

June 11,2007

1

1

2 GEM COUNTY PLANNING AND ZONING PUBLIC HEARING

3

4

5 Date: June 11, 2007

6 Time: 7:05pm - 10:16pm

7 Place: Gem County Courthouse

8

9 MEMBERS PRESENT:

10 Don Wilkerson, David Poole, Lawrence Whitsell, Fred

11 Nussbaumer, J.B., Debbie Rouwenhorst, and Will Mavpin

12

13 MEMBERS ABSENT WITH PRIOR NOTICE:

14 Brent Jensen

15

16 MEMBERS ABSENT WITHOUT PRIOR NOTICE:

17 Sissy Stewart

18

19 OTHERS PRESENT:

20 Brad Hawkins-Clark - Planning Director, Wendy Atkins -

21 Planner 1, David Hargraves - Prosecuting Attorney, and Paul

22

23

24 This is a summary, not verbatim.

25 Transcription done by Amanda Shaw

□

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ITEMS REFERENCE PAGE

Consent Agenda:

Item No. 1 - Minor Subdivision Review:

- A. Kennedy Heights SubdivisionPage 4**
- B. Kellar SubdivisionPage 9**
- C. Sweet Valley Acres SubdivisionPage 11**

Item No. 2 - Approval of the Minutes of April 30, 2007

.....Page 12

Items Moved From Consent Agenda:

Item No. 1-A Kennedy Heights SubdivisionPage 13

Item No. 1-B Kellar SubdivisionPage 14

Item No. 1-C Sweet Valley Acres SubdivisionPage 15

Public Hearing:

Item No. 1 - (Continued) Variance #VAR-07-002

William CarlsonPage 17

Item No. 2 - Preliminary Subdivision plat

(River Ranch Estates) - Steve and Jeanette Mednicoff

.....Page 17



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ITEMS REFERENCE PAGE

Item No. 3 - Rezone #RZ-07-009 - Todd WarrenPage 62

*Item No. 4 - Amendments to Gem County Code, Title 11,
Chapter 5 Zoning Matrix, Extraction BusinessPage 70*

*Item No. 5 - A new ordinance adopting Highway and Street
Design and Construction GuidelinesPage 78*

Regular Meeting:

Item No. 1 - Items from the publicPage 96

Item No. 2 - Items from the Planning Director/Administrator

A. Recent Board of Commissioner Meeting

DecisionsPage 97

Item No. 3 - Items from the Deputy Prosecuting Attorney

.....Page 99

Item No. 4 - Items from the Planning and Zoning Commission

.....Page 100

Item No. 5 - AdjournPage 101



June 11,2007

1

2

PROCEEDINGS

3

City of Emmett, Gem County, June 11, 2007

4

5 **MR. DAVID POOLE:** *Okay. This is June 11, 2007 the Planning*
6 *and Zoning Commission meeting. The first thing we have to*
7 *address tonight is our consent agenda. Commissioners, is there*
8 *any of you that would like to make comments on any of these*
9 *minor subdivision reviews?*

10

11 *Consent Agenda - Item No. 1-A Kennedy Heights Subdivision*

12

13 **MR. DON WILKERSON:** *Again, this is just our discussion.*
14 *We're not removing it yet. On Kennedy Heights, it looks like*
15 *there might be a -- shows there on the east property line the*
16 *length is 1314.50 feet, but there's two measurements in there.*
17 *One's 1274.50 and one is 515.64. The reason I'm asking, I would*
18 *like to know the length of that access road.*

19 **MR. DAVID POOLE:** *So are you addressing this to the staff?*

20 **MR. DON WILKERSON:** *Staff, right. I guess the reason I'm*
21 *asking if it's going to be over 150 feet, does it need*
22 *turn-outs?*

23 **MR. BRAD HAWKINS-CLARK:** *Good evening, Commissioners. The*
24 *standard on that is if the driveway is less than 20 feet wide,*
25 *then they would have to do the turn-outs for an emergency*

□

June 11,2007

1 vehicle. If they have it a full 20 foot width, then the Fire
2 District has been allowing the 20 foot to suffice for their
3 access.

4 MR. DAVID POOLE: So the road bed will be 20 feet?

5 MR. DON WILKERSON: It shows a 20 foot easement there. So
6 the Fire District's okay with that without turn-outs on the 20
7 foot road right-of-way?

8 MR. BRAD HAWKINS-CLARK: We did not receive any comments
9 from Gem Fire No. 2. Normally we would hear that from them on a
10 building permit. Once they get a building permit for lot 2 they
11 would review the driveway and if they have concerns with it,
12 then they would say no. Our ordinance doesn't actually say you
13 have to have a certain width on the flag.

14 MR. DON WILKERSON: So 20 feet is all right because it has
15 continued road frontage.

16 MR. BRAD HAWKINS-CLARK: Right.

17 MR. DON WILKERSON: My other question, I might have missed
18 it in the staff report, how about irrigation water? It must
19 have irrigation because there's irrigated alfalfa there. How
20 are they going to get irrigation water to it? I didn't see a
21 letter from the irrigation company.

22 MR. BRAD HAWKINS-CLARK: There is on page 5 of 6.

23 MR. DON WILKERSON: 5 of 6, okay.

24 MR. BRAD HAWKINS-CLARK: That's Kennedy Heights. We may
25 need to tweak that a little bit but 1-B says amend sheet one to

□

June 11,2007

1 clearly label irrigation easements. The applicant is aware that
2 the easements need to go to both 1 and 2.

3 MR. DON WILKERSON: And we got a dedicated 40 foot road
4 right-of-way. I have no other concerns about that one.

5 MR. J.B.: Regarding the road, Don, that was also my
6 question on it. There's a 20 foot easement; is that correct,
7 Brad?

8 MR. BRAD HAWKINS-CLARK: It's not an easement. It's deeded
9 land that goes with Lot 2. So it's not like Lot 1 is giving an
10 easement back to Lot 2.

11 MR. J.B.: What's the condition on this road? What's it
12 going to be made of? What's the surface going to be?

13 MR. BRAD HAWKINS-CLARK: For a driveway which can serve one
14 or two lots it has to be basically all weather and suffice for
15 an emergency vehicle.

16 MR. J.B.: You indicated a moment ago that the Fire
17 Department, as long as it's been actually a 20 foot driveway --
18 my concern is I've never seen a 20 foot driveway on a 20 foot
19 easement. I've just never seen it go the full 20 feet. So I
20 don't see how we get a 20 foot driveway, usable road way, on a
21 20 foot ease ment. One of the things I think we discussed here
22 weeks past was that by the time these would be getting here the
23 Fire Department would have signed off on it before it went to
24 permit. So I have a concern about the roadway.

25 MR. DAVID POOLE: Further discussion on Kennedy Heights?

□

7

1 MR. LAWRENCE WHITSELL: My concern is where is the pivot

June 11,2007

2 located? Is it off the 40 foot easement of on the 40 foot
3 easement? There's a pivot base, do we know where that's located
4 and is that of concern?

5 MR. BRAD HAWKINS-CLARK: Commissioner, we did discuss that
6 during the review. The point is on the property, if it's not,
7 then they're going to have to move it off of the right-of-way.
8 It is very close. I'm not remembering. Roger, it's off--

9 MR. ROGER BENNIE: No. It's 37 feet. They agreed to sign
10 a license agreement with the County because the County's not
11 going to improve that road.

12 MR. BRAD HAWKINS-CLARK: We're starting to use, as we've
13 talked license agreements, that if the County Commissioners, if
14 it gets to that point and there's a private amenity like an
15 irrigation facility or a fence in the right-of-way that gets
16 dedicated to Gem County. Then we have this license agreement
17 that allows for those to remain until such time as the road is
18 actually widened. If that happens, then it is the property
19 owner's expense to move that outside of the right-of-way. So
20 that's a good point. Currently, if this goes through, would be
21 in the right-of-way but, presumably, would be in a license
22 agreement.

23 MR. DON WILKERSON: I'd like to follow up a little bit on
24 what J.B.'s looking at. I'm looking at Gem County ordinance to
25 provide emergency vehicle access, turn arounds, and private

□

8

1 drives. This is really a private drive. It says the

June 11,2007

2 right-of-way should be under 20 feet. Like J.B. said, your not
3 going to get 20 feet of roadway and it says here if your roadway
4 width is 16 feet, you do need turnouts beyond 150 feet. So even
5 though this is 20 foot right-of-way, if they can only get a 16
6 foot roadway, turnouts are required; aren't they?

7 MR. BRAD HAWKINS-CLARK: That's right.

8 MR. DON WILKERSON: Okay. I thought you said earlier that
9 if it's a 20 foot --

10 MR. BRAD HAWKINS-CLARK: Surface is what I said. If it's a
11 20 foot surface, they don't have to do the turnouts.

12 MR. DON WILKERSON: So on this particular road, they're
13 going to have to have a turnout.

14 MR. BRAD HAWKINS-CLARK: If they can not get 20 feet of
15 driving surface, then correct.

16 MR. DON WILKERSON: You got a 20 foot easement and you got
17 a 16 foot road. I guess we don't have a design for what a
18 turnout is.

19 MR. BRAD HAWKINS-CLARK: Actually there is a design in the
20 international fire code.

21 MR. DON WILKERSON: Okay. Do you know what it says?

22 MR. BRAD HAWKINS-CLARK: I don't remember the dimensions.

23 MR. DON WILKERSON: At the turnout location, does it have
24 to be more than 20 feet?

25 MR. BRAD HAWKINS-CLARK: Oh, I think it does.

□

9

1 MR. DON WILKERSON: So if you have to have a turnout, a 20
2 foot road right-of-way will not support a turnout.

June 11,2007

3 MR. DAVID POOLE: Any further questions on the Kennedy
4 Heights?

5 MR. J.B.: I move that we pull the Kennedy Heights off the
6 consent agenda.

7 MR. DAVID POOLE: Is there a second to that motion?

8 MR. DON WILKERSON: I second it.

9 MR. DAVID POOLE: It's been moved and seconded. Is there
10 discussion on the motion? If not, all those in favor signify by
11 saying 'I'. Opposed same sign. Motion carries.

12

13 (Vote unanimous.)

14

15 Consent Agenda - Item No. 1-B Kellar Subdivision

16

17 MR. DAVID POOLE: Next is Keller Subdivision.

18 MR. DON WILKERSON: I have just a general question on both
19 of these. Where it appears on the Sweet Valley Acres, it says
20 the entire sub is within Zone C of the floodplain and on the
21 Keller Estates it says that a third of it's in Zone C of the
22 floodplain. I guess I need clarification from staff. The
23 ordinance says if the property is within a floodplain, it can
24 not be proposed as a minor sub. So are we saying just because
25 part of it's in a floodplain it can be a minor sub?

□

10

1 MR. BRAD HAWKINS-CLARK: No, Commissioner's. In the
2 floodplain maps of FEMA there's a couple different zones. The

June 11, 2007

3 *Zone A is the 100 year special hazard area. The way our*
4 *ordinance defines the floodplain is the 100 year, but FEMA does*
5 *have 500 year and then undesignated areas and undetermined*
6 *areas. They've got several categories in the FEMA maps, which*
7 *are floodplain maps, but only Zone A is the 100 year.*

8 *MR. DON WILKERSON: So I could update my book here that*
9 *said on minor subs if it's not Zone A, it can be a minor sub.*

10 *It's a little confusing.*

11 *MR. BRAD HAWKINS-CLARK: Yeah. I can appreciate that.*

12 *MR. DON WILKERSON: Okay. I'll just do that later. Thank*
13 *you.*

14 *MR. DAVID POOLE: Further questions on Keller subdivision?*

15 *MR. DON WILKERSON: Mr. Chairman, I do have a question.*
16 *The road going in to Keller, it is also the emergency access*
17 *into Stage Coach Ranch Sub. I'd like to propose that the*
18 *entrance from Shale Rock Road in, that there be a sign that no*
19 *parking on the roadway if it's going to be an emergency access*
20 *for ambulances or fire trucks. You have Bureau of Land*
21 *Reclamation ground on both sides of that road, which you can*
22 *stop there and hunt ducks or whatever. I'm not sure what they*
23 *can do out there. I'd just like to propose that there be a sign*
24 *placed at that intersection that says no parking on roadway at*
25 *anytime.*

□

11

1 *MR. DAVID POOLE: Is that a proposal that we can make here?*

2 *MR. DON WILKERSON: Yeah.*

3 *MR. DAVID POOLE: No. I mean are we in a position to do*

June 11,2007

4 *that or is that supposed to be done by the Road Department?*

5 *MR. DON WILKERSON: I don't know if the Road Department*
6 *will do it. I make a motion that we pull Keller Estates off of*
7 *the consent agenda and have discussion on that item.*

8 *MR. DAVID POOLE: Is there a is second to that motion?*

9 *MR. LAWRENCE WHITSELL: I'll second it.*

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

12 *Motion carries.*

13

14 *(Vote unanimous.)*

15

16 *Consent Agenda - Item No. 1-C Sweet Valley Acres Subdivision*

17

18 *MR. DAVID POOLE: On Sweet Valley Acres, just a short*
19 *circuited here because we have a problem with the utility for*
20 *the road, I guess.*

21 *MS. WENDY ATKINS: Road. Yes.*

22 *MR. DAVID POOLE: We have to make a change in that. So I*
23 *suggest, gentleman, that one of you make a motion that we pull*
24 *that off of the consent agenda.*

25 *MR. J.B.: I so move.*

□

12

1 *MR. FRED NUSSBAUMER: Second.*

2 *MR. DAVID POOLE: Discussion? If not, all those in favor*
3 *signify by saying 'I'. Opposed same sign. Motion carries.*

June 11,2007

4

5 (Vote unanimous.)

6

7 Consent Agenda - Item No. 2 Approval of the Minutes of

8 April 30, 2007

9

10 MR. DAVID POOLE: Okay. Lets have the approval of the
11 minutes. Anybody want to make a motion to approve the minutes
12 or corrections.

13 MR. DON WILKERSON: I have corrections marked here.

14 MR. DAVID POOLE: Is it typos and misspelling.

15 MR. DON WILKERSON: Typos and misspelling.

16 MR. J.B.: I move that we approve the minutes with Don's
17 corrections.

18 MR. DAVID POOLE: Is there a second to that motion?

19 MR. FRED NUSSBAUMER: Second.

20 MR. DAVID POOLE: All those in favor signify by saying 'I'.

21 Opposed same sign. Motion carries.

22

23 (Vote unanimous.)

24

25 MR. DON WILKERSON: I have one recommendation on the

□

13

1 minutes. For me, the font that was used on the January minutes
2 is easier to read then the font that's used on these. Could we
3 go back to the January font?

4 MR. DAVID POOLE: But this is a lot prettier. I guess my

June 11,2007

5 next question, are corrections actually made to them.

6 MS. WENDY ATKINS: Yes.

7

8 Items Moved from Consent Agenda - Item No. 1-A Kennedy Heights

9 Subdivision

10

11 MR. DAVID POOLE: Okay. We'll move to the items moved from

12 the consent agenda. Let's start with the Kennedy Heights

13 Subdivision. Okay, it would be removed because of.... Does

14 anyone want to bring some discussion up.

15 MR. J.B.: We removed it because of the roadway and the

16 turnouts.

17 MR. DON WILKERSON: All right.

18 MR. J.B.: I would support the application if the road

19 issue was addressed.

20 MR. DAVID POOLE: Okay. Anybody want to make a motion so

21 that the staff can understand that.

22 MR. J.B.: Sure. I make a motion that we approve the

23 Kennedy Heights Subdivision, providing that the staff come up

24 with the appropriate turnouts for the roadway as required by

25 code.

□

14

1 MR. DAVID POOLE: So we make a recommendation of approval

2 to the Gem County Commissioners, providing --

3 MR. J.B.: Providing that staff resolve the turnout issue

4 or the road issue.

June 11,2007

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

6 MR. LAWRENCE WHITSELL: I'll second it.

7 MR. DAVID POOLE: Okay. Discussion? Is that plain enough?

8 MR. BRAD HAWKINS-CLARK: We got it.

9 MR. DAVID POOLE: All those in favor signify by saying 'I'.

10 Opposed same sign. Motion carries.

11

12 (Vote unanimous.)

13

14 Items Moved from Consent Agenda - Item No. 1-B Kellar

15 Subdivision

16

17 MR. DAVID POOLE: Next item is Kellar Estates.

18 MR. DON WILKERSON: Since I brought it up, I'm in support

19 of it if we make additional recommendation that a sign be put at

20 the intersection of Shale Rock Road and a private 40 foot road

21 easement stating that nobody will be parked on the roadway at

22 anytime.

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

24 MR. DAVID POOLE: We've got a second to that motion.

25 Discussion on the motion? If not, all those in favor signify by

□

15

1 saying 'I'. Opposed same sign. Motion carries.

2

3 (Vote unanimous.)

4

5 Items Moved from Consent Agenda - Item No. 1-C Sweet Valley

June 11,2007

6 *Acres Subdivision*

7

8 *MR. DAVID POOLE: Okay. The sweet valley acres, I think*
9 *the one thing that we do know is the problem is the road*
10 *easement to Lot 2 has to be moved to the north so that the*
11 *entire 40 foot easement is in Lot 1.*

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

13 *MR. DAVID POOLE: Okay. So is there any further comments*
14 *on the Sweet Valley Acres Subdivision?*

15 *MR. J.B.: I've got a question.*

16 *MR. DON WILKERSON: Mr. Chairman, I think another thing we*
17 *need to add is, I think Wendy put this on here, also there will*
18 *be a 10 foot easement to the north side of that right-of-way.*

19 *MR. DAVID POOLE: He's got 10 foot utilities drawn in*
20 *there, okay? All right. J.B. you had other discussion?*

21 *MR. J.B.: I had one question. Does moving that road*
22 *affect the lot size sufficiently to where it would not qualify?*

23 *MR. DAVID POOLE: I was told not.*

24 *MR. J.B.: Okay. Thank you. No other questions.*

25 *MR. DAVID POOLE: Okay. So does somebody want to make a*

□

16

1 *motion on that?*

2 *MR. J.B.: I'm not sure how to word it with the road*
3 *change. I'll make a motion that we approve the Sweet Valley*
4 *Acres application, make a recommendation to approve the Sweet*
5 *Valley Acres application with the appropriate changes to the*

June 11,2007

6 road that have been indicated.

7 MR. DAVID POOLE: Road and utilities.

8 MR. J.B.: Road and utility easements.

9 MR. DAVID POOLE: Second to that motion?

10 MR. LAWRENCE WHITSELL: I'll second it.

11 MR. DAVID POOLE: Discussion on the motion?

12 MR. DON WILKERSON: The surveyor just brought this up.

13 This here shows the 40 foot road easement running clear through

14 to the east end of Lot 2. Wendy just said it would end at the

15 boundary between Lot 1 and 2. Which is correct? Is it going to

16 end right there?

17 MR. ROGER BENNIE: 40 foot ends right here. This 40 foot

18 continues all the way through.

19 MR. DON WILKERSON: Okay. Thank you.

20 MR. DAVID POOLE: Further discussion? If not, all those in

21 favor signify by saying 'I'. Opposed same sign. Motion to

22 recommend this to the County Commissioners with the changes has

23 been made.

24

25 (Vote unanimous.)

□

17

1

2 Public Hearing - Item No. 1 (Continued) Variance #VAR-07-002

3 William Carlson

4

5 MR. DAVID POOLE: Now, the continuance on the variance for

6 William Carlson's been pulled. They bought property instead of

June 11,2007

7 *fighting City Hall.*

8

9 *Public Hearing - Item No. 2 Preliminary Subdivision Plat*

10 *(River Ranch Estates) - Steve and Jeanette Mednicoff*

11

12 *MR. DAVID POOLE: Now we've got Item No. 2, which is the*

13 *preliminary plat subdivision for River Ranch Estates by Steve*

14 *and Jeanette Mednicoff. Okay. Is a representative for them*

15 *here?*

16

17 *(At this time, Mr. David Poole explained the public hearing*

18 *process.)*

19

20 *MR. OSCAR WILLIAMSON: Oscar Williamson, 3606 East*

21 *Kingsgate in Nampa. I have a quick question. I'd like to know*

22 *how to address this, what we just handed out. We went through*

23 *and put a comment response for all the comments with all the*

24 *different agencies and the staffs' questions. I don't know if*

25 *you want to me to address just the staffs' questions or go*

□

18

1 *through all the different agencies comments and responses for*

2 *all of them.*

3 *MR. DAVID POOLE: You know, if we could keep it short, if*

4 *there's any problems or it gets too lengthy, you know we have to*

5 *leave time for the public too.*

6 *MR. OSCAR WILLIAMSON: Okay. What you have, the first page*

June 11,2007

7 *is just the map, the plat. We've reviewed all the concerns*
8 *posted by that staff and we'd like to elaborate on a couple of*
9 *them.*

10 *The first one that we'd like to elaborate on is the*
11 *intersection assessment. After reviewing the intersection of*
12 *the subdivision on Plaza Road, our findings are that the Astro*
13 *State Highway Manual requires a 45 mile an hour design speed*
14 *along Plaza Road. For a site distance, that's 165.4 feet for*
15 *the breaking reaction time and 153.6 of actual braking distance.*
16 *That equates to about 360 feet. The existing intersection will*
17 *accommodate a design speed of over 55 miles an hour. The*
18 *intersection at Plaza Road is an existing intersection and*
19 *approved prior to this development. So we actually went through*
20 *there and did all the calculations needed to meet that concern.*

21 *There's current vegetation growth adjacent to the*
22 *intersection. That can be trimmed back per the requirements.*
23 *Some of the vegetation is within the 40 foot to be dedicated.*
24 *Any brush that inhibits visibility will be taken care of. The*
25 *vertical sight distance also meets all the requirements.*

□

19

1 *MR. DAVID POOLE: I'm sorry, Brad, did you want to give a*
2 *rundown on this at all? You, gentlemen, want to move on or do*
3 *you want Brad to give us a rundown?*

4 *MR. J.B.: Go ahead and move on and come back to Brad.*
5 *That's just my opinion.*

6 *MR. DAVID POOLE: Okay. Go on.*

7 *MR. OSCAR WILLIAMSON: The groundwater assessment and well*

June 11,2007

8 assessment, we use a stratogeotechnical firm. Attached is
9 Exhibit A, if you have any questions on the wells and the
10 groundwater assessment. There's a 25 page report in there that
11 addresses the issue. There's a lot of well logs.

12 MR. DON WILKERSON: I'd like to be able to maybe ask
13 questions as we go along.

14 MR. DAVID POOLE: Certainly. I see no reason why not, Don.

15 MR. DON WILKERSON: Okay. Lets go back to the intersection
16 assessment. You've got 165.4 for braking reaction distance and
17 153.6 for actual braking.

18 MR. OSCAR WILLIAMSON: That's correct.

19 MR. DON WILKERSON: That's supposed to equal 359.8? Add
20 the two together I don't think it adds up to that. I got 319.0.

21 MR. OSCAR WILLIAMSON: That's from the point of decision
22 and the stop bar is actually back a little bit farther. So
23 these numbers here were just pulled directly from the Astro
24 Manual.

25 MR. DON WILKERSON: So what you're saying, those two

□

20

1 numbers are not supposed to equal 359.8 then.

2 MR. OSCAR WILLIAMSON: That is correct.

3 MR. DON WILKERSON: Okay. Thank you.

4 MR. OSCAR WILLIAMSON: The actual number within the manual
5 that states -- from a safety factor they always round it up to
6 360. They always round it up to the nearest whole number. That
7 being said, with the analysis, that road can be at 55 miles an

June 11, 2007

8 hour. So it more than exceeds the needed requirements.

9 MR. DON WILKERSON: Have you given any thought about doing
10 a north turn lane, going north on Plaza because of the s-curve,
11 and also an acceleration lane coming right turnout of the
12 subdivision going south? Have you had any discussion on that at
13 all?

14 MR. OSCAR WILLIAMSON: We actually haven't because the
15 sight distance is met.

16 MR. DON WILKERSON: That's all I need to know. Okay.
17 Thanks.

18 MR. OSCAR WILLIAMSON: Is there any questions on the
19 groundwater assessment?

20 MR. DAVID POOLE: There's a lot to digest.

21 MR. OSCAR WILLIAMSON: Yeah. There is a lot. Most of that
22 stuff is well logs. Basically, to sum it up, they didn't see in
23 a preliminary evaluation, they didn't see any problem putting in
24 individual wells on the individual lots.

25 MR. DAVID POOLE: Okay.

□

21

1 MR. LAWRENCE WHITSELL: Did they use the existing wells as
2 test wells?

3 MR. OSCAR WILLIAMSON: They used existing wells and they
4 used wells adjacent to it. I think there was a number in there.

5 MR. BRAD HAWKINS-CLARK: 16 wells.

6 MR. OSCAR WILLIAMSON: Yeah. 16 different logs in the
7 surrounding area adjacent to that. One of the main concerns was
8 to make sure that we don't deteriorate the aquifer. These tests

June 11,2007

9 with existing wells determined that we're not going to do that.

10 Before final plat, we will elaborate on all the tests that are

11 required.

12 MR. LAWRENCE WHITSELL: What kind of criteria did they use?

13 Did they draw them down to the max and see how long it takes for

14 them to recharge?

15 MR. OSCAR WILLIAMSON: I'm actually going to request that I

16 don't answer that because I'm not a geotechnical engineer. I

17 don't know the exact specifics that the geotechnical firm used

18 on that.

19 MR. LAWRENCE WHITSELL: That's addressed in this report

20 though?

21 MR. OSCAR WILLIAMSON: Yeah.

22 MR. LAWRENCE WHITSELL: Thank you.

23 MR. DON WILKERSON: If it's not, then we can ask questions

24 at a later date then.

25 MR. OSCAR WILLIAMSON: We can definitely review anything

□

22

1 you need.

2 MR. DAVID POOLE: Any other questions about the well

3 reports?

4 MR. FRED NUSSBAUMER: On the last paragraph on page 2, it

5 says that the strata has performed a cursory review of the

6 hydrology in the area, and in our opinion, based upon the

7 limited information, I'm going to say that in your final plat it

8 should not be limited.

June 11,2007

9 MR. OSCAR WILLIAMSON: That is definitely correct. There
10 will be a thorough report for the final plat. It will be a full
11 report that will make this one look small.

12 MR. DAVID POOLE: Further questions?

13 MR. OSCAR WILLIAMSON: The next item was the Department of
14 Lands. There was a remark of a potential 25 foot access
15 easement to be required along the eastern bank of the Payette
16 River. Elk Mountain Engineering is currently working through
17 the disclaimer of interest process with the Department of Lands.
18 This issue and others regarding the high water mark will be
19 resolved prior to final plat approval. These issues will not
20 have an adverse effect on the proposed plat layout; see Exhibit
21 B. Exhibit B is just letting you know that we are working
22 closely with the Idaho Department of Lands to address the high
23 water mark issues.

24 MR. DAVID POOLE: Questions, gentlemen? Okay, go ahead.

25 MR. OSCAR WILLIAMSON: The next item is the roadway

□

23

1 section. After reviewing the request by the Road and Bridge
2 Department, the plat can accommodate 5 foot shoulders and a 4 to
3 1 slopes. It will not impact the lot size or the layout. So
4 they just requested that we put in a 5 foot shoulder and 4 to 1
5 slopes in our drainage beds next to the road. So that won't
6 have any effect on our design.

7 MR. LAWRENCE WHITSELL: There was also discussion about the
8 base and everything on the roads as well, wasn't there?

9 MR. OSCAR WILLIAMSON: Yeah. I actually talked to Kim

June 11,2007

10 *Reed. I talked with him today, and he said that there's going*
11 *to be required a 3 inch, 3 inch, and a 12 inch section. We have*
12 *modified the typical section of the roadway to accommodate that.*
13 *So we addressed all the issues. He had four different issues.*
14 *That was one of them and we addressed that.*

15 *MR. DAVID POOLE: Any other questions, ladies and*
16 *gentleman? I apologize.*

17 *MR. DON WILKERSON: We're looking, tonight, at a new*
18 *ordinance concerning road design.*

19 *MR. DAVID POOLE: I think it had a 3 and a 4 and a 12*
20 *instead of 3 and 3 and 12.*

21 *MR. OSCAR WILLIAMSON: When I talked to him he said he had*
22 *a new one that said 3 and 3 and 12. It could be mistaken. He*
23 *said there were a few different ones but this is the one he*
24 *recommended.*

25 *MR. DON WILKERSON: It shows 3, 4, and 12. Sub base is 12,*

□

24

1 *base coarse is 4, plant mix is 3. Is that what your talking*
2 *about?*

3 *MR. DAVID POOLE: He's talking about 3 and 3 and 12.*

4 *MR. OSCAR WILLIAMSON: Yeah. Those are the different*
5 *sections.*

6 *MR. DAVID POOLE: He's going from the top down.*

7 *MR. DON WILKERSON: You can just make that correction.*

8 *MR. OSCAR WILLIAMSON: Yeah. That's just a minor*
9 *correction. Is that requirement going to be?*

June 11, 2007

10 **MR. DAVID POOLE:** *We're having a hearing on that ordinance*

11 *tonight.*

12 **MR. OSCAR WILLIAMSON:** *Is there any other questions?*

13 **MR. DAVID POOLE:** *Move on.*

14 **MR. OSCAR WILLIAMSON:** *The next item is School District*

15 *needs. After speaking with the School District, they are very*

16 *aware of the project. There's an attached letter where they say*

17 *they see no adverse conditions presented by the subdivision and*

18 *support the application. That's on Exhibit C.*

19 **MR. DON WILKERSON:** *I don't see an attached letter from the*

20 *School District.*

21 **MR. OSCAR WILLIAMSON:** *Well on the bottom -- is that --*

22 **MR. DAVID POOLE:** *"The school district sees no adverse*

23 *conditions", on the very bottom of it.*

24 **MR. DON WILKERSON:** *Oh, I see. This is the general hand*

25 *out.*

□

25

1 **MR. OSCAR WILLIAMSON:** *A couple of them look like that and*

2 *then at the bottom they just make their comments.*

3 **MR. DAVID POOLE:** *Okay. Questions about School District*

4 *needs? Okay. Move on.*

5 **MR. OSCAR WILLIAMSON:** *Okay. Next item, open space*

6 *calculation. There's a required 5% open space. We feel that*

7 *all easements should be included within the open space. The*

8 *owner maintains a fee simple title on all the ground and pays*

9 *taxes on the land. The land is encumbered by the easements and*

10 *prevents the owner from building therefore the easement area*

June 11,2007

11 *remains open for all to enjoy.*

12 *MR. J.B.: I've never seen an easement across a piece of*

13 *land that the general public has access to. So I totally*

14 *disagree with your assessment --*

15 *MR. DON WILKERSON: Or that is usable.*

16 *MR. J.B.: -- that easements become usable open space. I*

17 *would be totally opposed to your feeling on this matter and*

18 *would require the full 5% of open space be available and that it*

19 *not include any easements.*

20 *MR. DON WILKERSON: Especially when it's canal company*

21 *easement, especially on lot 1. You got 2.2 acres there and a*

22 *large amount of it is not usable for open space. It looked like*

23 *the same on Lot 31. I support J.B..*

24 *MR. DAVID POOLE: Any other comments from the*

25 *Commissioners?*

□

26

1 *MR. LAWRENCE WHITSELL: I concur.*

2 *MR. FRED NUSSBAUMER: I agree.*

3 *MR. OSCAR WILLIAMSON: Can I defer to a licensed land*

4 *surveyor to make a comment on the easement?*

5 *MR. DAVID POOLE: State your name and address.*

6 *MR. LADD CLUFF: My name's Ladd Cluff, 4286 East Amity*

7 *Road. As far as the easements go for the open space, what the*

8 *disclaimer of interest that we're working with, with the*

9 *Department of Lands, they're going to require a 20 foot public*

10 *access easement all the way along the river there. So that*

June 11, 2007

11 ground will be accessible by the public. So that was one of the
12 big areas that we were concerned with or wanting the Commission
13 to allow as part of the space because that will be part of the
14 open space for the public to use on that.

15 MR. DAVID POOLE: And so what percentage of the project is
16 that?

17 MR. LADD CLUFF: I don't have the calculation on that, but
18 with that and the open space that we already show on the plat
19 without the canal easement, we do meet and exceed the 5% open
20 space.

21 MR. DAVID POOLE: Questions?

22 MS. DEBBIE ROUWENHORST: I have a question. So the 25 foot
23 easement will be public right-of-way across the river then.

24 MR. LADD CLUFF: That is correct. The Department of Lands,
25 that's part of the disclaimer of interest process. They require

□

27

1 that you grant a 25 foot public access easement all the way
2 along the river on your property so that the public has access
3 to that. If you'll refer to the preliminary plat, between lots,
4 I think it's 8 and 10, across that there will be a 10 foot
5 access easement from the road to the river, to that 25 foot
6 access. So if they're not able to access upstream or downstream
7 from someone else's property, there will be that access across
8 there to that property. So it will be open space.

9 MR. DAVID POOLE: So how's that going to be maintained?

10 MR. LADD CLUFF: The access easement will be maintained, at
11 this point, if I recall correctly, by the Home Owners

June 11,2007

12 Association. That 10 feet will be maintained. Then that 25
13 feet will be just the natural river bank.

14 MR. J.B.: Natural river bank and accessible easement. I'm
15 not sure I understand. I'm not going to be able to walk down
16 easily on a natural river bank with the rocks and things that
17 are out there.

18 MR. DAVID POOLE: Are we talking about 25 feet above high
19 water mark?

20 MR. LADD CLUFF: That is correct. The Department of Lands
21 requires that. We're meeting with the Department of Lands on
22 the 18th of this month and walking that property. Their
23 biologist will establish that high water mark. That's always
24 back away from the water. It's up higher on the flatter ground
25 usually and then it's 25 feet back from there.

□

28

1 MR. J.B.: With regard to the open space calculation, after
2 we discuss it, I probably would not have a problem with the
3 river frontage being included in that. I do have a problem with
4 any other easements being included in the open space area. I
5 would want to have some assurance that your requirements of lot
6 owners, that they not fence, under any circumstances, those
7 easements that go across their central property that they're
8 paying taxes on. They're going to want to put fences out there;
9 They're paying taxes on it. So if it's just an easement, I want
10 some assurances that it will not be fenced.

11 MR. LADD CLUFF: There will be. That's part of, with the

June 11,2007

12 *Department of Lands, that it has to be accessible. You can not*
13 *fence that easement.*

14 *MR. J.B.: Well I'm not talking about just the river. I'm*
15 *talking about any of the easements that you're talking about.*

16 *MR. LADD CLUFF: Okay.*

17 *MR. J.B.: That your saying are access easements, not just*
18 *along the river. I want assurances that the land owners, as you*
19 *mentioned here are fee simple, they're paying taxes on it, that*
20 *they can not fence it.*

21 *MR. DAVID POOLE: Well that 10 foot easement probably*
22 *should be fenced by the project.*

23 *MR. LADD CLUFF: To allow for a walkway?*

24 *MR. J.B.: Yeah, a walkway. Exactly.*

25 *MR. DAVID POOLE: Fenced and maintained.*

□

29

1 *MR. J.B.: Then the maintenance comes into issue. Whose*
2 *taking care of it? The land owner whose paying taxes on it*
3 *doesn't want to take care of it because it's fenced beyond his*
4 *use. So what are you going to do to make sure it's maintained?*

5 *MR. LADD CLUFF: Well that will be covered under the common*
6 *area on the subdivision and also in the CC&R's.*

7 *MR. LAWRENCE WHITSELL: I guess the concern is that you*
8 *make it available to them, but will it be accessible because of*
9 *the brush? Is it going to be like a greenbelt? What do you*
10 *propose as far as this 25 foot strip looking like? Natural*
11 *brush and rocks or....*

12 *MR. LADD CLUFF: My understanding, with dealing with the*

June 11,2007

13 Department of Lands on that is eventually they would love to
14 have greenbelts on all of that but that's not a proposal in this
15 project. Right now there is access to walk through there but
16 there will not be a park or a walkway put in there.

17 MR. LAWRENCE WHITSELL: Is it pretty rough terrain? Is it
18 pretty brushy?

19 MR. LADD CLUFF: It's fairly open in most of it. There's a
20 lot of trees.

21 MR. J.B.: That goes back to our issue of the intent of our
22 5% open space was usable open space. The 25 foot along the
23 river, I'm not sure that's -- I mean it's accessible yes. You
24 can walk down it. I'm not sure it goes along with the spirit of
25 what we've been requiring under 5% open space. So that becomes

□

30

1 an issue for me. Even though it is accessible.

2 MR. DAVID HARGRAVES: Definition of common open space
3 includes trees, natural environmental features, playgrounds,
4 water features, swimming pools, community centers, and
5 recreation facilities. It says it can include trees and natural
6 environmental features. So I don't see a problem with it.

7 MR. DON WILKERSON: David, do you have a problem when it
8 says a common space that is accessible if it's fallen down trees
9 and river rock? Is that considered accessible?

10 MR. DAVID HARGRAVES: I consider that accessible.

11 MR. DON WILKERSON: I wouldn't.

12 MR. DAVID HARGRAVES: The specification for that is you go

June 11, 2007

13 to the open space requirement, open space may be active or
14 passive in its intended use. We've talked about this before.

15 MR. DON WILKERSON: Question, sir. When you have to
16 designate that 25 feet beyond the high water mark, are you
17 assured on your final plat that is common space or open space.

18 MR. LADD CLUFF: Well, we show it as a 25 foot easement. A
19 public access easement is what that will be. Prior to the final
20 plat, once we go through the disclaimer of interest process with
21 the Department of Lands, part of that is we'll have to record an
22 actual easement document with granting that 25 foot access
23 easement.

24 MR. DON WILKERSON: But an easement, like J.B.'s concern,
25 if I own the property, I can fence off clear back to my property

□

31

1 end. If you make it a common lot all the way along the river,
2 then they can't fence back to the property line; is that
3 correct?

4 MR. LADD CLUFF: In the situation with the disclaimer of
5 interest with the Department of Lands, the way the easement will
6 be written up and is required by Department of Lands, they will
7 not be able to fence to the property line. They will have to
8 stop fencing at that 25 feet. We can easily cover that as a
9 separate insurance on that in the CC&R's of the subdivision and
10 with a note on the final plat.

11 MR. DON WILKERSON: That will also be part of the legal
12 description of these lots that border the river also.

13 MR. LADD CLUFF: Well the legal description of each lot

June 11,2007

14 will be, you know, Lot 1 of Block 2 of River Ranch Estates. We
15 can easily, with a note on the plat, label that on there. That
16 easement can not be fenced on there and cover that within the
17 CC&R's.

18 MR. DON WILKERSON: CC&R's aren't worth the paper they're
19 written on. That's my point. If it comes to push or shove and
20 I'm on the lot and wanted to fence to the property line, what's
21 going to keep me from it?

22 MR. LADD CLUFF: The Department of Lands will keep you from
23 fencing into that.

24 MR. DON WILKERSON: Okay, but you might have to take me to
25 court to do it though, right?

□

32

1 MR. LADD CLUFF: See if you put something on the deed or
2 even if we put something on the plat, if you fence onto somebody
3 else's property, it's going to take a lawsuit.

4 MR. DON WILKERSON: You could put a note on the description
5 of each lot that that's a non buildable easement on the back 25
6 feet.

7 MR. DAVID POOLE: I think Don's concern is put some teeth
8 in it so we don't have taxpayers paying for all of this.

9 MR. LADD CLUFF: I understand your concern with that.
10 However, we can only go so far with the plat. As far as making
11 notes like that, the transfer of the deeds is handled by title
12 company's and that kind of gets out of our --

13 MR. J.B.: That's why we're here tonight. That's exactly

June 11,2007

14 *our point. You can only go so far. So we would much rather see*
15 *that be a common lot, to where it can't be touched.*

16 *MR. DAVID POOLE: See you got Common Lot 1 here, 2.2 acres.*

17 *If this was a common lot, the point is now it's the home owners*
18 *associations' responsibility and the fence will stop there. Now*
19 *you got a survey line to drawn there.*

20 *MR. J.B.: And the individual comes to use it, and see's a*
21 *fence there, isn't going to go and file a lawsuit saying I*
22 *couldn't get to the river.*

23 *I agree with Commissioner Wilkerson. CC&R's, and I've*
24 *dealt with them a lot, they're not worth the paper they're*
25 *written on. The home owners, as long as they have the certain*

□

33

1 *percentage of people, can go and change them. The County can't*
2 *enforce them. So I would like personally to see these easements*
3 *that your talking about to be a common lot. Thank you.*

4 *MR. LAWRENCE WHITSELL: I think one of the things that*
5 *would probably help the situation is for you to install some way*
6 *to verse this area. I understand that you can still go over the*
7 *trees and rocks but if you did some sort of a simple green belt*
8 *path on that common area, that would probably enhance the mood*
9 *of what you're trying to accomplish where it's open to the*
10 *public and they can access it freely. It would encourage that.*
11 *Where as, if you're just going out across native vegetation,*
12 *people are reluctant to do that, I think.*

13 *MR. LADD CLUFF: I understand your concern with that*
14 *easement. Again, in this situation where you're dealing with*

June 11,2007

15 the Department of Lands, and that easement is being granted to
16 the Department of Lands and to the public, the Department of
17 Lands is going to require that easement, doesn't matter who owns
18 the property. We will have to do a 25 foot easement along there
19 for the Department of Lands.

20 MR. J.B.: As time goes on and home owners approach and put
21 things out there, things are not enforced and the individuals
22 that go out to use it can't. This will not get a vote of
23 approval from me unless that is a common lot. That's my
24 position. I have no further comment at this time.

25 MR. DAVID POOLE: Any other questions on this issue? Thank

□

34

1 you very much.

2 MR. OSCAR WILLIAMSON: One more thing that I'd like to
3 interject, that 25 foot easement along there is in addition to
4 the 5 acres that we've already calculated. If you take that
5 area, we're probably close to 10 acres on the development with
6 common areas.

7 MR. DAVID POOLE: The 5 acres calculated does not include
8 the ditch?

9 MR. OSCAR WILLIAMSON: Well, it does not include the 25
10 acre along the bank.

11 MR. DAVID POOLE: But it does include the ditch easement.

12 MR. OSCAR WILLIAMSON: It does include the ditch easement.

13 MR. DON WILKERSON: So what your saying, if you added that
14 25 foot strip along the river as common lot, that would add 10

June 11,2007

15 acres to the common space.

16 MR. OSCAR WILLIAMSON: That would probably, I'd have to go
17 back and calculate it, at least an additional 5 acres to there.

18 So if a requirement is to make that area common lot, I guess I
19 would request that the common lot that we have shown, that we
20 can vacate that and make those actually buildable lots because
21 then we're requiring 10 to 15 percent of the whole project to be
22 common lots. Does that make sense?

23 MR. DON WILKERSON: Yes.

24 MR. LAWRENCE WHITSELL: Yes it does.

25 MR. OSCAR WILLIAMSON: I just want to be clear that we're

□

35

1 not using that 25 feet as common area right now.

2 MR. DON WILKERSON: This is a river and it's got the banks
3 channel change. Does the easement line change when the channel
4 changes? I've had people want to move fences because the canal
5 changes over the years. I just wonder what the comment would be
6 on that if the channel changed. Does that 25 foot easement line
7 change?

8 MR. LADD CLUFF: Depends on how the river bank changes.

9 MR. DON WILKERSON: When it changes naturally or by
10 somebody else doing it.

11 MR. LADD CLUFF: That is correct.

12 MR. FRED NUSSBAUMER: What's the total acreage of your
13 project?

14 MR. OSCAR WILLIAMSON: It's just under 100 acres. It's
15 99.9 something acres. The area that we propose is 5.15 acres of

June 11,2007

16 common area right now. In addition to that, we have additional
17 easements running along the side and then also along the bank.
18 The 25 foot along the river bank.

19 MR. DAVID POOLE: Okay, gentlemen, lets move on.

20 MR. OSCAR WILLIAMSON: Okay. The power transmission line.
21 Gem County Subdivision Ordinance, Chapter 6-1.K.9 states that no
22 residential building or structure for human habitation shall be
23 located within 150 feet of the center line of a power line.
24 After detailed communication with Idaho Power, that's Exhibit D,
25 and Bonneville Power, the easement shown on the preliminary plat

□

36

1 meets or exceeds the National Safety Code. Bonneville Power
2 requires only a 20 foot from center line, which is actually 40
3 feet total. Idaho Power requires 40 feet from the center line,
4 which is 80 feet total. That's how we have it shown on the
5 plat.

6 MR. DON WILKERSON: I have a question to staff. Who makes
7 the rules here, the power company's or the ordinance?

8 MR. BRAD HAWKINS-CLARK: Commissioners, this Subdivision
9 Ordinance, you reviewed it, we had a public hearing, we had
10 three public hearings. The 150 foot separation from a
11 transmission line was always in there. We did not have, during
12 our public hearings, any meaningful discussion that I can recall
13 at all about is 150 foot excessive or not. This is a situation
14 where we have borrowed language from another County on an
15 ordinance. We didn't write this thing 100% from scratch. I

June 11,2007

16 *guess what I'm saying is this 150 foot that is in our*
17 *Subdivision Ordinance went through our process and that's what*
18 *got adopted.*
19 *There's a clause at the beginning of the Subdivision*
20 *Ordinance that says if you want to request an exception, you*
21 *can. You just have to justify that. I'm sure we could take ten*
22 *specialists on electromagnetic fields and get ten different*
23 *answers. The National Safety Code, I'm sure they've done their*
24 *homework. They've got their scientists and their public health*
25 *specialists that have analyzed that code to death, probably more*

□

37

1 *than our Subdivision Ordinance.*
2 *I would say that your options tonight are to either enforce*
3 *the Subdivision Ordinance, which is your obligation, or ask the*
4 *applicant to address this as part of the request for an*
5 *exception and handle it that way in your review. If you are in*
6 *agreement with their statements, just make sure that that's on*
7 *the record.*

8 *MR. LAWRENCE WHITSELL: Brad, I got a question for you.*
9 *This would have to be dealt through as a variance then wouldn't*
10 *it? Wouldn't that be the way to address this to get it passed*
11 *with deviating from the ordinance?*

12 *MR. BRAD HAWKINS-CLARK: Well Chapter 1 of the Subdivision*
13 *Ordinance has an exception clause in it. It doesn't actually*
14 *require a separate variance application. If it's dealt with as*
15 *part of the subdivision hearing, and you have specifically*
16 *addressed the matter as though it were a variance, that's the*

June 11,2007

17 way I read it. If it's in a subdivision application, no it
18 doesn't have to have the variance. If they're not doing a
19 subdivision, then they would have to have the variance.

20 MR. OSCAR WILLIAMSON: On a major transmission line, they
21 actually do require 150 feet. This type of line falls under a
22 different category.

23 MR. DON WILKERSON: Do these letters from Idaho Power tell
24 us what type of line this is? Is it a transmission? Is it
25 distribution? It says -- I guess it's a transmission line.

□

38

1 Okay, it's a transmission line, 138,000 volt transmission.

2 MR. OSCAR WILLIAMSON: That's a low voltage transmission
3 line.

4 MR. DON WILKERSON: Okay. Again, I'm looking for the
5 letter. Is there supposed to be a letter in here from
6 Bonneville Power or not?

7 MR. OSCAR WILLIAMSON: We actually don't have a letter from
8 Bonneville Power.

9 MR. DON WILKERSON: So you just have verbal information
10 from them?

11 MR. OSCAR WILLIAMSON: Yeah.

12 MR. DON WILKERSON: I would like to see something written
13 from them.

14 MR. OSCAR WILLIAMSON: Okay.

15 MR. DAVID POOLE: Okay. Any further questions on the
16 transmission line? If not, lets go to irrigation.

June 11,2007

17 MR. OSCAR WILLIAMSON: Okay, the irrigation easement.
18 Oakmont Engineering is working with the Last Chance Ditch
19 Company to clarify the ditch ownership and the easement.
20 Through our discussion with the Last Chance Ditch Company
21 President, it's our understanding that they prefer easement over
22 ownership. The reason why we put that comment in was there is
23 something brought up that they actually showed ownership as
24 opposed to an easement through there. So we're just trying to
25 verify that. We're working closely with the Last Chance Ditch

□

39

1 Company to get that information.

2 MR. DAVID POOLE: Questions for the applicant? Thank you
3 very much.

4 MR. OSCAR WILLIAMSON: Next I have four and a half pages of
5 comments from the different agencies. You can go through them.
6 I could address them briefly. I don't know how you'd like to
7 address those comments.

8 MR. DAVID POOLE: I think under the circumstances here,
9 unless you've got something that sticks out, we need to try to
10 move along with this. This is the preliminary plat and it may
11 wind up in a contiguous situation anyway. Give us a little more
12 time to study this. So anyways, is there anything that sticks
13 out, gentleman? Okay. Anything else?

14 MR. OSCAR WILLIAMSON: That should be all unless you have
15 any further questions on any of these issues.

16 MS. DEBBIE ROUWENHORST: From staff we had notice about
17 having -- because of the steep drop off from the canal, to have

June 11,2007

18 *a guardrail on all four corners of the bridge.*

19 *MR. OSCAR WILLIAMSON: There was an e-mail sent out Friday*
20 *from Keller that said they would like to see that. I guess my*
21 *only concern is blocking the access to the irrigation company or*
22 *to the Last Chance Ditch. We'd have to provide additional*
23 *access to there. There is currently guardrail that meets code*
24 *on the existing bridge that's been approved by the County*
25 *Engineer or the prior County Engineer. So we have looked at it.*

□

40

1 *It looks sufficient. I don't know how else to address that*
2 *except for it's an approved bridge on an approved roadway.*

3 *MS. DEBBIE ROUWENHORST: Okay.*

4 *MR. DAVID POOLE: Things are changing. You're going to*
5 *have a lot more automobiles going over that bridge.*

6 *MR. OSCAR WILLIAMSON: That's correct.*

7 *MR. DON WILKERSON: I have several other questions here.*
8 *You may have addressed some of them. Is this the time to*
9 *address them to the applicant representative?*

10 *MR. DAVID POOLE: I think we may have an opportunity a*
11 *little later, Don.*

12 *MR. DON WILKERSON: Okay.*

13 *MR. DAVID POOLE: I really think the public should have an*
14 *opportunity. As long as we're open to public we can pull him*
15 *back and drill him a little more.*

16 *MR. OSCAR WILLIAMSON: And you're welcome to call me up and*
17 *we'll try to address anything you have. Thank you.*

June 11, 2007

18 *MR. DAVID POOLE: Thank you. Brad, do you want to go over*

19 *a presentation here so the public can see what's going on?*

20 *MR. BRAD HAWKINS-CLARK: Commissioners, maybe just for your*

21 *benefit and some of the public benefit I'll just try to back up*

22 *and give you a little bit of background to the application.*

23 *The project site is located here where Plaza Road makes the*

24 *curve to the east and then near Fuller road. It is north of*

25 *Wilson Lane, which is a private lane. So it is all located on*

□

41

1 *the west side of Plaza Road between the Payette River and then*

2 *the Last Chance Canal. The project site has one point of access*

3 *across Last Chance Canal. There is an existing bridge there.*

4 *In terms of zoning, the site has received approval in the*

5 *last couple of years from Ag zoning to residential zoning.*

6 *That's noted in the staff report. So that is zoned R-3, which*

7 *allows for 2 acre minimum lot sizes. The majority of the*

8 *property, approximately 95 acres, was approved for a rezone in*

9 *'05. This little piece here in the corner is about 5 acres,*

10 *which is a separate stand alone parcel today, but under the same*

11 *ownership. That little 5 acres there came through just last*

12 *year also for a rezone and was approved by this Commission and*

13 *the Board of County Commissioners. So that gave them the 99.9*

14 *acres you see here on the board as all being zoned R-3, which is*

15 *2 acre minimum lot size.*

16 *The street that they're proposing to come in off of Plaza*

17 *Road is proposed a public street. As you can see, there's a*

18 *cul-de-sac on the north end. They have a bulb out with an*

June 11,2007

19 island in the center, and then a cul-de-sac on the south end.
20 That was a written request in their application, that they
21 exceed the maximum cul-de-sac length. That has gotten some
22 discussion in the staff report and if you want to talk about
23 that, we can. I think the bottom line with that is with the
24 Payette River, with the Last Chance Canal, and with the distance
25 to the nearest road, as well as the fire department supporting

□

42

1 it, we would say for an additional 26 lots that the cul-de-sac
2 is not found to be a public safety hazard. If we were talking
3 50 lots on a cul-de-sac, that's generally thought to be about as
4 many as you want. The International Fire Code says 30 for one
5 access. So largely it's an emergency vehicle access and safety
6 issue. This Commission should review that, discuss it, and make
7 your recommendation.

8 The plat that we have up here is a little bit distorted but
9 it does give you the sense for the layout. There are two
10 existing houses on the site. As you come across the bridge from
11 Plaza there is a an existing residence right there. Then
12 there's a driveway that runs further north along the property
13 line to an existing residence in the back along with a couple of
14 out buildings.

15 The rest of the acreage is -- there are no residences nor
16 any other improvement of any kind. It's agricultural use with
17 the exception of the power easements. You can see them very
18 faintly. There's a an 80 foot wide easement that runs along

June 11,2007

19 here and basically bisects east west. I think that's the Idaho
20 power one. Then the other easement runs along the full length
21 here, generally along the Last Chance Canal. So that's got the
22 40 foot easement. So those are the two power easements that are
23 on the property.

24 You can see the lines crossing here on this photo. These
25 are generally taken from Plaza Road and/or from the entry

□

43

1 driveway. Here's the bridge that is constructed. You can see
2 the guardrail that was mentioned in our earlier testimony. That
3 was reviewed by our County Engineer, who by the way is here
4 tonight. So if you have any questions for Paul Raymond, please
5 feel free to ask him. So this would be the entrance. This is
6 the existing driveway coming into the site and then the river is
7 here in the distance.

8 MR. DON WILKERSON: Brad, can I interrupt for a minute?
9 Mr. Raymond, there shows that guardrail and in your letter you
10 recommended possible guardrails along the wing walls for
11 protection, safety.

12 MR. PAUL RAYMOND: The wing walls are rather short.
13 Especially as you approach off the highway, there's a fairly
14 steep drop off. The radius isn't well defined. Plus, you have
15 the bull nose of the guardrail there and if somebody were to hit
16 that, there would be a problem. So it seems to me if you extend
17 the guardrail on the bridge and came around with a nice radius,
18 it would be a lot safer. We started out with striping the
19 pavement then putting traffic delineators, but I think a

June 11,2007

20 guardrail would be better.

21 MR. DON WILKERSON: With the guardrail the way it is today,
22 if somebody hit it, what's the chances of them ending up in the
23 canal?

24 MR. PAUL RAYMOND: It depends on what percent of the car
25 got on the one side of the guardrail. It could go right in,

□

44

1 obviously, if your wheel drops off that edge and it's likely
2 that could happen over time.

3 MR. DON WILKERSON: Okay. Thank you. Thanks, Brad.

4 MR. BRAD HAWKINS-CLARK: Just a couple more site photos.
5 Here's a view south from the bridge looking at the Last Chance
6 Ditch. So as you all probably know, this a is a sizable
7 irrigation facility. It carries a lot of water, 6 to 7 months
8 of the year. You can see the brush along both sides. I think
9 in the applicants written response they referred to this brush
10 here that's kind of dark, but as your coming out of the site
11 there is some visibility issues there. We definitely recommend
12 that that be cut back. It's probably about 12 feet high or so.
13 Here's looking northwest, existing houses on the property.
14 This is the first one I mentioned here, and then the driveway
15 that goes north, then the other house in back. This is just
16 looking pretty much due west toward the river at the entrance.
17 Here's a better shot as your exiting the site. Looking to the
18 south you can see the brush there that we've been discussing and
19 here's the bank that comes down toward the Last Chance Canal.

June 11, 2007

20 This is just stepping a little bit closer into the roadway
21 toward the center line and looking south to give you a sense for
22 the site distance that was mentioned by Oscar earlier, as far as
23 the local Highway Technical Assistance Council, and what they
24 consider to be safety on a 45 mile an hour roadway. He referred
25 to the stopping distance. Obviously you can't tell the

□

45

1 distances on this photo but you can see this is where the
2 s-curve comes around there. This is the exit and entrance.
3 Then this is looking to the north. You can see the curve is
4 slightly closer there on the north side than on the south. So I
5 think that's pretty much orients you to the site.
6 You've been walking through the special considerations that
7 I had in the staff report. I think the main one that you
8 haven't talked about yet is the issue of the cul-de-sac length.
9 The maximum length there. The other thing to mention is for the
10 public, this information that was presented to you tonight, they
11 certainly have the opportunity to look at that. That's all
12 public record. We can make it available here at the staff desk
13 or at our office later on.

14 MR. DON WILKERSON: Brad, I know you won't really be able
15 to answer this question because the River Ranch Road isn't
16 there, which is a road off of Plaza. Do you think there might
17 be a set back issue with that existing home on that lot too, or
18 not?

19 MR. BRAD HAWKINS-CLARK: No. We looked at that, and it
20 would meet the set back.

June 11,2007

21 MR. DON WILKERSON: Okay. Thank you.

22 MR. J.B.: Mr. Raymond, on your letter it says the road

23 section doesn't meet the County standards.

24 MR. BRAD HAWKINS-CLARK: Generally, they pointed out that

25 on their amended drawing they changed the base of the roadway to

□

46

1 match what Kim's referring to.

2 MR. J.B.: 3, 4, 12?

3 MR. BRAD HAWKINS-CLARK: Right.

4 MR. DAVID POOLE: Well they said 3, 3, 12.

5 MR. J.B.: Whatever the new ordinance is going to be.

6 MR. BRAD HAWKINS-CLARK: We can't actually apply the new

7 ordinance because they applied before this was adopted.

8 MR. DAVID POOLE: Okay. Thank you, Brad. Okay. This is

9 the opportunity for the public to make comment. If you would

10 step forward and state your name and address. All those that

11 are for the project.

12 MR. ROBERT HAWTHORNE: Bob Hawthorne, 2439 Julie Avenue. I

13 have some questions concerning the sensitivity of the

14 environmental situation that exists within feet of the river at

15 a very high groundwater situation there. I'd like to ask the

16 gentlemen here, where is this discharge intended to go, from the

17 treatment plant? Is it going to be irrigation water? Is it

18 going to be back into the river or will it be seepage into the

19 ground, which is comprised of cobble and fractured rock which is

20 excellent drainage? Has Southwest District Health approved the

June 11,2007

21 *Advantics Treatment System even though this system has*
22 *experienced numerous problems? Namely, locally, the Hope House*
23 *for children in Marsing ongo ing problems since the very get go,*
24 *convalescent homes and Corvales River Subdivisions over there.*
25 *Has there been a hydraulic conductivity study done on this*

□

47

1 *property? Has an end piece study been done? Has a nitrate*
2 *phosphorus test been done on both ground and surface water? Has*
3 *there been a groundwater impact study done?*
4 *You mentioned just a few minutes ago that you had sourced*
5 *some 15 adjacent neighbor wells. I think in those pictures that*
6 *Brad just showed, you see quite a hike in elevation, which is a*
7 *bench just off of the property there. It would be real hard*
8 *pressed to have 15 wells on the radiant that this proposed*
9 *property is at this point. So I assume that you're addressing*
10 *these 15 wells, which of most are up on the bench.*
11 *I would like time for the citizens to be able to review*
12 *this regarding the answers on this before there's any further*
13 *proposal. Thank you.*

14 *MR. DAVID POOLE: Thank you. Any questions? Thank you*
15 *very much, sir. Further input from the public for the project.*
16 *Input that's opposed to the project. Neutral? If not, I guess*
17 *at this point, if you want to rebut those questions....*

18 *MR. OSCAR WILLIAMSON: I think I might have missed your*
19 *first question. I guess one of your questions was on the Ranco*
20 *System. The Ranco System is one of the highest treatment*
21 *systems approved by DEQ. That's the reason why we went with*

June 11,2007

22 *that system. I'm not the geologist. We're doing the*
23 *development. So we would need more input from a different type*
24 *of engineer to give you the exact information on that.*

25 *MR. DON WILKERSON: On your Ranco System you said, the*

□

48

1 *little bit I read here, it sounds like it's mainly a basic*
2 *septic system.*

3 *MR. OSCAR WILLIAMSON: It's an advanced treatment package.*

4 *MR. DON WILKERSON: Plus your also going to run the surface*
5 *water on that lot through this same system.*

6 *MR. OSCAR WILLIAMSON: That is incorrect.*

7 *MR. DON WILKERSON: Okay. I thought I read that in here.*
8 *That your treating the storm waters or something.*

9 *MR. OSCAR WILLIAMSON: We actually met with the Health*
10 *District prior to this, and they said if we used a 3 acre lot*
11 *size as opposed to the 2 acres, which could be developed per the*
12 *zoning, the Mednicoff's opted to go with the 3 acre lot sizes*
13 *and use the advanced treatment package because we are concerned*
14 *with the distribution of it. Since that's the highest rated*
15 *system, we opted to make that as a requirement.*

16 *MR. LAWRENCE WHITSELL: That is a narration system; is that*
17 *correct?*

18 *MR. OSCAR WILLIAMSON: That's my understanding. It's a*
19 *monitored system.*

20 *MR. WILL MAVPIN: Those systems come with a deed*
21 *restriction in a service agreement when they're installed. So*

June 11,2007

22 *they're continually monitored.*

23 *MR. OSCAR WILLIAMSON: I'm not a system expert. I'm just*

24 *going off of what we're told by the Southwest District. I*

25 *believe they're a system that's monitored with yearly*

□

49

1 *maintenance on them to make sure that the nitrate levels*

2 *maintain what they're supposed to be.*

3 *MR. LAWRENCE WHITSELL: Is it monitored by DEQ? Who does*

4 *the monitoring?*

5 *MR. OSCAR WILLIAMSON: It's an actual DEQ approved*

6 *monitoring system. It's a private contract that contracts out*

7 *through DEQ.*

8 *MR. DON WILKERSON: Who schedules the tests or the*

9 *monitoring?*

10 *MR. OSCAR WILLIAMSON: The actual monitoring company.*

11 *MR. DON WILKERSON: So they'll be handled through the Home*

12 *Owners Association?*

13 *MR. OSCAR WILLIAMSON: The individual actually pays their*

14 *own bill on their own system.*

15 *MR. DON WILKERSON: Okay, but who insures that the system*

16 *is monitored on an annual basis?*

17 *MR. WILL MAVPIN: The independent contractor is assigned by*

18 *the DEQ and they go out and monitor the systems.*

19 *MR. DON WILKERSON: Okay. So DEQ insures that somebody is*

20 *out there on an annual basis.*

21 *MR. OSCAR WILLIAMSON: Yes.*

22 *MR. DON WILKERSON: Okay.*

June 11,2007

23 MR. OSCAR WILLIAMSON: Was there any other questions on the
24 system? It was asked if there was an MP study done. There was
25 no MP study done. With 3 acre lots, there's no MP study needed

□

50

1 for this type of development. Was there any questions on that?

2 The next one is the nitrate phosphate. My understanding is
3 the MP study addresses that. I'm not sure if the nitrate
4 phosphate tests have been done. Okay, I was just told that's
5 also not required if it's a 3 acre minimum. So I don't believe
6 that there was one done. It's not required.

7 The groundwater impact study. There will be a groundwater
8 impact study. That's what I was talking about earlier. We did
9 a preliminary assessment with the adjacent wells. It looks like
10 there will be an actual groundwater impact study done prior to
11 the final plat. I was assuming that could be tacked on as a
12 condition. There won't be any required.

13 The other question was the 15 adjacent wells. The wells
14 tap into aquifers. I'm not an expert on the aquifers. I can't
15 state how deep each of these individual wells go. There's well
16 logs that are provided. The well log's going to be required to
17 be submitted with the SER report prior to approval.

18 MR. DAVID POOLE: And these all will be public record. So
19 if he's got any questions he can look at it.

20 MR. OSCAR WILLIAMSON: Those are the only questions I have
21 down.

22 MR. DON WILKERSON: He asked about a hydraulic study.

June 11,2007

23 *Maybe he can tell us what it is.*

24 *MR. ROBERT HAWTHORNE: It's the exchange of recharge to the*
25 *river and from the river.*

□

51

1 *MR. DAVID POOLE: Okay. If it's required, then I think*
2 *it's something that needs to be done.*

3 *MR. OSCAR WILLIAMSON: Anything that's required will be*
4 *completed. I guess I can make that statement.*

5 *MR. DON WILKERSON: Another question he had was where will*
6 *the discharge go. He must be talking about from the septic*
7 *system.*

8 *MR. OSCAR WILLIAMSON: Into the ground.*

9 *MR. DON WILKERSON: Okay. That was a question he had.*

10 *MR. OSCAR WILLIAMSON: Is there any other?*

11 *MR. FRED NUSSBAUMER: It's recommended by your company here*
12 *that you do a sanitary seal on all the wells. Have you looked*
13 *at that cost wise? Is that going to be effective or are you*
14 *going to be able to include that in the CC&R's or require your*
15 *new owners to do that?*

16 *MR. OSCAR WILLIAMSON: I'm assuming that falls under the*
17 *Building Department requirement. If they require it from a*
18 *safety issue, then it will be required.*

19 *MR. FRED NUSSBAUMER: Yeah because he's talking about doing*
20 *a sanitary seal in order to insure that you don't contaminate*
21 *the underground water supply that we have.*

22 *MR. OSCAR WILLIAMSON: I can't say that every measure is*
23 *going to be taking place. We're meeting with DEQ. We're*

June 11,2007

24 meeting with the Health Department. We're definitely meeting or
25 exceeding any of their requirements. If that's a stipulation

□

52

1 that they require, we will definitely meet or exceed anything
2 that is required.

3 MR. DON WILKERSON: You mentioned something there. You
4 said that it will be addressed at the building permit time about
5 the sealing of the wells. In another letter here concerning the
6 floodplain you mentioned about the building permit. I guess a
7 question to staff, is your building inspector involved with
8 wells and stuff like that? That's strictly Health Department
9 and permit process for the well is separate from the building
10 permit.

11 MR. OSCAR WILLIAMSON: And I could have misspoke, and if I
12 did I apologize.

13 MR. DAVID POOLE: It's part of the building process.

14 MR. J.B.: We were discussing the grid earlier and changing
15 the radius there and the railings. Are you willing to do that?

16 MR. OSCAR WILLIAMSON: I'm actually the designing engineer.
17 I'm not the developer. I would have to go back and meet with
18 the developers to make sure that's --

19 MR. DAVID POOLE: I guess it's something that you can't
20 answer but may be something you need an answer.

21 MR. DAVID POOLE: Any other questions for applicants?

22 MR. DON WILKERSON: Okay. It sounds like, from what Brad
23 mentioned, that they're going to have to maybe come before us

June 11,2007

24 *with maybe an exception to the cul-de-sac lengths. It's not a*
25 *variance but an exception.*

□

53

1 *MR. BRAD HAWKINS-CLARK: You have that in your packets.*

2 *They have that in their application.*

3 *MR. DAVID POOLE: So it's drawn in is what you're saying.*

4 *MR. BRAD HAWKINS-CLARK: Yeah. There should have been four*
5 *sheets.*

6 *MR. DON WILKERSON: Should it be drawn by a professional*
7 *engineer to scale?*

8 *MR. BRAD HAWKINS-CLARK: Yeah. The final plat definitely*
9 *requires that. The preliminary plat, I think, is a little bit*
10 *subjective in our code.*

11 *MR. DON WILKERSON: And if we go by the Idaho Power and*
12 *Bonneville's recommendations, it looks like Lot 6 and 30 you can*
13 *build on.*

14 *MR. OSCAR WILLIAMSON: Yes, sir.*

15 *MR. DON WILKERSON: If we allow the exceptions.*

16 *MR. DON WILKERSON: One item that was brought up in the*
17 *staff report is fencing of Last Chance Ditch for safety. Has*
18 *that been the discussion among the developer?*

19 *MR. OSCAR WILLIAMSON: Yes that has been a discussion.*

20 *MR. DON WILKERSON: Okay. That's something you might want*
21 *to look at.*

22 *MR. OSCAR WILLIAMSON: Something else I'd like to bring to*
23 *your attention is the Last Chance Ditch that runs along the east*
24 *side of the project. From the existing ground it actually*

June 11,2007

25 stands up. It's 7 to 8 feet. So it's not a standard ditch.

□

54

1 The project actually lays it a little bit lower. So if there
2 was a fence to be constructed along the ditch it would actually
3 be an elevated ditch about 7 feet above ground level. I'm not
4 sure if your familiar with the project. It's an elevated berm
5 ditch.

6 MR. DON WILKERSON: But to me, if you put a fence in for
7 safety or children it may be at the toe of the berm. You
8 probably couldn't put it at the top of the ditch because you
9 would interfere with the canal company's access.

10 MR. OSCAR WILLIAMSON: I guess it would be along their
11 easement line.

12 MR. DON WILKERSON: Does Last Chance Ditch have a
13 requirement that there's no excavation or work within so many
14 feet within the toe of their slope or their berm?

15 MR. OSCAR WILLIAMSON: None was provided to us. They
16 actually requested an easement along their ditch. Then they
17 requested an access so that they could drive down. So we're
18 going to adhere to that.

19 MR. DON WILKERSON: What is the requirement of the School
20 District in Emmett? Emmett School District, will they take a
21 bus into a subdivision?

22 MR. OSCAR WILLIAMSON: I actually talked to the School
23 District and they said they didn't have any plans on taking a
24 school bus into there.

June 11, 2007

25 MR. DON WILKERSON: Then where are they going to park the

□

55

1 bus to pick up the kids?

2 MR. OSCAR WILLIAMSON: I guess they do currently stop at
3 the bridge. They had no plans on changing their bus route.

4 MR. DON WILKERSON: But your going to increase the traffic
5 at that corner. I see a safety issue for a bus being parked out
6 on the traveled portion of the road to pick up 20 to 30 kids.

7 MR. OSCAR WILLIAMSON: I don't know. I'm not with the
8 School District but I can say the bus currently stops there.

9 Whether it's 4 kids or 400 kids, the bus will still stop at the
10 same spot.

11 MR. DON WILKERSON: What I'm getting at, you might be
12 required to provide a pull off for a school bus at that
13 location. That's the bottom line.

14 MR. DAVID POOLE: Especially if your going to add that many
15 possible children.

16 MR. DON WILKERSON: We talked about the 25 foot easement
17 along the river. If that's a requirement that you make that
18 common lot to protect the fencing or the access to it, then you
19 would take Lot 1 and 31 out of being common lot.

20 MR. OSCAR WILLIAMSON: I don't know. We would have to
21 re-evaluate how we would address that.

22 MR. DON WILKERSON: The only thing I would be concerned
23 about, to me, some of the open space ought to be available for a
24 kids playground.

25 MR. OSCAR WILLIAMSON: We agree. The way that we

June 11,2007

56

1 structured this subdivision was a big open park area toward the
2 beginning. When I say park I'm just meaning open accessible
3 area, and instead of sporadically putting little pieces
4 throughout, we clump all of it in the approach to make it a
5 better subdivision.

6 MR. DON WILKERSON: I may have heard you wrong, but I would
7 hate to see you take Lots 1 and 31 out of your common lot just
8 because you've got the required acreage back here. You still
9 need to look at maintaining something for a kids playground.

10 MR. OSCAR WILLIAMSON: Yeah. We would be required to
11 maintain 5 acres, 5% of the project. I was just stating that if
12 we took an additional 5 to 10 acres out of the project, that
13 could be -- we could actually add an additional building lot in
14 there without changing any of the requirements or ordinances.

15 MR. DON WILKERSON: Well I took it as you might take it all
16 out and just use the common lot along the river. You still need
17 to maintain something else there.

18 MR. J.B.: Don, that's exactly the way I heard it too. It
19 was well, if you're going to make me do that, I'm going to pull
20 these things away from that. You're going to pay for asking me
21 to do that. That's the way it came across. Don and I are in
22 agreement that that's the way it came across.

23 MR. OSCAR WILLIAMSON: I may have stated it that way. I
24 didn't mean that in a threatening manner or holding that over
25 but it is a possibility that we would just have to go back and

June 11,2007

57

1 *relook if that was a requirement.*

2 *MR. DAVID POOLE: Any more questions?*

3 *MR. DON WILKERSON: That's all. Thank you.*

4 *MR. J.B.: The amount of information that they brought to*
5 *us this evening is to much for me to just see things. We need*
6 *to make this available to the public. Before closing this I*
7 *think we should continue it.*

8 *MR. DAVID POOLE: Well we need to do that after we close*
9 *it. No. We close the public hearing and then we make the*
10 *determination at that point.*

11 *MR. J.B.: I'm not sure of the process.*

12 *MR. DAVID POOLE: The action we take is going to be after*
13 *he sits down. That action may be a continuance, which leaves it*
14 *open, but we need to discuss what we're going to continue so it*
15 *will keep the whole hearing open. We've done this in the past.*
16 *Thank you very much. Okay. So if there's no further public*
17 *input, we're going to close the public portion of this hearing.*

18 *MR. J.B.: I think if we close the public they can't add*
19 *any information next time.*

20 *MR. DAVID POOLE: Well we need to vote.*

21 *MR. DAVID HARGRAVES: That's correct. If you close the*
22 *hearing there won't be any other additional information. Do you*
23 *want to get more information from the public or from the*
24 *applicant?*

25 *MR. DAVID POOLE: Well there's certain areas we need it.*

□

1 *In the past, David, if I'm not mistaken, the way we've done this*
2 *is that we've named those areas that we needed more input so*
3 *those items could be discussed.*

4 *MR. DAVID HARGRAVES: You just continue the hearing for*
5 *those specific reasons.*

6 *MR. DAVID POOLE: Rather than the whole general. So to*
7 *narrow this thing down and keep it moving forward, rather than*
8 *keep the whole hearing open. You see what I'm talking about?*

9 *MR. J.B.: I was just concerned, as David agrees, that by*
10 *closing it, we continue it for these reasons. It's a*
11 *technicality.*

12 *MR. DAVID POOLE: Okay. You want to leave the total*
13 *hearing open, then I think that somebody needs to so move to*
14 *continue.*

15 *MR. J.B.: I've got a question. The amount of information*
16 *that they provided this evening that you indicated to Brad to*
17 *make available to the public in the office, I would think the*
18 *public should have a chance to respond to anything there.*

19 *MR. DAVID POOLE: And I see no reason that that could not*
20 *be part of the continuance. That's fine. If you want to*
21 *continue the whole hearing, then just so move.*

22 *MR. FRED NUSSBAUMER: Do we have to continue it to a*
23 *certain date? How much time is it going to take to gather the*
24 *information that we need to discuss?*

25 *MR. DAVID POOLE: Those are normally questions we'll*

□

June 11,2007

1 discuss with the applicant. That's one of the reasons for being
2 more specific. Without giving them some guidelines as far as
3 continuing they don't really know what to do. There's the way I
4 look at it.

5 MR. J.B.: I will make a motion.

6 MR. DAVID HARGRAVES: I can just try to add a little bit of
7 clarity. I think when you close the hearing, usually you do
8 that when you have all the information you need to make your
9 decision. So if you continue the hearing, then you don't need
10 to re-advertise. You just set a date. Then even though the
11 hearing is continued, you can limit it to certain subjects. You
12 don't want to rehash the same things that you've already
13 discussed tonight.

14 MR. DAVID POOLE: So as far as closing the public portion
15 of this hearing, I can't do that.

16 MR. DAVID HARGRAVES: Yeah. For tonight the public
17 testimony is ending but your continuing the hearing for certain
18 reasons and if you can identify those then that's a fine way to
19 do it.

20 MR. DAVID POOLE: So does somebody want to so move?

21 MR. J.B.: I'm not sure I'm qualified to include enough in
22 it. So I'd like to start by saying we continue the meeting to
23 include, for specific reasons, the public's response to the
24 information provided by the applicant; To include the applicants
25 response, the issues regarding the road, the bridge, and the

□

June 11,2007

1 guardrail; To include the issues of easements and how they will
2 be applied and addressed.

3 MR. DAVID POOLE: Common lot issues.

4 MR. J.B.: The common lot issues. I'm open to anyone else.

5 Don, give me some help here. What else are we going to include
6 for that purpose?

7 MR. DON WILKERSON: They probably need to apply for an
8 exception to the length of the cul-de-sacs.

9 MR. J.B.: So include their application for an exception.

10 MR. DAVID POOLE: Need more input for the power lining
11 exception.

12 MR. J.B.: To include the letter that we requested from
13 Bonneville Power.

14 MR. DON WILKERSON: Another one that they may want to add
15 is look at fencing Last Chance Ditch for safety reasons.

16 MR. J.B.: So to include the fencing of Last Chance Ditch
17 for the safety purposes.

18 MR. DON WILKERSON: Also, with what we were handed out
19 tonight, we need time to review this and at the next meeting we
20 may have other items that might come up.

21 MR. J.B.: Exactly.

22 MR. DAVID POOLE: So you just add that as time to review.

23 MR. J.B.: Time for us to review. I'd also like to see
24 some conversation addressed to the safety issue for the school
25 bus.

□

June 11,2007

1 MR. DAVID POOLE: Okay. I guess we have a motion before
2 the floor that's been drafted by Don Wilkerson and J.B..

3 MR. DON WILKERSON: One more thing. Due to the s-curve out
4 there, I would like to have the applicant look at the left turn
5 lane going from the south to the north into the subdivision and
6 some time of maybe even a short acceleration lane coming out of
7 it to the south. I think they need to address that for safety
8 reasons.

9 MR. DAVID POOLE: Okay. Does anybody want to make a second
10 to this motion that was drafted by the two Commissioners?

11 MR. LAWRENCE WHITSELL: I'll second it.

12 MR. DAVID POOLE: Discussion on the motion? Amendments?
13 Have we for gotten anything? All those in favor signify by
14 saying 'I'. Opposed same sign. Motion carries unanimously.

15

16 (Vote unanimous.)

17

18 MR. DAVID HARGRAVES: The applicant has some information
19 that he prepared to submit to you tonight on the power lines. I
20 think you can just enter that into the record for consideration.

21 MR. FRED NUSSBAUMER: Do we have to set a date on this?

22 MR. DAVID POOLE: We should. I apologize. How much time
23 do you need here, gentleman?

24 MR. OSCAR WILLIAMSON: If we can get a formal request on
25 all the things you brought up tonight --

□

62

1 MR. DAVID POOLE: You will.

June 11,2007

2 MR. OSCAR WILLIAMSON: We'll probably need less than a
3 week.

4 MR. DAVID POOLE: So we'll make it for the July meeting.

5 MR. DON WILKERSON: July the 9th.

6 MR. DAVID POOLE: We'll add that into the motion.

7 MR. DAVID POOLE: All right. Thank you very much for your
8 patience.

9

10 Public Hearing - Item No. 3 Rezone #RZ-07-009 - Todd Warren
11

12 MR. DAVID POOLE: Item No. 3, Todd Warren. I need to get
13 Brad to give us a run down first and then I'll ask you to step
14 up. Oh, Wendy's giving it to us tonight.

15 MS. WENDY ATKINS: This is a rezone request by Todd Warren
16 to rezone 9 acres from A-2 rural transitional agricultural 5
17 acre minimum lot size, to an R-2 residential transitional, a 1
18 acre minimum lot size. It's located at 775 Cherry Lane. The
19 subject site is located approximately 2,000 feet east of Johns
20 Avenue and west of Substation.

21 There is an existing residence and some agricultural
22 outbuildings, barns, things of that nature. The general
23 vicinity is basically irrigated pasture land with some
24 residential as well. The Apple Valley Subdivision is to the
25 east, right off of substation. There is also a small commercial

□

63

1 strip to the south that has an 18 lot mobile home, R.V. park.

June 11,2007

2 Sites run from three quarters of an acre to 66 acres. Here
3 is the view looking south at the existing residential house.
4 Again most of this is irrigated pasture land. I didn't notice
5 active agricultural use such as haying and things of that
6 nature. It's mostly a few farm animals.

7 Staff, when evaluating this, did find that the proposed
8 rezone does meet all of the required findings from the Zoning
9 Ordinances in Section 7 of the staff report, with the possible
10 exception to finding No. 2. The Commission should carefully
11 consider this finding when you make have discussion and
12 conversation with the applicant. I think that's it. You guys
13 have any questions?

14 MR. J.B.: Just two for me. Finding No. 2 specifically
15 states what, Wendy?

16 MS. WENDY ATKINS: I'm looking for that right now. The
17 septic systems.

18 MR. J.B.: Just as a point, Wendy, grazing is active
19 agriculture.

20 MS. WENDY ATKINS: Okay.

21 MR. DAVID POOLE: Okay. Any other questions? Thank you,
22 Wendy. We may be referring back to you. Now if you don't mind.
23 I do apologize. Applicant, if you could state your name and
24 address.

25 MS. SONDA WARREN: Sonda Warren, 775 Cherry Lane.

□

64

1 MR. DAVID POOLE: Okay. Now, we heard what she laid out
2 for us. Is there anything you want to add? Anymore information

June 11,2007

3 as to what your trying to do?

4 MS. SONDA WARREN: Could you clarify what the point that
5 she had on No. 2 is because I'm not familiar with that.

6 MR. DAVID POOLE: It says the staff finds an increased use
7 of septic systems could be detrimental to the health, safety,
8 and welfare of the public in this area, but has not yet been
9 verified by Southwest District Health. The County will require
10 further analysis on the groundwater impacts before new
11 development can be approved. An R-2 zone will likely allow
12 seven additional dwellings on the parcel. This would generate
13 approximately 50 to 70 vehicle trips per day in the surrounding
14 streets. So what they're doing is alerting us to what may be
15 some problems.

16 MS. SONDA WARREN: Okay. Thank you.

17 MR. DAVID POOLE: All right. Now do you want to kind of
18 give us a general overview of what your plans are?

19 MS. SONDA WARREN: Right now, if the comprehensive plan
20 goes through tomorrow, we are in the new impacted city area.
21 They want to change the zoning. Well, not change the zoning but
22 set it up to be on 1 acre plots. To my front pasture is now
23 zoned mixed use. They're going to include us, I believe, into
24 the mixed use section. I really didn't want Emmett to come to
25 my front yard. So I thought maybe I should set up, if I need

□

65

1 to, the impact with the city growth. Then I have the capability
2 of subdividing someday. I don't plan on it, but I wanted to set

June 11,2007

3 *it up just in case.*

4 *MR. DAVID POOLE: You want that ability.*

5 *MS. SONDA WARREN: Yes.*

6 *MR. DAVID POOLE: Anything else?*

7 *MS. SONDA WARREN: Not that I can think of.*

8 *MR. DAVID POOLE: Any Questions for the applicant,*
9 *Commissioners?*

10 *MR. DON WILKERSON: In your letter, the kind of cats out of*
11 *the bag that if you get the rezone that you're looking at having*
12 *7 new lots with an existing 2 acre lot. If I'm right, with the*
13 *required 40 foot access to the back 7 acres, how are you going*
14 *to get there? Are you going to come off of the west side of the*
15 *property to get access to the back? I know where the property*
16 *is. It looks like you don't have any room to come off of the*
17 *east side of the property to get to the back.*

18 *MS. SONDA WARREN: When I set up my loan, I do have access*
19 *on that east side to the back pasture. We were planning on*
20 *going on the west side.*

21 *MR. DON WILKERSON: Is your access on the east side 40 foot*
22 *wide?*

23 *MS. SONDA WARREN: No. That's just my access.*

24 *MR. DON WILKERSON: What I'm saying is it looks like you're*
25 *going to need a 40 foot wide access to get to the back 7, if you*

□

66

1 *do what you plan on. Without you getting a copy of the staff*
2 *report, you're also aware that if you go to 1 acre lots, you*
3 *have to put in a community water system for those 7 lots.*

Page 64

June 11,2007

4 MS. SONDA WARREN: Right.

5 MR. DON WILKERSON: Okay. Also, there's a dedication of
6 additional road right-of-way on Cherry Lane required. It will
7 go from whatever it is today to 40, I guess, because that would
8 be consistent with other subdivisions along Cherry Lane.

9 MS. SONDA WARREN: I'm not aware of that.

10 MR. DON WILKERSON: In the staff report, it said that could
11 effect you getting 7 lots out of it. If all that dedication
12 comes out of the front 2 acres, I don't see where it effects the
13 back 7. I just wanted to say that you may have to give up
14 another 15 or 20 feet of right-of-way out front.

15 MS. SONDA WARREN: We were aware of that.

16 MR. DON WILKERSON: Let me see if there's anything else.

17 MS. SONDA WARREN: I will state that down the road, Robin
18 Nuffer has subdivided hers into 1 acre. She's on the opposing
19 side of the road. That is stated in my letter of intent.

20 MR. DON WILKERSON: I guess I'm speaking in the future,
21 Cherry Lane may become more of a heavier traveled road then it
22 is today if they do their reconstruction on Highway 16 down
23 there.

24 MS. SONDA WARREN: One of the reasons for the possible
25 rezone.

□

67

1 MR. DON WILKERSON: Right. So at the time you put your
2 subdivision in, you may be giving up more than 40 feet off the
3 center line for road right-of-way. She didn't have the staff

June 11,2007

4 report. So I don't know if she realized that.

5 MS. SONDA WARREN: I'm familiar with some of that. I'm not
6 familiar with the whole thing.

7 MR. DAVID POOLE: Any other questions, Commissioners?

8 Okay. Thank you very much. Now it's time for the public input.

9 Those in favor of the project step forward and state your name,
10 and address, and comments. Opposition to the project. Neutral
11 to the project. Okay, then I guess you don't have anything to
12 rebut. Okay. Well, gentleman, I guess we'll close the public
13 portion of this.

14 MR. J.B.: I have a question for Brad. Brad, regarding
15 these septic systems and such, we don't have definition from the
16 Southwest District Health. I thought we were going to, at the
17 point when these get to us, we would have those. Is there
18 another stage in the application where that will be addressed
19 before the splits are approved?

20 MR. BRAD HAWKINS-CLARK: Yes. There would be another
21 review by Southwest District Health. Of course, they don't have
22 any splits available. They would have to apply for a
23 subdivision first.

24 MR. DAVID POOLE: So we're at the preliminary stage. Have
25 any of you had a site visit besides Don?

□

68

1 MR. DON WILKERSON: I recognize the house.

2 MR. DAVID POOLE: Any other discussion, gentleman?

3 Questions for staff?

4 MR. J.B.: She mentioned being in the new city impact zone,

Page 66

June 11,2007

5 *which would be an annexation, which would be city services; is*
6 *that correct?*

7 *MR. DON WILKERSON: She's not being annexed into the city.*
8 *She would become part of the city impact area.*

9 *MR. DAVID POOLE: As part of the city impact area, they are*
10 *not required to supply services unless they are annexed.*

11 *MR. WILL MAVPIN: I had a comment for Brad. This is really*
12 *an issue of a rezone and not anything to do with a subdivision.*

13 *So in my mind, we'd like to look forward like that, but it's not*
14 *really our position to do that at this point. At that point*
15 *when they apply for a subdivision, those demands would we made*
16 *and we'd get information from Southwest District Health or make*
17 *them improve the sewer and water.*

18 *MR. BRAD HAWKINS-CLARK: Right. Commissioner, I think it's*
19 *important to remember that a rezone really does set the frame*
20 *work for planning for the future. Like the River Ranch that you*
21 *just looked at, you were not discussing whether they could do 2*
22 *acre lot sizes because that's a given. I mean, this Commission*
23 *and the Board said this is where we want to allow 2 acre lots.*
24 *Once that rezone is in place, in Idaho law, that's*
25 *nonnegotiable. That's their right. So we have five findings on*

□

69

1 *rezones that you have to make.*

2 *Yes, it's difficult to say since we don't have detailed*
3 *construction plans or streets or anything like that, it is more*
4 *difficult to evaluate the public impacts. I guess the rezone is*

June 11,2007

5 a chance to put your broader thinking caps on and say this an
6 area that we want or do not want to see at this time, in this
7 case, 1 acre. I don't know if that answers the question.

8 It is an important step in terms of setting the frame work
9 for future development. You do have to make a finding that this
10 area can support 1 acres at some point, because if it is
11 approved, that's a certainty that the owner can count on.

12 MR. LAWRENCE WHITSELL: One of the dilemmas that we run
13 into in doing this that we have the guidance of the
14 comprehensive plan to follow and the intent of that is to
15 encourage development but yet we have that problem of trying to
16 deal with the sewer and the water and all those issues. So it's
17 just an ongoing thing that we have to deal with.

18 MR. DAVID POOLE: Any further discussion? If not,
19 gentleman, let's move forward. Somebody propose a motion.

20 MR. DON WILKERSON: I make a motion that we recommend
21 approval of this rezone to the Board of County Commissioners
22 based on the five required findings by the staff. I am in full
23 agreement with their findings. Also, I have no real issues with
24 finding No. 2 and the staff does have a recommendation of
25 approval.

□

70

1 MR. DAVID POOLE: Second to the motion?

2 MS. DEBBIE ROUWENHORST: I second it.

3 MR. DAVID POOLE: Discussion of the motion? If not, all
4 those in favor signify by saying 'I'. Opposed same sign.

5 Motion carries.

June 11,2007

6

7 (Vote unanimous.)

8

9 MR. DAVID POOLE: You'll be notified by the staff.

10 MR. DON WILKERSON: You realize this still has to go to the
11 Board of County Commissioners, right?

12 MR. DAVID POOLE: First step, your doing fine.

13

14 Public Hearing - Item No. 4 Amendments to Gem County Code, Title
15 11, Chapter 5 Zoning Matrix, Extraction Business

16

17 MR. DAVID POOLE: Any other comments, gentlemen? Okay.

18 Let's move on.

19 MR. BRAD HAWKINS-CLARK: Okay. This application is a staff
20 initiated, kind of coming through the Board of County

21 Commissioners, type of application. It proposes to amend the

22 Zoning Ordinance, particularly Chapter 5, where the matrix is.

23 It talks about uses that are allowed without a permit, with a

24 permit, and prohibited.

25 Currently, the gravel pit use is listed -- heres the table

□

71

1 from the Zoning Ordinance. You can see, about halfway down,

2 it's gravel pit operation. That's the way it's currently in the

3 ordinance. If you read across the table and you come to where

4 it states the allowed or otherwise type use, it's a special use

5 permit in the M-1 and M-2. Light industrial is M-1 and heavy

June 11,2007

6 industrial is M-2. If it's not listed anywhere in there, the
7 way our office has been interpreting that is it's prohibited.
8 So this is somewhat of a common sense type of application. If
9 there happens to be no gravel in that industrial area, then you
10 can't do it.

11 The idea here is to do two things. One is to change the
12 name from gravel pit operation to extraction business. I
13 outlined a couple of reasons for that. One is to more
14 accurately reflect the definitions that we already have in the
15 Zoning Ordinance. There is no definition of gravel pit
16 operation in the Zoning Ordinance. So if somebody comes and
17 says I want to do a sand removal or if they want to move a lot
18 of earth, is that gravel pit operation? So basically we're
19 trying to eliminate subjectivity as much as possible.

20 MR. DAVID POOLE: Get rid of some of the gray lines.

21 MR. BRAD HAWKINS-CLARK: Yeah. So that's one reason to
22 change the name. The other reason is to encompass a broader
23 range of activities requiring a special use permit. Then the
24 third reason was to differentiate an on-site use and an off-site
25 use. That has to do with the term business, which is defined in

□

72

1 the Zoning Ordinance and kind of gets into bottom line. Is the
2 product leaving the site or not? If you have 40 acres, you just
3 want to dig up a pit on your own property and use the material
4 to build a berm or a nice driveway, you're not selling, you're
5 not exchanging, you're not bartering, its not leaving the
6 property, that, under our ordinance, would not be a business.

June 11,2007

7 *It's still extraction, but it wouldn't be defined as a business.*

8 *It wouldn't require a special use permit. However, any kind of*
9 *extraction of surface minerals, materials, etc., and is leaving*
10 *the site, would require a special use permit.*

11 *We left in the industrial and then added a special use*
12 *permit for the A-1, A-2, and A-3 zones. Most of Gem County is*
13 *zoned A-1, A-2, or A-3. That is also where the majority of our*
14 *existing gravel pit operations are. Idaho Sand and Gravel out*
15 *on Sales Yard is industrial zoned. I believe there's another*
16 *one up at the end of Sunset at the very east end. There's also*
17 *an industrial piece there that's about 10 acres. The rest of*
18 *the gravel pits in Gem County today are in the Ag zones. Most*
19 *of them are grandfathered in. So that's what we have to work*
20 *with.*

21 *So if you recommended approval of this change to the County*
22 *Commissioners, you'd be agreeing to changing the name and anyone*
23 *who is in an A zone would be able to apply for a special use*
24 *permit for some extraction business.*

25 *The main detriment I've pointed out in my memo, to allowing*

□

73

1 *these industries in the A-2 or A-3 is the number of residential*
2 *uses. A-2 is the majority of property south of the Payette*
3 *River going west of Emmett. It's almost all zoned A-2. There's*
4 *a lot of gravel sourcing, I'm told, down in that area. In*
5 *addition to all the A-1 stuff that's up in Pearl, Montour and*
6 *that area, apparently industry specialists have said that*

June 11, 2007

7 *there's good sources there. There's also, particularly here in*
8 *the valley, a lot of houses. You would not be allowing those*
9 *operations to just go in. They would still have to do a special*
10 *use permit, but your still potentially allowing those uses where*
11 *there may be properties right next door. With a special use*
12 *permit you can put conditions on how they operate, hours of*
13 *operation, berming, dust control, all of that good stuff. We*
14 *wanted to point out that may be one potential detriment. You*
15 *could, for example, say only in the A-1, or A-3, or maybe both.*
16 *That's all I had.*

17 *MR. DAVID POOLE: Any questions for Brad?*

18 *MS. DEBBIE ROUWENHORST: Ola, Sweet, that area; is that*
19 *A-2?*

20 *MR. BRAD HAWKINS-CLARK: A-3. A-3 is most of the corridor*
21 *north. It's on a section line. Montour's the same, all A-3.*

22 *MS. DEBBIE ROUWENHORST: Will it change with our new*
23 *comprehensive plan? Just doing land use, we did away with A-1,*
24 *2, and 3. That's my question. In this designation, it's not*
25 *A-1, 2, and 3.*

□

74

1 *MR. BRAD HAWKINS-CLARK: Right.*

2 *MS. DEBBIE ROUWENHORST: We when we did our comprehensive*
3 *plan we got rid of those 3 designations and just did*
4 *agricultural natural resource. That's what will confuse people,*
5 *if you say A-1, 2, and 3 when this gets adopted. I know you*
6 *said we have to look at it prior to adoption, but it will still*
7 *cause confusion if there's no longer an A-1, 2, and 3.*

June 11,2007

8 MR. DAVID HARGRAVES: *There still will be zoning A-1, 2,*
9 *and 3. The zoning won't change.*

10 MR. DAVID POOLE: *Yeah, the zoning stays the same.*

11 MR. BRAD HAWKINS-CLARK: *We did take out the A-1, 2, and 3*
12 *references in the comp plan, but....*

13 MS. DEBBIE ROUWENHORST: *Okay.*

14 MR. J.B.: *The application that came before us last year up*
15 *near Pearl regarding the gentleman's -- that he's going to move*
16 *and redesign his hills, and because he was going to remove that*
17 *from the property, he had to get a special use permit. Now he*
18 *wasn't A-1, 2, or 3, was he?*

19 MR. BRAD HAWKINS-CLARK: *He was A-1.*

20 MR. J.B.: *He wouldn't have been covered. He wasn't M-1 or*
21 *M-2.*

22 MR. DAVID POOLE: *I think that's the whole reason we're*
23 *doing this.*

24 MR. J.B.: *What did we give him a permit under last time?*

25 MR. BRAD HAWKINS-CLARK: *You decided this was not a gravel*

□

75

1 *pit use.*

2 MR. J.B.: *Okay. But under today it would be called an*
3 *extraction business because he did sell it, or barter.*

4 MR. BRAD HAWKINS-CLARK: *Yep.*

5 MR. J.B.: *All right.*

6 MR. DAVID POOLE: *Other questions for Brad? Let's move*
7 *forward and get some public input on this hearing.*

June 11,2007

8 *MS. CAROL MACGREGOR: My name is Carol MacGregor. I live*
9 *in Cascade Idaho, 60 Raspberry Road. I had the pleasure of*
10 *speaking with your able Commissioner about this issue. I own a*
11 *ranch in Gem County that has a lot of shale rock. There is*
12 *nobody near it except Bureau of Reclamation land, which my*
13 *family has been renting for 50 years. I am one of the people*
14 *that was interested in having your flexible view of this*
15 *ordinance so that Gem County can prosper by more employees.*
16 *There's no neighbors that would be effected. It's out of sight.*
17 *The proposed roadway into Shale Rock Road is in clear view of*
18 *both sides. I can't see that it would harm anybody. I think*
19 *that laws should not be obstructive but helpful for commerce if*
20 *other people are not adversely effected. Thank you.*

21 *MR. DAVID POOLE: Any other public comment? Then we'll*
22 *close the public portion of this meeting and bring it before the*
23 *Zoning Commissioners. All right. Discussion?*

24 *MR. J.B.: Specifically because of the issue that came*
25 *before us from Pearl last year, something like this needs to be*

□

76

1 *addressed.*

2 *MR. DAVID POOLE: Yeah. There are several in the County.*

3 *MR. LAWRENCE WHITSELL: I believe that this is a good*
4 *alternative to limiting ourselves to having no access to any*
5 *pits. This we can review case by case and make those decisions*
6 *as needed. So I'm in favor of this.*

7 *MR. DAVID POOLE: Any other comments.*

8 *MR. DON WILKERSON: I'm in agreement. I think it's a good*

June 11,2007

9 change. I do have one concern. If you look at the zoning map
10 in the north east portion of the city impact area, there's a lot
11 of A-2. Intermingled among that are a lot of small lot
12 development. I would like to see that no extraction be allowed
13 within the city impact area, in A-2.

14 MR. DAVID POOLE: Is there any A-1 in the city impact?

15 MR. DON WILKERSON: This is the current city impact area.

16 The pink is, if I'm right, is the proposed city impact area and
17 I don't see any A-1 in that. We always hear the real problem is
18 when you start putting in a gravel pit alongside of the
19 subdivisions and that's where a lot of them would be at. If you
20 go to the west inside of the city impact area, which will now
21 extend out to Airport Road, there is very little A-2 in that
22 location.

23 MR. J.B.: Don, why couldn't we just say anyplace within
24 the city impact and not limit to A-1, A-2, or A-3 because in
25 case there's something out there that didn't get changed?

□

77

1 MR. DON WILKERSON: There's no A-1 or A-3 inside the city
2 impact area.

3 MR. J.B.: But as that city impact area expands in a few
4 years, if we said nothing within the city impact area, then when
5 that expands it normally would automatically take that in and we
6 wouldn't have to address that.

7 MR. DON WILKERSON: That's a good thought.

8 MR. DAVID POOLE: Any other comment? If not, I think Don

June 11,2007

9 wants to draft a motion.

10 MR. DON WILKERSON: I will make a motion to recommend
11 approval to this proposed Zoning Ordinance amendment GCC,11-5-5
12 extraction businesses as proposed with the one change that no
13 extraction be allowed within the city impact area.

14 MR. DAVID POOLE: Second to that motion?

15 MR. WILL MAVPIN: I'll second it.

16 MR. DAVID POOLE: Been moved and seconded. Discussion?
17 We're recommending this right to the County Commissioners. 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. 5 A new ordinance adopting Highway and
24 Street Design and Construction Guidelines

25

□

78

1 MR. DAVID POOLE: Okay. Item 5 on the agenda. You want to
2 help us get rolling here, Brad?

3 MR. BRAD HAWKINS-CLARK: This ordinance was birthed out of
4 the lack of any firm adopted guidelines. The Linda Vista
5 Subdivision, you may recall, at the south end of Mill Road and
6 South Slope. There was an issue that came up in his final plat,
7 which this body doesn't see, but it had to do with the road
8 curvature. There was discussion between the engineers, can this
9 be required or not. The standards that our Highway Department

June 11,2007

10 had been generally using local highway technical assistance

11 counsel, the LTAC for short. The County had never formally

12 adopted this by ordinance. So it's more or less a policy.

13 There isn't an ordinance that says here's your horizontal

14 curvature, here's your vertical curvature, here's the stopping

15 distance, things like that. So that raised the question, well

16 we probably need that.

17 We went and asked Keller Associates, the County Engineer to

18 make some recommendations. So the Board of County

19 Commissioners, the Prosecuting Attorney's Office, and staff did

20 meet with them. Keller's thought at that point was to use the

21 LTAC standards. They have three guide books that they have

22 developed for rural communities to help establish the framework

23 for your roads.

24 What you received in your packets has to do with one of

25 those three manuals. That's what's being proposed right now.

□

79

1 I'll let Paul kind of hit some highlights about the existing

2 LTAC manual and some of the changes that have been discussed

3 with Kim Reed at the Road Department. I'm sorry he couldn't be

4 here tonight. If you have questions, certainly feel free to

5 continue this hearing and we could get him to attend the next

6 one.

7 MR. PAUL RAYMOND: I'm not sure how detailed to be on this.

8 I can go through my memo item by item or I can open it for

9 questions. What would be your pleasure?

June 11,2007

10 MR. LAWRENCE WHITSELL: I had a question for Paul. On your
11 right-of-ways, it shows your minor collector being narrower than
12 your local road.

13 MR. PAUL RAYMOND: That's the matrix. It's all backwards
14 on the right side. If you go by the typical sections those are
15 accurate.

16 MR. J.B.: I've got just a question regarding law I guess.
17 It says this doesn't apply to the City. Don't County laws apply
18 to the City unless the City has something more restrictive?

19 MR. PAUL RAYMOND: The way it works is the City has their
20 own ordinances and the County has the ordinances that apply
21 outside the city. I guess the County Ordinances would supersede
22 the City Ordinances in some cases but typically the City
23 Ordinances are more restrictive when it comes to development.

24 MR. DAVID HARGRAVES: That's correct. This ordinance would
25 not apply to the city. They are separate jurisdictions.

□

80

1 MR. ROGER BENNIE: What about the impact area?

2 MR. DAVID HARGRAVES: That's kind of one exception.

3 MR. LAWRENCE WHITSELL: But typically the City requires
4 more stringent guidelines.

5 MR. PAUL RAYMOND: That's correct. In this document that
6 you have in front of you, on page 9 it talks about the minimum
7 right-of-way in a cul-de-sac. We're proposing the 5 foot
8 shoulder, which was 2 feet before. There was a little bit
9 deeper gravel section with a 4 to 1 slope. We are recommending
10 that we agree with Kim Reed's recommendation to have a 70 foot

June 11,2007

11 right-of-way radius for cul-de-sacs. That drawing is in the end
12 of the memo. It was 60 before and we're agreeing with the 70
13 foot proposal. If the County ever decides to allow curb and
14 gutters, after years go by and the resident's want curb and
15 gutter and sidewalk, if they come in and do that then you got a
16 place for a storm drain. So we support that.

17 The next issue was with the 15% minimum grade. I have been
18 informed that the Fire Department has discussed this with Kim
19 Reed, staff, and recommending 7% grade for obvious reasons like
20 getting fire trucks up and down hills. The Commissioners and
21 the County Commissioners can certainly do what they'd like with
22 maximum grades. 15 is pretty steep. That was part of your
23 ordinances that exists now. So I would concur with the 7%.

24 The next issue that was brought up is on page 13. It
25 talked about the shoulders. This document only deals with the

□

81

1 local roads. We're looking at 12 feet per lane and a 5 foot
2 shoulder. We concur with a 5 foot shoulder.

3 The next matrix down below shows what Kim Reed would like
4 to have done. It's pretty close to what the typical sections
5 were for the capital improvement plans that was submitted to the
6 County Commissioners.

7 The 4 inches of gravel is what's been in your ordinance
8 before. That's staying the same. Kim's put his numbers to the
9 gravel depths for the sub base and the 4 inches of the base and
10 the pavement shows 4, 4, 3, and 3 from minor arterial, major

June 11,2007

11 collector, minor collector. We basically concur with those as
12 well.

13 When you look at the right-of-way, it shows a range from 80
14 to 100 and from 60 to 80. Our recommendation is that we get
15 away from a range. If you have a minor collector, major collect
16 or whatever, you want to tell the developer this is our stand
17 and it leaves that subjectivity between 80 and 100 because guess
18 which one they're going to pick. You may want to have something
19 different and your not going to have a good ground to stand on
20 between 65 and a half and 84 and 3 quarters, just to make a
21 point. You want to have a number that you can plan around. At
22 the bottom they show a forth slope and a back slope. We'll take
23 that out and put that in our typical section that I'll show you
24 in the back here in a minute.

25 With regard to curb and gutter on page 14, it shows

□

82

1 different types of roadways and a different widths of curb and
2 gutter. It shows a 43, 41, and a 37. Those all have been
3 changed to 44 back to back. My thought on this is, for now, I
4 would not deal with this issue in regard to curb and gutter. A
5 44 back to back curb and gutter section in a County roadway is
6 pretty wide. That's a wide open raceway, in my opinion. My
7 observation, the narrower a street is, the slower people drive,
8 just by nature. So before you adopt the 44 back to back section
9 for all your streets, I think you need to think about it and
10 talk about it some more. There's everything from that down to
11 maybe you want to go with 30 with parking only on one side. On

June 11,2007

12 a local road, which basically supports each resident
13 individually, as opposed to a collector, which supports a number
14 of local roads tying into it, has a different function. So in
15 front of each individual house, you may not want to have a wide
16 street because your going from a 24 foot paved section to
17 basically a 40 foot paved section. So that's a lot of pavement
18 and it may not be necessary. So I would recommend that we not
19 deal with that. You don't have a lot of curb and gutter. So I
20 would recommend that we hold off on that and come back and
21 readdress that and study it a little bit more. I'd like to talk
22 to Kim Reed about this so I'm not blind siding him.

23 MR. DON WILKERSON: Wouldn't a curb and gutter mainly be
24 involved in an improved subdivision where the developer wants to
25 put in curb and gutter?

□

83

1 MR. PAUL RAYMOND: That's correct, or if the Commissioners
2 decide you want to have curb and gutter in improved
3 subdivisions, you want to have a higher density on it.

4 MR. DON WILKERSON: I like the 40 feet because a lot of
5 those people will park on the street. So that still gives you
6 the travel portion along with the parking.

7 MR. PAUL RAYMOND: But if you crowd it a little bit and
8 make the lanes a little bit narrower, maybe you don't have a 12
9 foot lane when it's all said and done. Maybe you only have a 10
10 foot lane, it makes it tighter, so people go through there
11 slower.

June 11, 2007

12 **MR. DON WILKERSON:** *Well I live in a County subdivision*
13 *that's got curb and gutter and it's got 44 feet. So when a*
14 *semi's parked at the end of the street and you got a car parked*
15 *on the other side and you're pulling out with your RV, you*
16 *almost got to wait for the guy to go past you before you can get*
17 *between them. So 44, I don't think is unreasonable in a County*
18 *subdivision.*

19 **MR. DAVID POOLE:** *If you start talking curb and gutter on*
20 *some of the roads, now you're corralling the runoff and you got*
21 *to send it somewhere and treat it.*

22 **MR. DON WILKERSON:** *On a County road, very seldom are you*
23 *going to see curb and gutter, except we have places where we*
24 *require sidewalks along some County roads when they do a*
25 *subdivide.*

□

84

1 **MR. PAUL RAYMOND:** *In the back of the document there are a*
2 *number of typical sections and the first one you'll come to is a*
3 *Gem County two lane local road section. That's called A-1.*
4 *That's what we're proposing for the local road. It's a rural*
5 *type section. The depths are based on what Kim Reed has*
6 *proposed to me. That's a local street that butts up against*
7 *residential dwellings and feeds on to some type of collector.*
8 *The right-of-way is 60 feet. In the case of a minor collector,*
9 *which by definition is not only in it's function but the amount*
10 *of vehicle traffic that's going through. We're looking at an 80*
11 *foot right-of-way section for that. The depth section are*
12 *pretty much similar to a local collector except the sub base is*

June 11,2007

13 a little deeper. I want to remind you that these depths are
14 minimums. If you have a geotech report that shows the soils are
15 a little weaker, then those need to be expanded accordingly.
16 Those would be your minimum sections that your developer would
17 have to go by.

18 MR. DON WILKERSON: Is this a change from what Kim Reed
19 wanted where you have your shoulder at 3 feet instead of 5?

20 MR. PAUL RAYMOND: What you do is you have a 3 foot
21 shoulder, but your pavement is wider between the edge of your
22 lane lines. So you actually have 6 feet there from your lane
23 line to your shoulder. Then you have the major collector and
24 you can see the fog line is 6 feet back, plus you have the 3
25 feet of shoulder. On the slope you want to maintain a ditch for

□

85

1 all but the local street of 1 foot. So you can handle 1 foot of
2 water. The water won't get up into your sub base. On a local
3 street it's pretty hard to get 1 foot. So we're looking at 6
4 inches of storage for water there. Then on your major collector
5 your looking at 100 foot right-of-way. On any section line road
6 you'd want a minimum of 100 feet. With all the things happening
7 in the future, it's just a good rule of thumb to have 100 foot
8 of right-of-way. It's a lot easier to have it then to try and
9 get it later.

10 In the minor arterial, is simply for a portion of Dewey
11 Street that I've been informed that the County wants to make
12 that so it meets state standards. So if it becomes a state

June 11,2007

13 highway, it will conform to the state standards.

14 MR. DON WILKERSON: In the current comp plan, on minor
15 arterials it lists about 18 different roads. By this, are you
16 only defining Dewey as a minor arterial?

17 MR. BRAD HAWKINS-CLARK: That's a good point about
18 classification of roads. Right now, the County has the
19 comprehensive plan transportation chapter which lists arterials,
20 collectors, and local. We also have a 2002 transportation plan
21 prepared by Holiday Engineering, which includes a map that Idaho
22 Transportation Department has, that identifies different
23 arterials. The City of Emmett has a transportation plan that
24 they've adopted, which goes into the area of impact, which has
25 different arterials, collectors, and locals and then we have

□

86

1 these. So the problem that we are facing is really not so much
2 with the standards. I think this is probably the clearest
3 document that we have but which ones are they going to apply to?
4 I don't have a good answer for you tonight because the ultimate
5 answer is to clean up all these definitions of arterials. The
6 road classification system has not been formalized in the whole
7 County. It never really has been. We have ITD doing one thing
8 and the City and the County. So probably what we would default
9 to is the Subdivision Ordinance itself and subdivisions, which
10 talks about section line roads. Today it says 80 feet, but it
11 also says that if it's classified by the County Engineer, the
12 County Road and Bridge Department, and the Administrator, then
13 it can have more. Not that we're going to see many new

Page 84

June 11,2007

14 arterials built, that would be very rare, but for the ones that
15 we do have we're going to probably need to take case by case and
16 say here's what the comp plan says, here's what our standard is.
17 Even though the comp plan may call it a minor arterial, it's
18 doubtful that we want central to be 120 feet just because the
19 comp plan says that. So until we can clean up the documents,
20 we're just going to have to muddle our way through and say well
21 this is not going to use this standard.

22 MR. DON WILKERSON: So we could still have some gray areas
23 when it comes time to dedications.

24 MR. BRAD HAWKINS-CLARK: Unfortunately, I think so. What's
25 nice about this is I think we're setting what we really want as

□

87

1 a our design.

2 MR. PAUL RAYMOND: When we talked with the Commissioners,
3 the idea was to get something adopted quickly so you have
4 something in the ordinance that you can enforce. So we can
5 start and work on this forever and never get it fixed. So we
6 grabbed these typical sections from the Capitol Improvement
7 Plan, from Kim, and that's what we're presenting tonight. I
8 think if the Commissioners are okay with this, then it can be
9 adopted quickly by your body and the County Commissioners and
10 become an ordinance and then we can go back at the wishes of the
11 Commissioners and work on this more. At least we can get this
12 done and get something enforced.

13 MR. DAVID POOLE: Any other questions for Paul?

June 11,2007

14 MR. LAWRENCE WHITSELL: I have a question for Brad. Did

15 you have a chance to check with the other surrounding Counties?

16 MR. BRAD HAWKINS-CLARK: I did put out a couple of

17 voicemail messages but I have not heard back. If you'd like

18 that, we could certainly continue this hearing and bring it back

19 to you next time.

20 MR. DAVID POOLE: I think we got a proposal before us that

21 makes a lot of sense. Any further questions?

22 MR. FRED NUSSBAUMER: You mentioned that you felt that we

23 needed 100 foot right-of-way on every section line. Right now

24 it's 80. Is this going to change to 100 then, or do we maintain

25 the 80 foot we have now?

□

88

1 MR. DAVID POOLE: We're proposing 100 foot now.

2 MR. FRED NUSSBAUMER: So that's 50 foot on each side of the

3 section line that's going to be dedicated for roads.

4 MR. PAUL RAYMOND: That's correct. That wouldn't apply to

5 subdivisions that have already been submitted. That's anything

6 in the up future after the ordinance has been passed.

7 MR. FRED NUSSBAUMER: We had a subdivision that came up a

8 while back and the road -- we ended up having to take almost all

9 of the right-of-way off of one side because the property owners

10 refused to dedicate anymore of their property to road. How do

11 you address that?

12 MR. DAVID POOLE: If they want to develop the property,

13 that's their responsibility.

14 MR. DON WILKERSON: A lot of homes are close to the

June 11,2007

15 existing right-of-ways. That's when the variance issue comes
16 in.

17 MR. DAVID POOLE: Any further discussion? We need to get
18 some public input. Any of the public interested in making some
19 input on this?

20 MR. RICK WELSH: Rick Welsh with Gem County Fire District
21 1. I met with Kim and also talked to the County Commissioners
22 on the steepness grade of the roads and we did agree on 7%. I
23 don't like the stars in here with the note down below that says
24 possibly 15%. If we get snow conditions and ice, it's awful
25 steep for our trucks to get up and down to give fire protection.

□

89

1 So we'd like to see that at 7%.

2 MR. DAVID POOLE: Okay. Any further public input?

3 MR. ROGER BENNIE: Roger Bennie with Tri County Surveying.
4 We just dealt with one on Cherry Lane that we had to get a
5 variance with a 35 foot street because it was in city impact
6 area. We're going to have a lot of houses that you're going to
7 have to do variances on.

8 MR. DAVID POOLE: Thank you.

9 MR. JOHN EVANS: John Evans, 3979 Wills. I was concerned
10 about the 70 foot cul-de-sac. I agree with the 15% and the 7%.
11 Page 12, F No.3, it says curb and gutters density of 1 acre or
12 greater. Is that what we're looking at for subdivisions?

13 MR. PAUL RAYMOND: We did not address anything that wasn't
14 marked up by the staff. I think that would be something the

June 11, 2007

15 *Commissioners and the Board of County Commissioners would want*
16 *to review because either you have curb and gutters on all your*
17 *streets at some point or you don't. To have it based on the*
18 *size of the lot or the size of the acreage seems to be more*
19 *subjective.*

20 *MR. JOHN EVANS: Arterials, such as needing change, I just*
21 *heard quick adopt. I don't think a quick adopt is a great idea*
22 *because there's a lot of changes on this that's going to impact*
23 *a lot of different things.*

24 *MR. DON WILKERSON: John, maybe on Item F-3, the*
25 *determining word there is "may" be required.*

□

90

1 *MR. DAVID POOLE: Further public input? If not, we'll*
2 *close the public portion of this meeting and bring it before the*
3 *Board. Discussion?*

4 *MR. LAWRENCE WHITSELL: Why the urgency? Why do we need to*
5 *put this through so quickly? Why are the Commissioners*
6 *interested in doing this on fast track?*

7 *MR. BRAD HAWKINS-CLARK: I don't know if I have a good*
8 *answer.*

9 *MR. PAUL RAYMOND: From my perspective, the reason we want*
10 *to fast track it is because you don't have an enforceable design*
11 *standard right now. If a developer comes in tomorrow to look at*
12 *the standards, you don't have an ordinance. This document that*
13 *you've been using for some time has just been used and*
14 *everybody's agreed to it. You don't have an ordinance that's*
15 *enforceable. That's why I was saying that you need to get*

June 11,2007

16 something adopted quickly. If somebody comes in and challenges
17 it, you can't defend it. You can't say you're going to have a
18 50 foot wide street because you don't have anything to hold on
19 to unless it's specifically written in a Subdivision Ordinance.
20 So you need to get something adopted that's enforceable. We
21 tried to do the best we could to make it quick and easy.
22 The typical sections were decided and presented to the
23 Commissioners as part of your Capitol Improvement Plan and as
24 part of your Impact Fee Study. When you do development and you
25 collect impact fee's, you have a plan to start expanding

□

91

1 intersections and doing that kind of work. We talked with staff
2 to get these typical sections close to what the impact fee
3 typical section recommendations were. The bulky ordinance, that
4 we're not even touching, needs to get adopted. We were just
5 trying to get the basic things that staff had concerns with.

6 MR. DAVID HARGRAVES: Commissioners, I don't think that the
7 Board of County Commissioners wants to adopt something that's
8 not well done. They just want to get something in place as soon
9 as possible that's as correct as possible. We spent over a year
10 on the Subdivision Ordinance trying to make that correct as
11 possible and we still didn't get everything. So this gives us a
12 starting point. We need to hash through as many details as we
13 can. We want to get it right the first time if possible. I
14 think what we're saying is that some of these things can be
15 adjusted in the future if we find that it's creating problems.

June 11, 2007

16 *Some of these different road right-of-way width standards, we*

17 *ought to probably get those fixed as soon as we can.*

18 *MR. LAWRENCE WHITSELL: So to amend this is probably a*

19 *fairly easy process then. We'd be able to come back and revisit*

20 *this as needed.*

21 *MR. DAVID HARGRAVES: You can. There are hearing and*

22 *notice requirements that impose some time restrictions on you*

23 *but yeah.*

24 *MR. J.B.: Is there any more hearings or notice*

25 *requirements for this one?*

□

92

1 *MR. DAVID HARGRAVES: The County Commissioners will have a*

2 *hearing. If they make a significant change from what you*

3 *recommend, then they'll probably have to have an additional*

4 *hearing after that.*

5 *MR. DON WILKERSON: But they will have a public hearing*

6 *where people who have concerns can address it?*

7 *MR. DAVID HARGRAVES: Yes.*

8 *MR. DON WILKERSON: The only concern I have is the curb and*

9 *gutter. It sounds like that's kind of in a gray area right now.*

10 *Trouble is, if we pull it off of this, then you have to do an*

11 *amendment to the ordinance at a later date if you want to add*

12 *it.*

13 *MR. J.B.: I just assume leave it in.*

14 *I do see the need to fast track it because of the amount of*

15 *things coming down and having nothing enforceable out there. So*

16 *it concerns me that we have nothing. The papers that you*

June 11,2007

17 mentioned you're using, I'm not sure why -- is that what we're
18 looking at is that what you've been currently using?

19 MR. BRAD HAWKINS-CLARK: Yes. The Road Bridge Department
20 has been using this document without the hand edits.

21 MR. DAVID POOLE: And some of the suggestions here is to
22 make it not so subjective.

23 MR. J.B.: I am in favor of leaving the curb and gutter in.

24 I am in favor of the 7%. There was 15% question mark that

25 should be eliminated. We're going to have to look at making

□

93

1 some changes on this. Having nothing on the books is just far
2 to many loop holes out there.

3 MR. DON WILKERSON: What are we actually addressing
4 tonight? Are we addressing what is attached to the ordinance
5 that hasn't been signed yet? Which one are we addressing
6 tonight? Are we combining them?

7 MR. PAUL RAYMOND: The document that has been corrected by
8 pencil is what we're basically wanting to adopt. Also the
9 pencil corrections that Kim Reed made. If you take my memo and
10 leave the curb and gutter in like it is, you can do that. You
11 just need to make statements on what you want to do and then you
12 just adopt this document with the following corrections.

13 MR. DON WILKERSON: Your talking about this LTAC?

14 MR. PAUL RAYMOND: Right.

15 MR. DON WILKERSON: There's a lot of extra verbage in it.

16 MR. PAUL RAYMOND: Because you want to have that as your

June 11,2007

17 *main document. We're just talking about the proposed*

18 *corrections before we adopt that document.*

19 *MR. DON WILKERSON: One thing I'd like to see you do on*

20 *drainage on page 15, you remove aluminum as a culvert.*

21 *MR. PAUL RAYMOND: You can strike that.*

22 *MR. DON WILKERSON: On that same page, table 4 says*

23 *culverts under approached roads or driveways shall be an*

24 *amendment of 12 inch diameter with a minimum length of 30 feet.*

25 *Is an approach road a road into a subdivision?*

□

94

1 *MR. PAUL RAYMOND: That could be considered an approach*

2 *road for a culvert purpose.*

3 *MR. DON WILKERSON: Those have an easement width of 40*

4 *feet.*

5 *MR. PAUL RAYMOND: Actually an approach road would probably*

6 *be a road coming out of a residence onto a local street.*

7 *MR. DON WILKERSON: Okay.*

8 *MR. DAVID POOLE: Any further discussion before we put this*

9 *before the Board with a motion?*

10 *MR. DON WILKERSON: I make a motion that we recommend*

11 *approval of the proposed Gem County Road Design and Construction*

12 *Standards Ordinance with the recommendations as presented by*

13 *Keller Associates Engineering concerning cul-de-sacs, typical*

14 *standards for each classification of road, along with the LTAC*

15 *document. The only thing I'd like to see out of there is*

16 *aluminum is not used as a culvert. Also the recommendation of a*

17 *7% minimum grade on roadways. We agree to the memorandum from*

June 11,2007

18 *Keller Associates with the proposed change to the LTAC document*
19 *with the recommendation of approval to the Board of County*
20 *Commissioners.*

21 *MR. J.B.: I'll second it.*

22 *MR. BRAD HAWKINS-CLARK: Can I just ask for clarification?*

23 *I think the motion on the floor is that the Keller memo, that*
24 *you had talked about wanting to keep curb and gutter.*

25 *MR. DAVID POOLE: The motion is this one goes on with the*

□

95

1 *recommendations from Keller and Associates.*

2 *MR. BRAD HAWKINS-CLARK: Which says to remove curb and*
3 *gutter from this particular review.*

4 *MR. PAUL RAYMOND: The curb and gutter would stay as it is*
5 *from the document. It wouldn't be a 44 for all of them like it*
6 *says.*

7 *MR. BRAD HAWKINS-CLARK: I just wanted to make sure you*
8 *were aware.*

9 *MR. DON WILKERSON: This document here is penciled in by*
10 *Kim Reed and shows everything as 44.*

11 *MR. DAVID POOLE: So it's back to that.*

12 *MR. J.B.: But we wanted to leave the 44 in.*

13 *MR. DON WILKERSON: So what we're saying in the motion*
14 *would be that we recommend the curb and gutter description as in*
15 *the memorandum from Keller and Associates and not as broken out*
16 *in the document.*

17 *MR. PAUL RAYMOND: We can take this wherever you want to go*

June 11, 2007

18 *with it. I would just say don't address the curb and gutter at*
19 *this point. Then it would default to what's in the document*
20 *now.*

21 *MR. DON WILKERSON: Then the motion is, in the Keller*
22 *Associates memorandum we strike the curb and gutter item, refer*
23 *to page 14 of the document as it was originally prepared.*

24 *MR. DAVID POOLE: Do we have a second? J.B., is that still*
25 *okay with you?*

□

96

1 *MR. J.B.: Yeah.*

2 *MR. DAVID POOLE: Okay. Discussion?*

3 *MS. DEBBIE ROUWENHORST: On the highway street guidelines,*
4 *they will recreate it so we don't have the pencil marks?*

5 *MR. BRAD HAWKINS-CLARK: You bet.*

6 *MR. DAVID POOLE: Any other questions? If not, those in*
7 *favor of the motion on the floor signify by saying 'I'. Opposed*
8 *same sign. Motion carries.*

9

10 *(Vote unanimous.)*

11

12 *MR. DAVID POOLE: So we're recommending that to the Board*
13 *of County Commissioners.*

14 *MR. DON WILKERSON: Brad, when you get this all and done*
15 *can I get a copy?*

16 *MR. BRAD HAWKINS-CLARK: You bet.*

17

18 *Regular Meeting - Item No. 1 Items from the public*

June 11,2007

19

20 **MR. DAVID POOLE:** *In view of the hour here, gentleman,*
21 *let's move forward. Items from the public before they go to*
22 *sleep.*

23

24 *Regular Meeting - Item No. 2 Items from the Planning and Zoning*
25 *Director/Administrator*

□

97

1 *A. Recent Board of Commissioner meeting decisions*

2

3 **MR. DAVID POOLE:** *Okay. Planning Director/Administrator.*

4 **MR. BRAD HAWKINS-CLARK:** *We talked with the City Planning*
5 *and Zoning Commission about having an hour and a half joint*
6 *session to talk about some sort of general overview of Planning*
7 *and Zoning Idaho statute and some other sort of training*
8 *guidelines. We'd have a Planner from Boise. We're talking*
9 *about the 23rd of July. That's not a typical meeting night.*

10 *We'd have something to eat. So what are your thoughts on that?*

11 *Does that day work? We can do it in August.*

12 **MR. J.B.:** *I'm out of the country for 2 weeks.*

13 **MR. FRED NUSSBAUMER:** *I'm going to be out of state.*

14 **MR. BRAD HAWKINS-CLARK:** *Tomorrow night at 6:45 over at*
15 *City Hall the County Commissioners are adopting the*
16 *comprehensive plan. So if your not doing anything, your welcome*
17 *to attend.*

18 *The Dewey Road project was made reference to tonight.*

June 11,2007

19 *Parametrix is an engineering firm who the County hired to do an*
20 *initial environmental study on the potential of connecting Dewey*
21 *Road where it dead ends at El Paso and going across the BLM land*
22 *there and hooking up with interchange 23. It's about a 3 mile*
23 *stretch. Anyway, that document is going to be done in about 3*
24 *weeks. It has a lot of really interesting information in it.*
25 *If your interested, we can get you a copy of that. There's*

□

98

1 *going to be a final newsletter put out that says what the*
2 *recommendation is for the alignment. Any questions?*
3 *Are these agendas about right? We try to judge these not*
4 *to put to much on you but we get people pushed out 2 or 3*
5 *months. So just let us know.*

6 *MR. DAVID POOLE: We've had a couple short meetings.*

7 *MR. DON WILKERSON: Has there been any current decisions*
8 *made by the Board of County Commissioners?*

9 *MR. BRAD HAWKINS-CLARK: They have had a couple decisions.*
10 *They did approve the Woods Ranch Subdivision in Letha.*

11 *They did uphold your decision on the special use permit for*
12 *Equity 1 on the corner of Substation and 16. So they upheld*
13 *your denial for the second time.*

14 *No minor subdivisions have been changed from your*
15 *recommendations. They have approved all minor subdivisions that*
16 *you've been passing on. They have two or three pending for them*
17 *right now. Can you think of any others?*

18 *MR. DAVID HARGRAVES: I can't.*

19 *MR. DON WILKERSON: They are going to a licensed agreement*

June 11,2007

20 *for the removal of structures from new dedications.*

21 *MR. BRAD HAWKINS-CLARK: Right.*

22

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

24 *Attorney*

25

□

99

1 *MR. DAVID POOLE: Item No. 3. Your up next.*

2 *MR. DAVID HARGRAVES: Commissioners, I've noticed that for*

3 *the last couple of meetings, individuals that want to testify or*

4 *Commissioners that want to make comments always address the*

5 *Chairman. Then the Chairman identifies the speaker. That*

6 *really makes the record more clear.*

7 *Your engineer was here tonight. I'd encourage you to ask*

8 *as many questions as you want. He may have to get back to you*

9 *when he reviews what the subdividers are proposing, but feel*

10 *free to use him.*

11 *I just want to make another comment. We have a couple new*

12 *Commissioners on board. Use the ordinance language. For*

13 *example, on the common open space, use those definitions to base*

14 *your decision on. For the exceptions, when we grant an*

15 *exception and look at an exception, we have to start with the*

16 *ordinance and see if those requirements have been met. I just*

17 *also wanted to let the new Commissioners know that my office is*

18 *open anytime you want to come in. If you have questions about*

19 *the planning and zoning process, what the statutes are, feel*

June 11,2007

20 free to come to my office.

21 MR. J.B.: How about an introduction on the new

22 Commissioners.

23 MR. WILL MAVPIN: My name's Will Mavpin. I've been in the

24 valley for about 9 years. I'm self employed with a family. I

25 have two daughters. I live in Pickets Corral.

□

100

1 MS. DEBBIE ROUWENHORST: I've been in Emmett for 6 years

2 now. We farm on the upper bench. I was part of the Land Use

3 Commission.

4

5 Regular Meeting - Item No. 4 Items from the Planning and Zoning

6 Commission

7

8 MR. DAVID POOLE: Okay. Any other items from the

9 Commission? I'm really looking forward to Item 5.

10 MR. DON WILKERSON: When we have an application before us

11 for, as an example, a PUD and at the same time the preliminary

12 plat, there seems to be a lot of confusion. Which one are we

13 talking about? Which one do we rule on? I know the ordinance

14 says we can put them together. Would there be less confusion if

15 we address one and then the other?

16 MR. DAVID POOLE: I think we've tried to do that, Don. The

17 PUD has to come before the --

18 MR. DON WILKERSON: That's what I'm saying. We address the

19 PUD and then we address the preliminary plat.

20 MR. DAVID HARGRAVES: There's a lot of overlap. Some of

June 11,2007

21 *the information that applies to the PUD also applies to the*
22 *subdivision.*

23 *MR. BRAD HAWKINS-CLARK: I think you do have the option --*
24 *it's your meeting, it's your agenda.*

25 *MR. DON WILKERSON: Say at the top of the agenda we talk*

□

101

1 *about the PUD and on the bottom we talk about the preliminary*
2 *plat. Would that be more confusing?*

3 *MR. DAVID POOLE: No. I agree with you.*

4

5 *Regular Meeting - Item No. 5 Adjourn*

6

7 *MR. J.B.: I move we adjourn.*

8 *MR. LAWRENCE WHITSELL: I second that.*

9 *MR. DAVID POOLE: Motion carries.*

10

11

12

13

14

15

16

17

18

19

20

June 11,2007

21

22

23

24

25