

## EMMETT CITY ZONING COMMISSION

October 4, 2021

The Emmett City Zoning Commission held a Regular Meeting at 501 E. Main Street, Emmett, Idaho.

**Chairman Earls called the meeting to order at 6:00 p.m.**

Chairman Earls led the **Pledge of Allegiance**.

**Commissioners Present:** Gwen Earls, Brian Gregory, Kim Butler

**Commissioners Online:** Jeff Wiechmann

**Commissioners Absent:** Marta Henry

**Staff Present:** City Attorney Jake Sweeten; Zoning Administrator, Brian Sullivan; Recording Clerk, Alishia Elliott

**Staff Online:** None

**Public Present:** Fred R Bilbrey, Jolene Vaughn, Joe Rohrbacher, Joann Rohrbacher, Jerry Betzold, Lori Dixon, Dawn Ferdinand, Don Newell, Blaine Womer, Jeff Bickford, Danell Bickford, Andrew Newell, Matt Brown, Suzanne Shemwell, Matthew Braica, Robert Riggs, Fred Betzold

### **Review of Agenda:**

Commissioner Gregory made a motion to approve the agenda. Commissioner Butler seconded the motion. **Motion Carried.**

**Approval of Minutes:** Commissioner Gregory made a motion to approve the September 13, 2021 minutes. Commissioner Butler seconded the motion. **Motion Carried.**

### **#1 Public Hearing: Annexation with Zoning Classification and Preliminary Plat, Pavette River Estates Subdivision, W 12<sup>th</sup> St. and Homestead Drive**

#### **Zoning Administrator's Presentation**

Zoning Administrator Brian Sullivan read the staff report application summary to the commission. Commissioner Wiechmann asked how the development could benefit the local school district. Sullivan informed the commission that the school district did not submit any comments on this development. Commissioner Gregory asked what the average lot size of this development is. Sullivan responded with an average of 7,000 square feet. Commissioner Gregory asked about the railroad easement to the north of this property. Sullivan responded that the development would be required to put in a privacy fence up to the railroad right-of-way and that the development could not encroach on the right-of-way. Commissioner Gregory asked what irrigation company services this property and if any comments were submitted. Sullivan responded that the packet was sent to Farmers Coop and no comments were received. Commissioner Gregory asked Attorney Sweeten if there is anything we can do for the agency not submitting any comments. Attorney Sweeten explained that the city can not control comments submitted by agencies. Commissioner Gregory stated his concerns for the traffic on Mill Road. Sullivan stated that the section of Mill Road that Gregory is speaking of is controlled by Gem County Road and Bridge and they submitted a letter with no comments for this development.

#### **Applicant Presentation**

Applicant, Andrew Newell, presented his application to the commission and informed them that they have reached out to Farmers Coop Irrigation and they do have irrigation shares for the development. Mr. Newell stated that his client has reviewed the staff report and agrees with all the conditions of approval. Commissioner Wiechmann asked for the address of the subdivision. Newell informed the commissioners that the property is located N of W 12<sup>th</sup> St and West of Twin Buttes Subdivision. Commissioner Gregory asked if this development would consist of custom homes and how they would sell off the lots. Newell stated he does not have an answer at this time. The commissioners had no further questions for the applicant.

#### **Public Input**

Don Newell, owner of the development, informed the commission that the homes will be semi-custom homes and that the lots will be sold to three different builders. Commissioner Gregory asked what the average home size would be. Newell informed Gregory that the average home would be 1,600 square foot single family homes. Commissioner Gregory asked Newell if they are stuck on the average square foot lot size. Newell informed Gregory that the development meets all zoning requirements for lot size and width. Commissioner Gregory stated that he does not agree with the city zoning code, that it does not represent a small town. Commissioner Wiechmann

asked Newell if the builders are local. Newell informed the commission that Cambridge Homes and RTL Homes will be building in the development and he is not sure on the third builder.

Commissioner Earls asked if the zoning of R-1 allows duplexes or multi-family housing. Sullivan informed the commission that R-1 only allows single family, and the development is only requesting single family housing. Commissioner Earls asked what the current zoning of the property is as it is located in the county. Sullivan stated the property is zoned (M-1) light and (M-2) heavy industrial, both Gem County zoning classifications. Commissioner Butler asked where city limits end in relation to the property in question.

Lorrie Dixon, 712 Tyler Rd, asked if the letters she submitted in opposition of the application were received by the commission. Sullivan informed Dickson that four letters were received and are in the zoning packet. Dickson stated concerns of a lot bordering her property.

Fred Bilbrey, 1452 W 12<sup>th</sup> St., stated concerns of his animals causing a nuisance to the development and asked that there will be a resolution, so that they do not have to get rid of their animals.

Jerry Betzold, 1390 W 12<sup>th</sup> St., stated concerns of security with his storage units bordering the property. Betzold is a representative for the 4<sup>th</sup> St Ditch Company and asked about the irrigation wastewater from his property to this property and how it will be handled. Betzold also informed the commission that to his knowledge the property is serviced by two ditches.

Robert Riggs, 1382 W 12<sup>th</sup> St., stated concerns of traffic off of W 12<sup>th</sup> St.; noise, security and the fence line between the proposed new road and his property.

Danny Bigford, 1321 W 12<sup>th</sup> St., stated concerns of her animals, and the traffic and width of W 12<sup>th</sup> St. Bigford stated concerns of a traffic study for this development.

Applicant Andrew Newell, addressed the questions of the larger lot on the SW corner, informing the commission that it will be a residential lot with a large backyard and setbacks for the house. Newell informed the public that they will be doing a disclosure statement for the properties that border the houses with animals, informing them that there will be animals and noise. Newell informed the commission that the development will be placing a vinyl fence around the border of the property.

Commissioner Earls asked about the two ditches that service the property. Newell informed the commission that he researched the irrigation rights for the property and it is serviced by Farmers Cooperative Irrigation Company. Commissioner Gregory asked the applicant about the irrigation wastewater ditch on the property. Newell informed the commission that the ditch will be piped during construction. Commissioner Gregory asked Zoning Administrator Sullivan how far the entrance to the subdivision is from Mill Road. Sullivan stated it is  $\frac{3}{4}$  of a mile from Mill Rd.

Robert Riggs, 1382 W 12<sup>th</sup> St., asked if his property would be subject to annexation with the entrance of the subdivision bordering his property. Zoning Administrator Sullivan informed the commission and Mr. Riggs that the city does not force annexation, so the property is not subject to annexation unless requested by the owner. Attorney Sweeten stated that the current city administrative policy is that the city is not looking to annex property without consent from the property owner.

Commissioner Gregory stated concerns of the lot size and density of this development and traffic impacts on the local roads.

Joe Rohrbacher, 1438 W 12<sup>th</sup> St., stated concerns of larger lot sizes and the maintenance of the lots. Commissioner Gregory agreed with Rohrbacher and stated that he would like the minimum lot size for this development to be 7,500 square feet.

Applicant Andrew Newell, informed the commission that they can add a minimum 65-foot lot frontage for the development to make the larger lots that Commission Gregory is interested in. Commissioner Wiechmann stated that he agreed with Gregory on the larger lots.

Blaine Womer, with Womer Engineering, informed the commission that the commission could write into the approval that the development would have a 65-foot lot frontage, which would increase their average lot size to above 7,500 square feet. Commissioner Butler stated concerns of traffic on W 12<sup>th</sup> and Homestead Dr.

Don Ferdinand, 783 Tyler Rd, informed the commission that there was another subdivision approved by Gem County on Tyler Rd. Ferdinand asked about the roads crossing the railroad tracks. Commissioner Gregory informed Ferdinand that the railroad does not cross the development.

Zoning Administrator Sullivan read the site-specific conditions of approval as stated in the staff report to the commission.

Matthew Braica, 816 Comanche Trail, stated concerns of lot size and density.

**Rebuttal**

Blaine Womer, with Womer Engineering, informed the commission that the developer is willing to add a left turn lane onto W 12<sup>th</sup> St. from the development to aid in traffic concerns.

**Decision of Public Hearing: ACTION ITEM**

Motion #1: Commissioner Gregory made a motion to recommend to the City Council approval of the annexation application and zoning classification as R-1 single family for Payette River Estates Subdivision. Commissioner Wiechmann seconded the motion. Commissioner Butler opposed. **Motion Carried.**

Motion #2: Commissioner Gregory made a motion to recommend the approval of the Preliminary Plat, adopt site specific conditions, adopt the staff report into record, require a 65-foot lot frontage minimum, state in the CCR's that the neighbors will have animals with the smell and noise, and require a turn lane entering onto W 12<sup>th</sup> St. Commissioner Wiechmann seconded the motion. **Motion Carried.**

**#2 Public Hearing: Re-Zone Application by Gene King, 919 S Wardwell from R-2, Duplex to R-3, Multi-Family**

**Zoning Administrator's Presentation**

The applicant, Gene King, was not in attendance and unable to present his application.

**Decision of Public Hearing: ACTION ITEM**

Commissioner Wiechmann made a motion to keep the public hearing open and table the item to the November 1<sup>st</sup> meeting. Commissioner Butler seconded the motion. **Motion Carried.**

**New Business:**

None

**Unfinished Business:**

None

**Items from the Commission:**

None

**Items from the Building Official/ Zoning Administrator:**

Zoning Commission Manuals, the zoning commissioners were presented their zoning commission manuals by Planning Clerk Alishia Elliott and Zoning Administrator Brian Sullivan.

Next Regular Meeting – November 1, 2021

**Commissioner Butler made a motion to adjourn the meeting. Commissioner Gregory seconded the motion. Meeting adjourned at 7:43 p.m.**

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Chairman Gwen Earls

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Acting Secretary