then it would be*
20 *easier for equestrian traffic to ride on the road. So we*
21 *thought possibly we could just take all of the interior*
22 *subdivision roads, and maybe make one of the shoulders wider.*
23 *So rather than having that one just being wider, all of them*
24 *could have a widened shoulder that would provide additional*
25 *access to the open space.*

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21

1 *The other alternative Roger and I talked about is if you*
2 *kind of look on that drawing I gave you, you'll see a green*
3 *line. We were basically looking at maybe putting a 10 foot*
4 *easement along the backsides of some of these lots, providing*
5 *additional conductivity through to get to the open space easier.*
6 *So those are some of the two ideas that Roger and I came up*
7 *with. I guess I'd just like to talk to you guys about it. I*
8 *understand that the PUD requirements are for the lots to touch*

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9 the open space. If you look at a typical planned unit
10 development, there's usually a very small lots without a lot of
11 yard or area around them. So having common open space next to
12 them is pretty critical just to make it feel like it's a livable
13 environment. With this kind of a PUD you've got 2 acre minimum
14 lots. So we don't really have kind of a standard PUD. So
15 really touching open space to a 2 acre lot I don't think is as
16 critical from a livability standpoint. If you're looking for
17 open space used for an equestrian subdivision, having that open
18 space in one larger lot makes it more practical for taking
19 horses, rather than having an acre here and an acre there.
20 I guess my hope would be that we could either do a
21 combination of these easements, or widening of the shoulder, or
22 something like that. If not, we can redo this. It would just
23 be really time consuming to do it at this point, but we can. So
24 I guess I'd like to chat with you about that and get your
25 thoughts.

□

22

1 MR. DAVID POOLE: It appears, Angie, that it would probably
2 take a combination of both, would it not?

3 MS. ANGELA COMISH: It probably would. Yeah.

4 MR. DAVID POOLE: To make it work, because there's lots
5 here that I think --

6 MS. ANGELA COMISH: Exactly. Some of them just simply
7 aren't going to be able to be -- we just don't have -- I mean,
8 we could put one on the backside of here, and bring it up to

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9 here and connect it that way. And we could put an easement on
10 the back of all of these to connect out this direction. We
11 definitely could do that if we think an easement route would be
12 appropriate, or we could just widen that roadway.

13 We've got 14 foot of ditch and shoulder on either side of
14 the road. So we could widen the shoulder from 3 feet to 5 feet,
15 or widen the ditch. We're willing to do what you'd like.

16 MS. WENDY ATKINS: Staff would like to point out -- I had a
17 discussion with Brad regarding this open space. He wanted to
18 point out to the Planning and Zoning Commission that 11-8-6E,
19 it's under the common open space of the PUD section. It says
20 abutment requirement, every property development under the PUD
21 approach "should" be designated to abut common open space or
22 similar areas. It is a "should" versus a "shall". He also
23 wanted to point out that they do have a large 78 acre designated
24 open space. That is a rather large open space. He felt that
25 the intent of the code could be met.

□

23

1 MR. DAVID POOLE: David, from your standpoint, from the
2 legal standpoint, are we able to grant this variance and still
3 be within the ordinance?

4 MR. DAVID HARGRAVES: I don't know that it's the granting
5 of a variance, its interpreting your code.

6 MS. WENDY ATKINS: And it isn't a variance, it would be an
7 exception.

8 MR. DAVID POOLE: Okay.

9 MR. DAVID HARGRAVES: So what this says is that every

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10 *property should be designated to abut upon common open space or*
11 *similar areas. So it's not a clear requirement to be abutting a*
12 *common area, it says "or" similar type of an area.*

13 *MR. DAVID POOLE: So under those circumstances, her*
14 *proposal could be accepted by us if we feel that it meets the*
15 *requirements for the PUD?*

16 *MR. DAVID HARGRAVES: Yeah.*

17 *MR. DAVID POOLE: Discussion for Angie on this, gentlemen?*

18 *MR. DON WILKERSON: On your map here, green, where you show*
19 *these additional easements on the back side of these lots for*
20 *equestrian, would they be a fenced easement?*

21 *MS. ANGELA COMISH: I think they'd have to be, Don.*

22 *MR. DON WILKERSON: So the back side of all those lots will*
23 *be fenced to designated --*

24 *MS. ANGELA COMISH: Yep. You'd have a gate, and you could*
25 *access it, and everybody could go through that 10 foot strip.*

□

24

1 *MR. ROGER BENNIE: They don't have to be easements. Those*
2 *can be separate lots all connected to the big open space back*
3 *there.*

4 *MS. ANGELA COMISH: So we could do that as well, except for*
5 *on the 2 acre minimums. Where the green line is shown, all*
6 *those lots that touch those green lines are larger than 2 acres.*
7 *So we could actually do it exactly where he has it proposed on*
8 *there.*

9 *MR. DAVID POOLE: So who maintains these?*

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10 MS. ANGELA COMISH: That's open space. That's the
11 subdivision. They would have to keep that grass down.

12 MR. DAVID POOLE: So then it's maintained by the
13 subdivision. I think that's probably the appropriate way to
14 approach this.

15 MR. DON WILKERSON: So your two options would have to work
16 together. One of it's widen the road to give those lots to the
17 north of that --

18 MS. ANGELA COMISH: And probably the north end of it along
19 Stage Coach where those are the 2 acres as well, which would be
20 practical because it's a little flatter there. We don't have a
21 lot of steep slopes.

22 MR. DAVID POOLE: Further questions for Angie?

23 MR. DON WILKERSON: The Fire District probably likes the
24 agreement.

25 MS. ANGELA COMISH: Oh, they're happy as clams.

□

25

1 MR. DON WILKERSON: My question is, I'm the first one that
2 buys a lot and builds a house, but the Fire District's going to
3 take years to put any fire protection out there.

4 MR. DAVID POOLE: They already have fire protection.

5 MR. DON WILKERSON: Not in the subdivision.

6 MS. ANGELA COMISH: They're really close actually. They
7 actually clocked it and said the distance to that subdivision is
8 really close.

9 MR. DON WILKERSON: But I think our ordinance says there
10 ought to be some fire protection there like either tanks, etc.;

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11 *is that correct?*

12 *MR. DAVID POOLE: I think our ordinance also states that we*
13 *have to abide by the Fire Protection District's recommendations.*

14 *MS. ANGELA COMISH: Yeah. This is their proposal. This is*
15 *what they wanted.*

16 *MR. DON WILKERSON: I'm a little concerned, like I said,*
17 *about there being, possibly, real close fire protection for up*
18 *to maybe 8 years.*

19 *MS. ANGELA COMISH: The one nice thing they had talked*
20 *about is literally right around the corner, they have a pond*
21 *that is one of their water sources. So they do have a very*
22 *close source right down on Shale Rock.*

23 *MR. DAVID POOLE: They're going to have to have some water*
24 *storage on the site as well. I think that's probably one of the*
25 *first things they would do is put in some water storage that*

□

26

1 *they could access with their trucks.*

2 *MS. ANGELA COMISH: Anybody else?*

3 *MR. DAVID POOLE: Further questions, gentlemen, before we*
4 *give the public an opportunity?*

5 *MR. LAWRENCE WHITSELL: Angie, what's the service going to*
6 *be in these pathways? Is it going to be graveled, paved?*

7 *MS. ANGELA COMISH: That's a good question. I haven't*
8 *really considered it on the back side of those lots. That's*
9 *something we'll have to discuss.*

10 *MR. LAWRENCE WHITSELL: The width of these paths?*

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11 *MS. ANGELA COMISH: 10 feet.*

12 *MR. DAVID POOLE: For equestrian pathways, I don't know*
13 *that gravel is the answer. Maybe the right kind of gravel would*
14 *be okay.*

15 *MR. LAWRENCE WHITSELL: Then on the ditches, your talking*
16 *about burrow ditches.*

17 *MS. ANGELA COMISH: Exactly.*

18 *MR. LAWRENCE WHITSELL: During the winter it's going to get*
19 *pretty messy. Is that something that's being considered?*

20 *MS. ANGELA COMISH: We just came up with this as a proposal*
21 *to try to satisfy and I hadn't even thought about that surface*
22 *during the winter time.*

23 *MR. BRENT JENSEN: Do your CC&R's address any type of*
24 *obnoxious weed control?*

25 *MS. ANGELA COMISH: Yes it does. It does have it in there*

□

27

1 *that they're going to do weed control and that they will comply*
2 *with any obnoxious weed ordinances or requirements for the area.*

3 *MR. BRENT JENSEN: The individual or the home owners*
4 *association?*

5 *MS. ANGELA COMISH: The home owners association. Yep.*
6 *That's one of their concerns too, is to keep it nice.*

7 *MR. DAVID POOLE: Further questions for Angie? If not,*
8 *thank you very much.*

9 *MS. ANGELA COMISH: All right. Thank you.*

10 *MR. DAVID POOLE: Any comments from the public about this*
11 *final planned unit development in Stage Coach Canyon? Questions*

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12 *for Angela before I close the public portion of this? We're*
13 *going to close the public portion of this hearing and make a*
14 *determination on the final planned unit development for Stage*
15 *Coach Canyon.*

16 *Is there any conflict of interest? If not, then you,*
17 *gentlemen, have motion you'd like to make?*

18 *MR. J.B.: The way that this one has gone, I've been*
19 *pleased with. They gave a lot to the Fire District. I think*
20 *it's nice that they did it. I think it's going to be helpful*
21 *out there.*

22 *As to the easements and lots, I'd like to structure*
23 *whatever we recommend tonight. I think we've talked about our*
24 *goals, and it's going to take a combination of the two, and*
25 *since this is a final that we give the staff the ability to work*

□

28

1 *with them on how to make that combination work.*

2 *MR. DAVID POOLE: Yeah. I think that's a good idea.*
3 *However, from this standpoint, since we are on the final, I*
4 *think we're making the recommendation on to the County*
5 *Commissioners, rather than staff.*

6 *MR. J.B.: But that's not finalized.*

7 *MR. DAVID POOLE: They're going to finalize it. That's*
8 *going to be the final decision made to the County Commissioners.*

9 *MR. J.B.: I understand, but for the plan for what she's*
10 *discussed this evening hasn't been finalized.*

11 *MR. DAVID POOLE: So what you're saying, they give the*

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12 staff the ability --

13 MR. J.B.: By the time it gets to the County Commissioners
14 that they and the staff will work it out. They've been working
15 together well enough that I'm convinced that would not be an
16 issue.

17 MR. DAVID POOLE: Draft your motion to that effect. At
18 this point we need a motion to discuss, or do you have more
19 discussion, Don.

20 MR. DON WILKERSON: I'm just looking at the staff report.
21 On page 7, 8, and 9, there's recommended conditions for
22 approval. Standard plat and the final PUD, if I'm looking at
23 this right, starting on page 8 it says PUD application
24 conditions. Are those the ones we need to look at for the final
25 PUD?

□

29

1 MS. WENDY ATKINS: Uh-huh.

2 MR. DON WILKERSON: Okay. At that point, I think we can
3 add in this consideration of Angie's to meet the open space
4 condition.

5 I make the recommendation to the Board of County
6 Commissioners to approve the final planned unit development
7 Stage Coach Subdivision per the, I'm going to say, seven
8 conditions that are listed on page 8 of 9 of the last staff
9 report, and add number 7, would be the open space common lot
10 item. In order to meet the ordinance, as we look at it, the
11 open space needs to touch or abut each lot. We recommend to the
12 County Commissioners the conditions or the changes that Angie

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13 has presented in her letter. One is consider the widening
14 roadway shoulder of all interior roads providing safe access
15 along the roads by pathways that connect the main lot; the main
16 large open space lots. The second item, consider an
17 equestrian/pedestrian easements.

18 MR. DAVID POOLE: Lots.

19 MR. DON WILKERSON: Okay. We're going to change that to
20 lots, to be dedicated to horse and pedestrian use, to be located
21 along the back side of lots not currently touching open space.
22 These lots would connect and cross roadways, as required, to
23 access the main large open space lot. That would be my
24 conditions to No. 7, to the PUD.

25 MR. DAVID POOLE: Okay. Next item is the Fire District.

□

30

1 MR. DON WILKERSON: Does the Fire District pertain to the
2 PUD?

3 MR. J.B.: That's part of staff recommendations.

4 MR. DON WILKERSON: Okay. Also, we added item NO. 8, the
5 agreement between Gem County Fire District No. 2 and Stage Coach
6 Canyon Subdivision, concerning fire protection for this
7 development.

8 MR. J.B.: I'll second it.

9 MR. DAVID POOLE: Discussion on the motion? If not, all
10 those in favor signify by saying 'I'. Opposed same sign.
11 Motion carries for the final planned unit development for Stage
12 Coach Canyon.

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13

14 (Vote unanimous.)

15

16 *Public Hearing - Item No. 3 - (Continued) Preliminary*

17 *Subdivision Plat (Stage Coach Canyon) - Angela Comish*

18

19 *MR. DAVID POOLE: Next item is the preliminary subdivision*

20 *plat for Stage Coach Canyon. Do we have some items that we need*

21 *to attach, discuss? Was this is continued from last time*

22 *because we needed to answer these other items?*

23 *MR. J.B.: We continued it just because of the other items.*

24 *MR. DAVID POOLE: That was my question.*

25 *MR. J.B.: I'm answering it.*

□

31

1 *MR. DAVID POOLE: So is there any comments that you want to*

2 *make Angela? Is there anybody in the public that would like to*

3 *make any comments as far as this subdivision plat goes? Okay.*

4 *If not, we're going to close the public hearing portion and make*

5 *a determination on this.*

6 *MR. DON WILKERSON: On page 7 of the staff report, it looks*

7 *like recommendation 1 through 22 probably pertains to the*

8 *preliminary plat. At our last meeting, we scratched Item No. 5*

9 *concerning Gatfield Road. That was removed. So it looks like*

10 *we only have 21 items there.*

11 *MR. DAVID POOLE: Would you like to make a motion for this?*

12 *MR. DON WILKERSON: Make a recommendation to the Board of*

13 *County Commissioners for approval of the preliminary plat, Stage*

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14 *Coach Subdivision per the 21 conditions listed in the staff*
15 *report.*

16 *MR. BRENT JENSEN: I'll second that.*

17 *MR. DAVID POOLE: Discussion on the motion? If not, all*
18 *those in favor signify by saying 'I'. Opposed same sign.*

19 *Motion carries.*

20

21 *(Vote unanimous.)*

22

23 *Public Hearing - Item No. 4 - (Continued) Variance #VAR-07-002 -*
24 *William Carlson.*

25

□

32

1 *MR. DAVID POOLE: Now the next item on the agenda has been*
2 *moved to the next meeting, which is the William Carlson*
3 *variance.*

4 *Take a 5 minute break, folks.*

5

6 *(A short break was taken.)*

7

8 *Consent Agenda - Item No. 2 - Approval of the Minutes of*
9 *January 29, 2007*

10

11 *MR. DAVID POOLE: I'd like to bring this meeting back to*
12 *order. I missed an item on our agenda. Approval of the minutes*
13 *from January 29th. Anybody want to make a motion to approve the*

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14 minutes as submitted or do we have changes that need to be made?

15 MR. DON WILKERSON: There's a few typos in that. I marked
16 them so if you want to use that and give it to the staff...

17 MR. DAVID POOLE: Do you want to make a motion?

18 MR. DON WILKERSON: Make a motion that we accept the
19 minutes of January 29th, 2007 as corrected.

20 MR. J.B.: Second that.

21 MR. DAVID POOLE: Discussion? All those in favor signify
22 by saying 'I'. Opposed same sign. Motion carries.

23

24 (Vote unanimous.)

25

□

33

1 Public Hearing - Item No. 5 - Rezone #RZ-07-008

2 Matthew Johnston

3 (Item No. 5 portion is verbatim.)

4

5 MR. DAVID POOLE: Okay. Item 5 is a rezone, #RZ-07-008.

6 Wendy, if you want to bring us up to speed on this rezone, I

7 would certainly appreciate it. It's for Matthew Johnston.

8 MS. WENDY ATKINS: This is a rezone -- let me get to the

9 right screen here real quick -- for Matthew Johnston to rezone

10 approximately 5 acres from the A-2 role transitional

11 agricultural, a 5 acre minimum lot size, to R-2, a 1 acre

12 minimum lot size located at 1998 Willow Bluff Road.

13 Here's a vicinity map. This is up on the bench, and it is

14 within the County impact, residential impact area. Currently,

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15 *there is a manufactured home on the site. Other than that, you*
16 *can tell by this photo, there isn't mature vegetation on site.*

17 *Heres the view from Lower Bluff looking east. The area has*
18 *a lot of large acre parcel, active agricultural.*

19 *As stated in the staff report on page 3, areas to the north*
20 *have parcels ranging from half acres to 5 acres. It has the*
21 *Hollywood Boulevard, which has been developed as residential.*
22 *The remainder area of the north is mostly active agricultural*
23 *with some residences.*

24 *Areas to the south, parcels range from 3 quarters of an*
25 *acre to almost 10 acres. The area is mostly active agricultural*

□

34

1 *with some residential.*

2 *East of the sites, parcels range in size from slightly*
3 *under 4 acres to over 25 acres. The area is mostly active*
4 *agricultural.*

5 *West of the property, the parcels range in size from 14,000*
6 *square feet to 3 and a half acres. The Russel Subdivision lies*
7 *directly to the west of the subject site. The area is mostly*
8 *rural residential with some pasture.*

9 *MR. DAVID POOLE: You have any pictures of the west of the*
10 *site?*

11 *MS. WENDY ATKINS: Here's the intersection of Idaho and*
12 *Bluff and then I don't have, I don't believe -- here's the*
13 *aerial. Here's the subject site. Here's the large acre active*
14 *agricultural. The residential is all along here.*

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15 MR. DAVID POOLE: Thank you.

16 MS. WENDY ATKINS: Any further questions?

17 MR. DON WILKERSON: Don Wilkerson. Wendy, could you tell

18 when you were out there if the manufactured home you showed

19 earlier, is it occupied or not, or could you tell?

20 MS. WENDY ATKINS: My understanding is it is not.

21 MR. DON WILKERSON: Okay. Thank you.

22 MS. WENDY ATKINS: Uh-huh.

23 MR. DAVID POOLE: Anything else? Questions, gentlemen?

24 Thank you, Wendy. Okay. Now before we start the public

25 hearing, the applicant will have an opportunity to state his

□

35

1 case, or their case. Then the public will have an opportunity

2 for pro, con, or pro and against, and those that are neutral.

3 We would like you to try to keep your statements short and

4 concise so that it doesn't carry on too long. If somebody has

5 already said something that you agree with, then stand up and

6 say 'I agree with them'. If you've got any further comments, to

7 avoid repetition would be fantastic. And so, I think we just

8 start with Matthew Johnston I guess, or his representative.

9 MR. MATTHEW JOHNSTON: My name is Matthew Johnston. I live

10 at 13164 North Town Ridge Road in Boise. And we own a property

11 in the corner of Lower Bluff and Idaho. It's just over 5 acres.

12 And it has a 2002 or 3 vintage, 1500 square foot, manufactured

13 home, on a foundation. And it is on a corner, which Idaho has

14 designated a minor arterial. And the other three corners are

15 either R-2, two of them are R-2, and one of them is R-3.

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16 *And when we looked at the property, it was listed in*
17 *multiple listing, it's, you know, it was out there. When we saw*
18 *this, we looked at the proposed land use map and it's showing a*
19 *priority growth area number 1, which after discussing with*
20 *Planning and Zoning and a lot of other people, they're saying*
21 *that is where they wanted the 1 acre lots, 1 to 2 acre lots, to*
22 *be. And it was very clear on the map that that's what they were*
23 *encouraging. I was told it wasn't that they were allowing it,*
24 *they were going to encourage that kind of growth in those areas*
25 *that are close in, both to the north and east side of town. And*

□

36

1 *it seems like that hit a raw nerve with people in the*
2 *neighborhood. So maybe there's some disagreement from the*
3 *people that live on the bench there and the County as to what*
4 *direction they're going in because this is, you know, the*
5 *direction that I was told that that area was going to go in.*
6 *And we certainly don't want to offend anybody.*
7 *We think that -- what I've seen on the market, there is a*
8 *demand for smaller lots as opposed to 5 acre lots. The 5 acre*
9 *lots are larger than most people want to have. They're too small*
10 *to farm. And so I think that's where the direction is going to*
11 *go eventually. And I was told that the new comprehensive plan*
12 *was very close to being approved, that there were some issues*
13 *south of town that were holding that up, but that they've tried*
14 *to get that approved before.*
15 *So looking at this, you know, we're willing to work with*

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16 *what is there. I was planning on removing that property, moving*
17 *it somewhere else and building a few nice homes, three to four*
18 *nice homes, having that built. But if we're better off going*
19 *with an R-3, we can add one home and remodel this one, and get*
20 *it up to speed so that it looks better.*

21 *And I apologize right now. There's a lot of weeds there.*
22 *I got a guy coming out next week to disk the property and to*
23 *clean up the weeds and all that. We spent quite a bit of time*
24 *and money cleaning up what was there. It was really an eyesore*
25 *before. Most of the junk is gone that was there. There's still*

□

37

1 *a trailer and some other things that we need to get rid of. But*
2 *we intend to improve the property.*

3 *Like I say, if the Commission is more inclined to go with*
4 *an R-3, I'd be willing to accept that as an approval, which*
5 *would be the addition of one home on the property and a 2 acre*
6 *minimum.*

7 *We still feel that what we've been told and I've been*
8 *seeing is that the direction that area's going to go is to 1 to*
9 *2 acre lots. But, you know, I don't live in that neighborhood*
10 *and I don't want to, you know, cause issues and problems but I*
11 *do believe that you're going to have growth somewhere in the*
12 *County and it's got to go somewhere, if the County wants to*
13 *grow, I guess. So, I guess....*

14 *MR. DAVID POOLE: Questions from the Commissioners for*
15 *Mr. Johnston? Don?*

16 *MR. DON WILKERSON: How come you look at me?*

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17 MR. DAVID POOLE: Cause you were moving.

18 MR. DON WILKERSON: Don Wilkerson. Are you proposing -- if

19 I remember right, R-2 takes central water. Are you aware of

20 that?

21 MR. MATTHEW JOHNSTON: Yes.

22 MR. DON WILKERSON: Okay.

23 MR. DAVID POOLE: Yeah. And I spoke at some length this

24 week with people that do most of the wells in that general area,

25 and they say that there are some issues but it depends on how

□

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1 you drill the well and the quality of the well. And --

2 MR. DON WILKERSON: But you'd only have one well if you

3 went R-2.

4 MR. MATTHEW JOHNSTON: Yeah. I understand.

5 MR. DON WILKERSON: Also, with the potential of dedicating

6 additional right-of-way, both on Idaho -- is that Idaho?

7 MR. MATTHEW JOHNSTON: Yeah.

8 MR. DON WILKERSON: And Lower Bluff, you may only still get

9 three lots out of it at R-2.

10 MR. MATTHEW JOHNSTON: Correct. I understand that.

11 MR. DON WILKERSON: Okay.

12 MR. MATTHEW JOHNSTON: It depends on what will fit. This

13 is, I mean, I've been told too that this is a rezone and I don't

14 have specifics. I have an idea of what an engineer has kind of

15 drawn out, that I think would fit.

16 MR. DON WILKERSON: Well, until you take the dedication

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17 out, you don't know how much acreage you have left. So I guess
18 my question to you, where your suggestion may be R-3, which is 2
19 acre minimum; right? I think that's got to be your decision,
20 and if that's right wouldn't he have to come back with a new
21 application?

22 MR. DAVID POOLE: Well yeah. I think it's a new
23 application right, Wendy?

24 MR. MATTHEW JOHNSTON: Well I think they had asked the
25 question earlier and --

□

39

1 MR. DAVID POOLE: Do we need a new application if that
2 decision is made, I mean, before that decision can be made?

3 MR. DON WILKERSON: Because the public is here to hear --

4 MR. MATTHEW JOHNSTON: I understand. Then I would say that
5 we'll go with the R-2, and go with however many lots we can fit
6 on that, and work with the neighbors on what we're doing.

7 MR. DAVID POOLE: Okay, and so that's what the public's
8 here for. That's what this -- that's what this rezone is for
9 right now, and I think that's the only thing we can address at
10 this point.

11 MR. J.B.: Maybe the attorney has an opinion.

12 MR. DAVID HARGRAVES: You know, I don't know. I wish I
13 did. But let me see if I can find what our ordinance tells us
14 to do in that situation.

15 MR. DAVID POOLE: In the meantime, Lawrence, did you have a
16 question?

17 MR. LAWRENCE WHITSELL: Yes, Mr. Chairman. Commissioner

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18 *Whitsell. If you went R-2, then it sounds to me like you're*
19 *very agreeable in making the higher -- lower density and not*
20 *have so many units there, it appears.*

21 *MR. MATTHEW JOHNSTON: Yes, cause it --*

22 *MR. LAWRENCE WHITSELL: You're agreeable with that*
23 *thinking.*

24 *MR. MATTHEW JOHNSTON: We're not sure if four will fit, and*
25 *if it does not fit comfortably --*

□

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1 *MR. LAWRENCE WHITSELL: Right, and maybe even two or three*
2 *to try to make this agreeable with the community.*

3 *MR. MATTHEW JOHNSTON: Correct.*

4 *MR. LAWRENCE WHITSELL: And make it fit for the opposition.*

5 *MR. MATTHEW JOHNSTON: Yes.*

6 *MR. DON WILKERSON: Don Wilkerson. Mr. Chairman.*

7 *Commissioner Whitsell, we have to be careful. If we give him an*
8 *R-2, if he can get three lots out of it, he can put 3 lots in.*

9 *MR. DAVID POOLE: Yeah --*

10 *MR. BRENT JENSEN: He can fit whatever he wants to put in.*

11 *MR. DON WILKERSON: He can put four in. He has the ability*
12 *so --*

13 *MR. LAWRENCE WHITSELL: We give him the license to that, or*
14 *the permission to do that. He'd be doing out of the goodness of*
15 *his heart if he decided not to.*

16 *MR. DAVID POOLE: Under the R-2, right?*

17 *MR. LAWRENCE WHITSELL: Under the R-2.*

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18 *MR. J.B.: The attorney has a comment.*

19 *MR. DAVID POOLE: You ready?*

20 *MR. DAVID HARGRAVES: Mr. Chairman.*

21 *MR. DAVID POOLE: Yes.*

22 *MR. DAVID HARGRAVES: The ordinance tells us that the*
23 *Commission shall transmit it's recommendation to the Board. The*
24 *Commission may recommend that the amendment be granted as*
25 *requested, or it may recommend a modification of the amendment*

□

41

1 *requested.*

2 *MR. DAVID POOLE: So we could have the opportunity --*

3 *MR. DAVID HARGRAVES: So if it was going -- if it was going*
4 *be an amendment that made it more dense there, I'd probably*
5 *recommend having a --*

6 *MR. DAVID POOLE: Another hearing.*

7 *MR. DAVID HARGRAVES: Another hearing, or if it was going*
8 *to go to commercial or something like that because then there*
9 *may be more of an interest and more public may want to comment*
10 *more on that. It's going to be denser or allow different types*
11 *of uses but this is allowing bigger, or this would be enlarging*
12 *the lots and less restrictive and so....*

13 *MR. J.B.: That's true.*

14 *MR. DAVID POOLE: All right. Thank you, David. Any*
15 *further questions for Mr. Johnston?*

16 *MR. LAWRENCE WHITSELL: Yes. Commissioner Whitsell. It*
17 *appears one of the issues is the transitional densities*
18 *regarding the, matter of fact, it's the property to the east of*

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19 you. It appears that, you know, those are some of the issues
20 that we need to look at and possibly going to an R-3 might be a
21 good way to approach this to alleviate some of these --
22 especially if you're agreeable in doing that. I realize it
23 doesn't have the density that you started out with, but that
24 seems to be one of the major things is dealing with, you know,
25 the sewer load and water load and all those types of issues, and

□

42

1 then that buffer zone that we try to create between agriculture
2 and residential areas.

3 MR. DON WILKERSON: I'd say the applicant needs to make a
4 decision before we even proceed.

5 MR. DAVID POOLE: Proceed with the hearing. You're talking
6 about, whether he would be willing to make that change.

7 MR. BRENT JENSEN: Actually, we've got an applicant on the
8 board --

9 MR. DON WILKERSON: Cause if we start --

10 MR. BRENT JENSEN: You know, we've got an applicant.

11 MR. DAVID POOLE: Application.

12 MR. BRENT JENSEN: Application open for public hearing.

13 MR. DAVID POOLE: And I think we need to follow --

14 MR. BRENT JENSEN: We need to review that, either apply it
15 or deny it.

16 MR. DON WILKERSON: Right.

17 MR. BRENT JENSEN: I mean accept it or deny it.

18 MR. DON WILKERSON: If we open it up it's got to go as an

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19 R-2, right.

20 MR. BRENT JENSEN: Yeah.

21 MR. DON WILKERSON: Okay.

22 MR. DAVID POOLE: Well, I think like Dave was saying, if

23 the feeling of the public is the other way might work, that

24 gives us that opportunity to open that door. Right now, I think

25 we need to review this, have the public hearing as the

□

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1 application has been here. Okay. Any further questions for

2 Mr. Johnston?

3 MR. DON WILKERSON: Don Wilkerson again. Mr. Whitsell had

4 made some thoughts about maybe R-2 versus R-3. You're aware if

5 you go with R-2, you'd have to provide some type of buffer

6 between the other Ag land and your land?

7 MR. MATTHEW JOHNSTON: I didn't read that.

8 MR. DON WILKERSON: Could be a fence. Could be -- I think

9 on others that we had like this it had to be a six foot solid

10 fence.

11 MR. MATTHEW JOHNSTON: That's possible.

12 MR. DON WILKERSON: So those are something that you might

13 want to take into consideration.

14 MR. DAVID POOLE: All right. Any further questions for

15 Mr. Johnston? Thank you. All right. We'll open the public

16 portion of this then. If you would, try to keep your comments

17 down to about two minutes each. Those in favor of this rezone?

18 Those that may be neutral on this rezone? Okay. We'll start

19 with those that are opposed to the rezone. If you'll step

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20 forward. State your name and address and your comments.

21 MR. LARRY KIMBALL: I'm Larry Kimball.

22 MR. DAVID POOLE: Okay. Name and address, Larry.

23 MR. LARRY KIMBALL: I live at 666 East Idaho Boulevard.

24 666 is a good number. I know you'd like that. But I'm speaking

25 for our neighbor Tim and Melissa Riley, live down the street.

□

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1 He would probably like to be here himself but he's over in Iraq

2 and she's home with the kids. They bought a place there from

3 Darin Bussert on 1173 Lower Bluff Road.

4 On May the 10th, they lost their water and their well. And

5 the well was 105 feet deep when they drilled it and I checked

6 this out with Darin's dad. They said it was pumping 70 gallons

7 a minute, which I thought was quite a bit but he said it was

8 right in that area. And he said his was 55 gallons a minute and

9 he's just a little bit to the South of it. But anyway, they

10 lowered the pump down to another 15 feet, it's down to 120, and

11 they put in a new pump, and they got a capacity of 11 to 12

12 feet, or, yeah, gallon per minute. So, it's not good and that

13 is a concern of all of us.

14 Our well, actually, on our place, we have lost -- with the

15 other houses and stuff going in, the other wells, we've probably

16 lost a little over half of our capacity. And our well was put

17 in there back in 1964, which I don't know how many houses have

18 gone in.

19 So, another thing they told me is they don't like this

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20 because they didn't want to live downtown with all the houses.

21 That's why they moved out there. So, I told them I would speak

22 for them. So, that's it.

23 MR. DAVID POOLE: Thank you. Any questions for Larry,

24 Mr. Kimball? Thank you. Further public input that's opposed?

25 MS. MICHELLE DUNN: Members of the Gem County Planning and

□

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1 Zoning Commission, my name is Michelle Dunn. And I have been a

2 resident at 672 East Idaho Boulevard for 22 years. I would like

3 the record to show that I have already submitted a letter to the

4 Gem County Planning and Zoning Commission regarding this matter

5 of the property at 1998 Lower Bluff being rezoned and subdivided

6 into one to one quarter acre lots.

7 In addition to the comments in my letter, with concerns to

8 water and sewage and the impact this would have on other

9 property in the area, I would also like to express other

10 concerns as well. One of these concerns is with the increase of

11 traffic in the area. The roads are typical rural roads, not

12 meant to handle the increase in traffic that additional houses

13 would bring; especially with the homes being grouped so close

14 together. Along with the increase in traffic comes the increase

15 in noise. Right now we live in a peaceful area and would like

16 to keep it that way.

17 My other concern is that there are not any restrictions as

18 to the type of homes that can be built. I believe that before

19 any changes in rezoning can be made, this issue needs to be

20 addressed.

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21 *I've read Mr. Johnston's letter to Mr. Hawkins-Clark,*
22 *Director of Gem County Planning and Zoning. In the letter,*
23 *Mr. Johnston states that this change in zoning would make good*
24 *planning sense. I fail to see how he's qualified to give this*
25 *opinion -- his opinion on this matter considering he doesn't*

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1 *even live in Emmett. He lives in Boise. This property purchase*
2 *is just a way to make a quick buck at the expense of those who*
3 *live in the area and have enjoyed the rural atmosphere of this*
4 *area for many years.*

5 *For those that wish to own smaller lots, there are plenty*
6 *in subdivisions in other areas of Emmett. I was also under the*
7 *impression that once a piece of property had been divided into*
8 *the maximum number of lots allowed by zoning, those lots*
9 *couldn't be divided into smaller lots. To my understanding, the*
10 *reason for the original property -- that the reason it was not*
11 *divided into smaller lots to begin with was because of the water*
12 *and sewer issues.*

13 *I would respectfully ask that the Planning and Zoning*
14 *Commission listen and take heart to what the people are saying*
15 *that will be impacted the most by this zoning change and deny*
16 *this request by Mr. Johnston. Thank you.*

17 *MR. DAVID POOLE: Thank you.*

18 *MR. J.B.: I have a question.*

19 *MR. DAVID POOLE: J.B. has a question for you.*

20 *MR. J.B.: What size parcel of land do you live on, ma'am?*

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21 **MS. MICHELLE DUNN:** *Ours is approximately one and a half*
22 *acres.*

23 **MR. J.B.:** *Thank you.*

24 **MR. DAVID POOLE:** *Any other questions for Ms. Dunn? Thank*
25 *you. Further negative input from the public?*

□

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1 **MR. MONTE BIGGERS:** *I'm Monte Biggers. I live at 2141*
2 *Hollywood Boulevard. I don't think I signed in.*

3 **MR. DAVID POOLE:** *It's all right Monte.*

4 **MR. MONTE BIGGERS:** *Okay. If you look back at the picture*
5 *where it shows a plot, it's 5 acres surrounded by two roads and*
6 *farmland. It's not a residential area. I think -- yeah, you*
7 *can see on there. I don't know where you get that it would be a*
8 *good place to subdivide because of the way it is situated. The*
9 *way the picture shows, the areas where the houses are, are*
10 *isolated on lanes. They're not on the main road surrounded by*
11 *farm land. And I just don't think it's a good idea.*

12 **MR. DAVID POOLE:** *Questions for Mr. Biggers? Thank you.*

13 **MR. J.B.:** *What size parcel of land do you live on, sir?*

14 **MR. MONTE BIGGERS:** *About 1 acre.*

15 **MR. J.B.:** *Thank you.*

16 **MR. MONTE BIGGERS:** *But I live in the residential area,*
17 *not --*

18 **MR. J.B.:** *Thank you.*

19 **MR. DAVID POOLE:** *Thank you, Mr. Biggers. Further input*
20 *from opposition for this rezone?*

21 **MR. DON WILKERSON:** *Don't be bashful.*

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22 MR. DAVID POOLE: *She's not.*

23 MS. VIRGINIA KIMBALL: *I'm not bashful. My name's Virginia*

24 *Kimball. I live at 666 East Idaho Boulevard. And I think what*

25 *we're so concerned with out there is the density. And since*

□

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1 *what we thought his letter was, was 1 acre parcels. I don't if*

2 *he's, you know -- I'm not sure now what the program is going to*

3 *be. So we are opposed to the 1 acre parcels, simply because of*

4 *our ground level, our water table, and the sewers. And it is --*

5 *I think there's one well out there that's 400 feet. It went*

6 *down 400 feet. So there's a lot of different depths there. And*

7 *J.B.'s question about the size of our lots, most of those homes*

8 *in that area were built years and years ago. I think -- I bet*

9 *some of those down Hollywood were probably -- they're probably*

10 *70, 80 years old.*

11 *When we bought our property, we wanted to buy more but*

12 *Mr. Jackson was the one that sold it to us and he wanted to farm*

13 *that land. So in order for us to live in that area we had to*

14 *buy less land than we really wanted to buy.*

15 *The main thing, I think, is the density. And we're*

16 *questioning the need of coming out and now breaking these*

17 *parcels up into 1 acres. I think that a lot of us probably*

18 *don't have a real problem if he would go to -- I don't know what*

19 *the next lot would be, probably two, and maybe he'd make two and*

20 *a half acres on that or something. We'd rather not do that but,*

21 *you know, if that happens, we hope it doesn't, but if it does,*

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22 *we probably could live with it.*

23 *I don't know how much land do we have down in the valley*

24 *yet? How necessary is it for us to come up here and start*

25 *breaking this land up into little parcels? See we have this*

□

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1 *great big field, and then we have this little hunk of land,*

2 *about 5 acres. We're talking about 4 houses now, I'm assuming.*

3 *So if that's 80 percent full, then I think it's time to maybe*

4 *look elsewhere.*

5 *Now in the paper the last couple of weeks, since, you know,*

6 *we've written our letters, there's been a couple of interesting*

7 *articles in the Statesman. And one has to do with 8,000*

8 *homes -- I don't know, you might have seen this in the paper --*

9 *in this area, Boise, Eagle area, that are unsold. So, you know,*

10 *how important is it that we start this.*

11 *And then, I'm sure you're all aware that this Eagle*

12 *planning -- they're planning a housing development and it*

13 *borders Gem County's line. The north side. There's 20,536*

14 *acres. I mean houses.*

15 *MR. DAVID POOLE: Can I get you to wrap it up please?*

16 *MS. VIRGINIA KIMBALL: Oh, I'm sorry. Yeah. I will. But*

17 *anyway, that's our problem. How important is it to rezone when*

18 *we have all this?*

19 *MR. DAVID POOLE: Questions for Virginia?*

20 *MR. DON WILKERSON: Virginia?*

21 *MS. VIRGINIA KIMBALL: Oh, yeah.*

22 *MR. DON WILKERSON: Don Wilkerson. I'd just like to make a*

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23 *comment about you making about small acreage out there. That is*
24 *the area where the County, per their comp plan, see's the growth*
25 *in the small acreage's. I guess -- are you aware of that?*

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1 *MS. VIRGINIA KIMBALL: Yeah. I'm aware that's what they*
2 *want.*

3 *MR. DON WILKERSON: Okay. I know there was one letter*
4 *written about that, there's a comp plan that's being thought of*
5 *to be approved but that has nothing to do with this. We still*
6 *go under the old comp plan until there's a new one approved,*
7 *whether it's this year or next year.*

8 *MS. VIRGINIA KIMBALL: Yeah. Another thing I was going to*
9 *mention is the development agreement but I'll wait.*

10 *MR. DAVID POOLE: Thank you. Okay. Further opposition?*

11 *MR. GEORGE PATRICK: My name is George Patrick. I live on*
12 *the south west corner of East Idaho and Lower Bluff. It's 585*
13 *East Idaho. And I just have to agree with everybody here. If I*
14 *wanted to live with a bunch of houses around me, I'd lived on*
15 *that side of the hill. Thank you.*

16 *MR. DAVID POOLE: Thank you.*

17 *MR. J.B.: I have a question. What size parcel do you live*
18 *on, sir?*

19 *MR. GEORGE PATRICK: 1 acre.*

20 *MR. J.B.: Thank you.*

21 *MR. DAVID POOLE: Further -- Your name is George Patrick,*
22 *sir?*

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23 *MR. GEORGE PATRICK: Yes.*

24 *MR. DAVID POOLE: Further opposition?*

25 *MR. DON SULGROVE: My name is Don Sulgrove. I live at 1116*

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*1 Lower Bluff Road. 1 acre, about 1 acre. I oppose this. I
2 think it was already pretty well explained by Mrs. Dunn. A few
3 years ago, that property by, that Bussert owned, was denied
4 rezoning in that area for the same conditions that we still
5 have, water, sewer, and a bad road. So I oppose this. I hope
6 you consider it. Thank you.*

*7 MR. DAVID POOLE: Questions for Mr. Sulgrove? Thank you.
8 Further opposition or public comment for that matter?*

*9 MS. BEVERLY HAIR: I'm Beverly Hair. And I live at 577
10 East Idaho and I'm also the owner of 5623 East Idaho. I have
11 that as a rental property. Our old house was a Fowler home and
12 it was the bench property for all that area out there years ago.
13 And we bought it in '74. We moved there to get away from
14 development and have the quiet life style. Our well is an old
15 well.*

*16 I worked in Boise for 20 years and I've worked with
17 developers. I've worked with real estate people. And I don't
18 want to see happen what happened in Ada County, especially
19 Meridian, to happen to Emmett. We value our tranquility. We
20 value our quiet life up there. If we all have to re-drill wells
21 or our water gets contaminated, where does it cover the cost of
22 that? Our neighbor just had one re-drilled. Mr. Patrick's well
23 went bad. Before they moved in, they had to have it re-drilled.*

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24 *It's a major concern. One of our other neighbors who came over*
25 *one day and he said you know you're sitting on a gold mine here.*

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1 *You ought to pull that rental out of there, drive a road down*
2 *here, build a cul-de-sac, put houses in here and I looked at him*
3 *I said you know what, I don't need the money. And I said I*
4 *moved here to get away from people like you. And I like my*
5 *quiet life.*

6 *We have had one fatal accident there at that corner. And*
7 *the people speed down through there. We've asked the County*
8 *Sheriff to do something about it. No one does anything about*
9 *it. We just like our quiet life up there and we'd like it to*
10 *remain that way. And I have 3.09 acres and 1.09 acres on my two*
11 *places.*

12 *MR. DAVID POOLE: Thank you. Questions for --*

13 *MR. J.B.: I have a question. When you purchased the*
14 *property with the one house on it, did it include the 1.9 acres*
15 *originally?*

16 *MS. BEVERLY HAIR: That was my mom's house. My mom bought*
17 *that. When she deceased I kept it.*

18 *MR. J.B.: Was it part of your original parcel?*

19 *MS. BEVERLY HAIR: Yes.*

20 *MR. J.B.: And then you split that?*

21 *MS. BEVERLY HAIR: No. It wasn't ours. When we bought our*
22 *place, it had already been sold off to Mrs. McKinley. We bought*
23 *our place from the Fowlers. The McKinley's built that house in*

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24 *the early '50s.*

25 *MR. J.B.: Okay.*

□

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1 *MS. BEVERLY HAIR: Our house was built at the turn of the*
2 *century.*

3 *MR. J.B.: Thank you.*

4 *MS. BEVERLY HAIR: So it's the oldest house on the bench.*

5 *MR. DAVID POOLE: Thank you. There was some further*
6 *comment out here, was there?*

7 *MS. JANET SULGROVE: Hi. Janet Sulgrove, 1116 Lower Bluff*
8 *Road. Let's see, we purchased our home in 1978 and we're on*
9 *just about 1 acre. I just wanted, you know, to say for the*
10 *record that I agree with everything that they were saying.*

11 *Also, I'm very concerned that we don't have any building*
12 *codes really. That a structure as high as 30 feet would be*
13 *permitted, which would totally block a lot of our views. The*
14 *view which would depreciate our value, you know, the value of*
15 *our property. So I'm very concerned about that.*

16 *I'm concerned about where things are going out there where*
17 *you have a small house, a really large house, you know, there*
18 *doesn't seem to be any building codes. I think that should be*
19 *looked at too, if there's plans for future growth.*

20 *MR. DAVID POOLE: There's codes. What you mean is*
21 *covenants.*

22 *MS. JANET SULGROVE: Oh, covenants then. Okay. Thanks.*

23 *MR. DAVID POOLE: Questions for Ms. Sulgrove? Thank you.*

24 *MR. JOHN MORGAN: My name is John Morgan. I live at 753*

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25 East Idaho Boulevard. My major concern would be, has already

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1 been addressed by a number of people, that of available ground
2 water and on site waste water treatment. And the only thing I'd
3 like to add to that is that this whole area is criss-crossed
4 with active irrigation ditches. There happens to be what is
5 known as a waste water ditch that passes through my property. I
6 typically have to clean that every year prior to irrigation.
7 A year ago, I hired a contractor to clean the waste water
8 ditch that flows through my property and he found raw sewage in
9 it. Being a responsible contractor, he did not haul the dirt
10 off. I let it sit there for a year before I hauled it off.
11 It's of grave concern to me to know that up stream from 753 East
12 Idaho Boulevard, there are some malfunctioning, on site, waste
13 water treatment systems, individual septic tanks. Why that
14 would not be repeated down stream, through this parcel that's
15 under consideration, I don't know that I necessarily have an
16 answer for. I live on five acres and I grow hay and have
17 livestock.

18 MR. DAVID POOLE: Thank you. Questions for Mr. Morgan?
19 Thank you. Further public input? If not, you have an
20 opportunity to rebut, Mr. Johnston.

21 MR. MATTHEW JOHNSTON: You know I read a lot of the -- all
22 the letters that were submitted to Planning and Zoning. I can't
23 say that I totally disagree on the nature of the area, with the
24 people that wrote in. That's why I said I was willing to, you

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25 know, consider what really will fit on that property best.

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1 It's an area that they've stated -- that the County stated
2 they wanted the growth, and that's what we were kind of going
3 with as far as the new comprehensive plan and the stated
4 objectives for the area. So I do certainly understand what the
5 people that live there are saying. It's probably a close
6 community there and it's a very beautiful area and that's one of
7 the reasons why we're interested in that property to begin with
8 because it was a neat area.

9 There's a lot of small parcels out there. I don't know
10 that this one project will make a difference. Although, they
11 may want to look at, long term, what's going to go on with all
12 this other acreage out there I guess because it seems like
13 there's some disagreement between the stated objectives of the
14 County and a lot of the people that live in the area. But for
15 this particular project we'll work with neighbors, we will
16 definitely improve what's there.

17 MR. DAVID POOLE: Okay. Questions for Mr. Johnston?

18 MR. J.B.: I have a question.

19 MR. DAVID POOLE: We've got a question for you, sir.

20 MR. J.B.: Mr. Johnston, basically, the testimony you heard
21 this evening, are you prepared or would you be interested in
22 adjusting that to an R-3?

23 MR. MATTHEW JOHNSTON: If it doesn't mean I'm going to be
24 delayed a month or two and have to come back for a whole nother
25 application and spend 115 on the application. So, if your

1 willing to approve that, I would accept that.

2 MR. J.B.: Thank you.

3 MR. MATTHEW JOHNSTON: Yes.

4 MR. DAVID POOLE: Thank you. Okay. We'll close the public
5 portion of this meeting and bring it before the Board.

6 Gentlemen, and ex-parte communication or site visit? Okay.

7 Discussion from Board Members?

8 MR. J.B.: Mr. Chairman.

9 MR. DAVID POOLE: Yes, J.B..

10 MR. J.B.: Two things. First of all, our attorney
11 indicated that as long as they were less restricted than what
12 they we're asking for, it would not require a new application at
13 this time. And so we do have that flexibility if we wanted to.
14 And I happen to agree with that.

15 MR. DAVID POOLE: In the form of a recommendation.

16 MR. J.B.: In the form of a recommendation.

17 MR. DAVID POOLE: To the County Commissioners.

18 MR. J.B.: Overall I'm opposed to this, not because of the
19 testimony tonight because in fact that is our growth area, but
20 it may be 5 or 10 years that we're going to have high density
21 residences out there, but it's going to require being on city
22 sewer and city water, but it is coming. It will be high density
23 and it will be probably smaller than 1 acre lots, folks. So
24 that is the area we are going to grow. And it's the area that
25 has been identified as making the most sense. I'm opposed to it

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1 *because I don't think we're ready for it yet.*

2 *I could support an R-3. I can not support an R-2. As the*

3 *infrastructure gets out there, and as the roads are improved,*

4 *and there's water, there's sewer systems out there, I think*

5 *that's the appropriate time for the rezoning. Thank you very*

6 *much.*

7 *MR. DAVID POOLE: Further comments, gentlemen?*

8 *MR. LAWRENCE WHITSELL: Mr. Chairman.*

9 *MR. DAVID POOLE: Yes, Lawrence.*

10 *MR. LAWRENCE WHITSELL: Commissioner Whitsell. I agree*

11 *with you J.B.. I think that R-2 is a little too many houses for*

12 *the area considering all of the water issues and sewer issues.*

13 *You are right. This is the impact area. It will grow and there*

14 *has to be something done about the water and the sewer because*

15 *those are huge issues. So, in light of that, I think, you know,*

16 *an R-3 might be a good compromise in this type of situation;*

17 *especially that lot on the corner was a huge eyesore. I think*

18 *just about anything would have to be an improvement. I mean, I*

19 *don't know how you could make it any worse. That's pretty*

20 *messed up. So, that's my statement.*

21 *MR. DAVID POOLE: Brent, did you have something you wanted*

22 *to comment on? I see the wheels turning and smoke coming.*

23 *MR. BRENT JENSEN: Well, I agree with the other*

24 *Commissioners that have given testimony here. You know, I acre*

25 *parcels do not provide adequate buffer zone to active, large*

□

1 acre, agriculture uses. An R-2, or a 1 acre minimum zoned, is
2 not considered to be a transitional density. It would not
3 effectively buffer or interface well with the agriculture use of
4 the area.

5 You know, we're back to this issue. You know, it's not the
6 first time it's been to this table, where ground water and
7 increased 1 acre lot sizes, with individual wells and septic,
8 how it impacts the neighborhood. So my position is that this
9 rezone proposal is not compatible with the existing
10 neighborhood.

11 MR. DON WILKERSON: I can't do any better than what these
12 three gentlemen have done. I agree it's too high of a density
13 for the area as it is today. Buffering -- my main concern is
14 buffering from existing agriculture because even though you do
15 have two, three, or five 1 acre lots to the north and west of
16 you, you do have farm ground to the east and south of you. So I
17 would probably be against an R-2, but be for an R-3.

18 MR. DAVID POOLE: Anybody want to put this in the form of a
19 motion?

20 MR. BRENT JENSEN: Question.

21 MR. DAVID POOLE: Yes, sir.

22 MR. BRENT JENSEN: Before us is the proposal to consider an
23 application for R-2. At this point, I would support a motion to
24 deny that proposal with no other recommendation. We've had
25 discussion. The new comp plan is not in effect. We're still

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1 working under the existing comp plan. One of the suggestions in
2 years of public hearing and testimony has been to keep these
3 densities open to 5 acres, as buffers, and also to provide the
4 opportunity for higher density development as infrastructure
5 comes out to it. So my proposal would be to move that we deny
6 the application.

7 MR. DAVID POOLE: You want to put that in the form of a
8 motion?

9 MR. BRENT JENSEN: If there's no further discussion I will.

10 MR. J.B.: Just one comment. As I indicated in my comments
11 earlier, I think it's premature on the rezone. Growth is coming
12 out there. R-3 is better than R-2 but I believe it's premature
13 because the infrastructure and the growth isn't out there and
14 it's going to be better to have water and sewer out there. So
15 I'm going to be able -- and I don't mean to sound like I'm on
16 the fence. I can support saying no completely, but if there's a
17 proposal on the table that says R-3 I could also support that.
18 I will not support an R-2.

19 MR. BRENT JENSEN: Mr. Chairman.

20 MR. DAVID POOLE: Yes, sir.

21 MR. BRENT JENSEN: My proposal would be that it's premature
22 to rezone from A-2 at this point.

23 MR. DAVID POOLE: What I'm suggesting, somebody needs to
24 step up to the table and make a motion.

25 MR. DAVID HARGRAVES: Mr. Chairman.

□

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1 MR. DAVID POOLE: Yes.

2 MR. DAVID HARGRAVES: I'm not going to make a motion. I'm
3 just going to tell you that the Commissioners are seeing this --
4 are interpreting the comprehensive plan different then you are
5 interpreting it with this buffer zone. They have found 1 acres
6 to be adequate.

7 Your recommendation for denial on Mr. Johnston's previous
8 application was not accepted on that basis. So the 1 acre, in
9 the Commissioners' eyes, has not been a problem in this County
10 residential impact area. That's the interpretation the Board of
11 County Commissioners has given this language in our comp plan
12 for these types of rezones.

13 MR. DAVID POOLE: In light of that, gentlemen, somebody
14 want to make a motion?

15 MR. J.B.: I have one further question. We're making
16 recommendation to the County Commissioners, correct?

17 MR. DAVID POOLE: That's a fact.

18 MR. J.B.: Are we inappropriate if we recommend denial,
19 with the addition that if they decide to override us that they
20 consider the R-3 and not an R-2?

21 MR. DAVID POOLE: I think we either got to recommend denial
22 or you got to recommend that they accept an R-3.

23 MR. J.B.: Okay. Thank you.

24 MR. DAVID POOLE: All right, as opposed to an R-2. I think
25 we need to make a proposal that is headed in a direction.

□

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1 **MR. J.B.:** *And what's frustrating for me is that when we*
2 *make a recommendation to deny, and the last one wasn't because 1*
3 *acres are acceptable or something, then what we do here seems to*
4 *be somewhat useless.*

5 **MR. DAVID POOLE:** *That's why we get paid the big bucks.*

6 **MR. BRENT JENSEN:** *Mr. Chairman.*

7 **MR. DAVID POOLE:** *Yes.*

8 **MR. BRENT JENSEN:** *I move that we deny rezone*
9 *application RZ-07-008.*

10 **MR. DAVID POOLE:** *Finding and facts are?*

11 **MR. BRENT JENSEN:** *Based on our discussion.*

12 **MR. DAVID HARGRAVES:** *The staff has already provided an*
13 *analysis. If you disagree with their analysis, just say which*
14 *one you disagree with. I think you kind of already have, on the*
15 *record.*

16 **MR. BRENT JENSEN:** *According to staff's analysis, on page 5*
17 *of 5, G-4.7, 1 acre parcels do not provide adequate buffer zone*
18 *to active, large acre agriculture uses. Therefore, the proposed*
19 *R-2, 1 acre minimum zone is not considered to be a transitional*
20 *density and would not effectively buffer or interface well with*
21 *the agriculture use in the area. Back to page 4 of 4, the*
22 *proposed rezone is not compatible with the existing character*
23 *and use of the area at this time.*

24 **MR. DAVID POOLE:** *Do we have a second to that motion?*

25 **MR. J.B.:** *I will second it.*

□

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1 **MR. DAVID POOLE:** *It's been moved and seconded for denial,*

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2 with those findings of fact, denial to the Board of County
3 Commissioners. Any further discussion on this motion? If not,
4 those in favor signify by saying 'I'. Opposed same sign.
5 Motion carries unanimous.

6

7 (Vote unanimous.)

8

9 MR. DAVID POOLE: Thank you very much. You'll be notified
10 and I think you do have an opportunity to appeal. It's going
11 before the County Commissioners at any rate. Okay. Thank you
12 very much for your time and your patience taking two trips to go
13 through this.

14

15 (End of verbatim section.)

16

17 Regular Meeting - Item No. 1 - Items from the Public

18

19 MR. DAVID POOLE: Moving on to the regular portion of our
20 meeting, is there any items from the public? Seems like the
21 public's leaving. That makes it easy.

22

23

24

25

□

63

1 Regular Meeting - Item No. 2 - Items from the Planning

May 21, 2007

2 *Director/Administrator*

3 *A. Recent Board of Commissioner Meeting Decisions*

4 *And*

5 *Regular Meeting - Item No. 3 - Items from the Deputy Prosecuting*

6 *Attorney*

7

8 *MR. DAVID POOLE: No items from the Planing*

9 *Director/Administrator.*

10 *MS. WENDY ATKINS: I do have a couple. Brad said you'd*
11 *like to be updated on the applications that have gone before the*
12 *Board. As you heard, the Board did approve the Johnston rezone*
13 *off of Plaza and Jordan, and the Charters as well. They*
14 *approved that last Monday.*

15 *MR. J.B.: Did those go with our recommendation not to*
16 *approve?*

17 *MS. WENDY ATKINS: Yes. Those did go with your*
18 *recommendation. The River Valley Plat was approved today. I'm*
19 *not familiar with that one but if you have questions I can find*
20 *out and get back to you. The hearing for your meeting in June*
21 *has three ordinance amendments, and those are to be mailed out*
22 *this week.*

23 *MR. DON WILKERSON: Clarification from discussion here. On*
24 *Charters and Johnston and you said one other one....*

25 *MR. DAVID POOLE: River valley.*

□

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1 *MR. DON WILKERSON: Well no, Jordan or something.*

2 *MR. DAVID HARGRAVES: That was the road name.*

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3 **MR. DON WILKERSON:** *The Planning and Zoning decision was*
4 *overturned by the Board of County Commissioners and they*
5 *approved them right?*

6 **MS. WENDY ATKINS:** *That's correct.*

7 **MR. DON WILKERSON:** *But this commission denied it?*

8 **MR. DAVID HARGRAVES:** *They didn't accept your*
9 *interpretation of the comp plan.*

10 **MR. LAWRENCE WHITSELL:** *I think one of the dilemmas is that*
11 *we have two comp plans. Even though one isn't officially*
12 *recognized, it's probably being recognized.*

13 **MR. DAVID HARGRAVES:** *No. That's County residential impact*
14 *area. The Board of County Commissioners are using the same*
15 *policies your using. They're just interpreting it in a*
16 *different way.*

17 **MR. BRENT JENSEN:** *Even totally disregard the new proposal*
18 *and any of it's concepts, it's totally appropriate that the*
19 *property we talked about tonight for instance, as Commissioners,*
20 *for us to feel the County's not ready for that. Of course we*
21 *have other reasons, ground water issues, don't support higher*
22 *densities.*

23 **MR. DAVID POOLE:** *I think what your saying is we don't have*
24 *to agree with the County Commissioners.*

25 **MR. BRENT JENSEN:** *It's still okay for us to interpret it*

□

65

1 *different.*

2 **MR. DAVID HARGRAVES:** *Don't feel bad about disagreeing on*

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3 *the way you interpret the ordinance. However, when the Board of*
4 *County Commissioners has made this ruling over and over again,*
5 *that's different then what your making --*

6 *MR. BRENT JENSEN: Then it's something you need to look at.*
7 *You would think the Commissioners would listen to their*
8 *constituents.*

9 *MR. DAVID HARGRAVES: There's different ways of viewing*
10 *things but ultimately, the Board of County Commissioners make*
11 *that final decision. Another basis for your decision, possibly*
12 *could have been, does it consider the public health, safety, and*
13 *welfare. You had testimony here that said wells out in that*
14 *area are a problem. Based on that, maybe it would have been*
15 *appropriate to continue and get a somebody to do a study out*
16 *there, bring it in and consider what's going to be the impact of*
17 *the wells.*

18 *MS. WENDY ATKINS: When we're talking wells in an R-2,*
19 *where you have a community well versus four individual wells,*
20 *what's the impact of one well versus four?*

21 *MR. BRENT JENSEN: A community well goes deep and doesn't*
22 *hit that shallow aquifer.*

23 *MR. DAVID POOLE: But we had some of that comment from a*
24 *gentleman that spent a lot of time and money suggesting that*
25 *they needed more wells as opposed to one. So that is pretty*

□

66

1 *area specific.*

2 *MR. DON WILKERSON: And I think the history out there,*
3 *probably when a lot of those homes were built, they only drilled*

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4 shallow wells. They're finding, with more homes that they may
5 not be going dry, but the size of their pump is pumping them
6 dry.

7 MR. DAVID HARGRAVES: Maybe what I could do, maybe staff
8 could get you a copy of those recent decisions of the Board.

9 MR. BRENT JENSEN: That would be helpful. Then we would
10 have some direction from their perspective.

11 MR. DAVID HARGRAVES: This type of interpretation started
12 over a year ago with someone who was in a County residential
13 impact area. He wanted to go to real small lots, 6000 square
14 feet. The Commissioners said, well we got 1 acre out there so
15 it looks like 1 acres are okay, but not 6000. That's too small.

16 MR. BRENT JENSEN: What he could have done is went with a
17 PUD and he could have had anything that they wanted out there,
18 really.

19 MR. DAVID HARGRAVES: So that's kind of where this
20 interpretation of what the County residential impact area would
21 allow.

22 MR. BRENT JENSEN: And see, that other thing was a pending
23 1 acre zone from years and years ago. It had already been
24 approved. They were coming in and asking for higher density and
25 they wanted just to grant a variance, if I remember correctly.

□

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1 If they would have went through a PUD process, they could have
2 got it.

3 MR. LAWRENCE WHITSELL: But they had central sewer system

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4 then?

5 **MR. BRENT JENSEN:** Under a PUD they would have.

6 **MR. LAWRENCE WHITSELL:** Well one of the dilemmas with the
7 Matthew Johnston rezone is that we've got sewer and water
8 issues. Then we can do something about that through PUD's and
9 some sort of planning.

10 **MR. BRENT JENSEN:** As soon as you go R-2, they can do about
11 what they want.

12 **MR. LAWRENCE WHITSELL:** But you can direct that with a PUD.
13 You can generate open space, parks and maintain that density.

14 **MR. BRENT JENSEN:** The trade off is to give them higher
15 density. That's the incentive.

16 **MR. LAWRENCE WHITSELL:** How else do you make that
17 transition? Like J.B. says, we're not ready but yet there's
18 going to be people building. Let's say they go out there and
19 put in a 5 acre development. There's houses everywhere.

20 **MR. DON WILKERSON:** That was one concern of this Commission
21 when we discussed the comp plan. North of the river, do you
22 increase the density without city sewer and water over there?
23 One thought was no.

24 **MR. LAWRENCE WHITSELL:** It's a huge issue anywhere to deal
25 with the sewer and water issues.

□

68

1 **MR. BRENT JENSEN:** The County's not starving for buildable
2 lots.

3 **MR. J.B.:** My frustration with the County Commissioners is
4 when they override our recommendation. It would be nice to get

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5 a letter from them saying we overrode you, and this is why, and
6 this is the way we're looking at it.

7 MR. DAVID HARGRAVES: They have a form of their written
8 decision that's available to you. That written decision is
9 pretty thorough. It usually comes out of the Planning and
10 Zoning staff report. I'll review it but I usually don't draft
11 those.

12 MR. J.B.: I'd like to get all the ones they over turn on
13 us.

14 MR. DON WILKERSON: At least we'd know the reasoning behind
15 it.

16 I didn't know there were no requirement for buffers on 1
17 acre lots. I know we had addressed that before in just the same
18 location, only to the north. Remember those people who wanted
19 to put in a subdivision? They had the buffer.

20 MR. DAVID HARGRAVES: Buffer on 1 acre lots?

21 MR. DON WILKERSON: Well they had a subdivision. They were
22 7 lots on 7 acres and we required that they put in a fence as a
23 buffer. That was on Lower Bluff just north of Idaho. Then they
24 decided to just split it.

25 MR. DAVID HARGRAVES: Did you say I disagree with you on

□

69

1 that?

2 MR. DON WILKERSON: No. You can say there's been a change
3 of thought because we said that they had to have a buffer on
4 that subdivision. You're saying the County Commissioners are

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5 now saying on 1 acre lots, and maybe in the agriculture area, a
6 buffer isn't a requirement.

7 MR. DAVID HARGRAVES: It talks about a buffer kind of
8 transition between smaller parcels, subdivisions, and
9 agricultural lots. So, I think the Commissioners, what they've
10 kind of said generally is that 1 acres would be an acceptable
11 type of buffer.

12 MR. J.B.: And we used to think it was 5 acres.

13 MR. DON WILKERSON: But we've made some decisions before,
14 even on 1 acre lots, that a buffer's required.

15 MR. DAVID HARGRAVES: Are you talking about landscaping
16 type of buffers?

17 MR. DON WILKERSON: I'm talking about a fence or....

18 MR. DAVID HARGRAVES: No. I think that's correct. That
19 would come into play during the subdivision process.

20 MR. DAVID POOLE: Do you have anything else, David?

21 MR. DAVID HARGRAVES: No.

22

23 Regular Meeting - Item No. 4 - Items from the Planning and
24 Zoning Commission

25

□

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1 MR. DAVID POOLE: Items from the Planning and Zoning
2 Commission.

3 MR. DON WILKERSON: I have one for David. Reading the
4 County Commissioners' minutes on Woods Ranch, it mentioned
5 something about a "herd district". Do you know what they meant

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6 by that? H-E-R-D.

7 MR. DAVID HARGRAVES: What is a herd district? What I
8 think a herd district is, if you don't want cattle on your
9 property, you put up a fence. The rancher does not have to put
10 up the fence.

11 MR. DON WILKERSON: So you're saying it'd be open range
12 then.

13 MR. DAVID POOLE: That's state of Idaho.

14 MR. DAVID HARGRAVES: I don't know much about that stuff.

15 MR. DON WILKERSON: I was just asking.

16

17 Regular Meeting - Item No. 5 - Adjourn

18

19 MR. J.B.: Motion to adjourn.

20 MR. BRENT JENSEN: Second it.

21 MR. DAVID POOLE: Motion carries unanimously.

22

23

24

25