

CITY of EMMETT ZONING COMMISSION
Oct 7th 2019 Public Hearing and Meeting Minutes
FINAL APPROVED

The City of Emmett's Zoning Commission held a regular meeting and 4 public hearings on October 7th, 2019 at 6pm at 501 E. Main St. in Emmett.

Commissioners Present: Jeff Chapman, Marta Henry, Jeff Wiechmann, Gwen Earls, Kim Butler, Jennifer Frieboes, and City Attorney, Jake Sweeten filling in as Temp Chair.

Staff Present: Zoning Administrator, Brian Sullivan; Recording Clerk, Anna Marie Young, Public Works Director, Clint Seamons.

Attn Sweeten: I am fulfilling the role of Chairman tonight. Our former Chairman and Vice Chairman have both resigned so the first order of business is to elect a new Chairman and Vice Chairman. However, before that we will have the Administrator introduce two new Commissioners.

Zoning Administrator: Introduces Jeff Wiechmann and Jennifer Frieboes

Commissioner Earls: I volunteer to be the new Chairwoman

Commissioner Wiechmann: Motions that Commissioner Earls becomes the new Chairwoman

Commissioner Butler: Seconds the Motion

Attn Sweeten: All in favor say "yay" . . . all say "yay". Motion Passes.

Chairwoman Earls: Do we have volunteer for Vice Chairman?

Commissioner Wiechmann: I volunteer to be Vice Chairman

Chairwoman Earls: asks is there anyone else who would like to volunteer?

Commissioner Butler: I volunteer to be Vice Chairwoman.

Chairwoman Earls: takes a pol vote . . . Commissioner Chapman votes Butler, Commissioner Henry votes Butler, Commissioner Wiechmann votes for himself, Chairwoman Earls votes Butler, and Commissioner Frieboes votes for Butler.

Commissioner Henry: Motions to appoint Commissioner Butler as Vice Chairwoman

Commissioner Wiechmann: Seconds the Motion.

Chairwoman Earls: All in favor say "yay" . . . all say "yay". Motion passes.

Attn Sweeten: explains general rules for Public Hearings. He said once you close the public hearing you cannot ask for more/new information, so its important to ask all questions now during the hearing.

PUBLIC HEARING for PRELIMINARY PLAT PP #19-002 PAYETTE RIVER ORCHARDS SUBDIVISION.

Chairwoman Earls: Opens the Public Hearing

Commissioner Chapman: re-cues himself due to relationship/conversations with the applicant.

Chairwoman Earls: asks if any Commissioners had any conversations regarding this application.

Attn Sweeten: explains that any communication held outside a Public Hearing is ok it's just that it must be disclosed at the Public Hearing.

Zoning Administrator: additional that also includes any site visits, Commissioners must disclose if they have visited any of the project sites.

Zoning Administrator: Gives a brief history of the project site and introduces the application. In 2006 the property was annexed into the City, zoned R-1 Residential, and a Preliminary Plat with a Development Agreement were approved. Construction of roads and utilities began. After the project went into foreclosure in 2007, the property sat vacant for a couple years before Sand Hollow 16 LLC bought the property and has since been using for agricultural purposes. In 2013 the owner de-annexed 130 acres of the original 220 acres and Modified the DA to allow for commercial farming with center pivot irrigation. The current proposed PP includes 242 residential lots and 1 commercial lot on a total of 74.8 acres, 10.44 acres of which are for landscaped open space. Phase one is located where utilities are already in the ground. A future water-booster station site and water-tank site will be dedicated to the City. A new water-booster station is required for this development due to the elevation increase.

Zoning Administrator: Goes over his staff report and concludes that staff recommends approval of the application with changes outlined for in city staff and agency comments. Will still need to be submitted for review

Zoning Administrator: goes over "Staff Written Comments to Applicant A-E" and the applicants corresponding written responses to each that were submitted/returned prior to the hearing (see included in staff report).

Zoning Administrator: Goes over "Staff Recommended Site-Specific Conditions 1-5" from staff report and concludes staff approval of application follows agency comments and comments listed in section sections 6,7, and 8.

Chairwoman Earls: Asks to hear from the applicant

Applicant David Little: 3111 Sand Hollow Rd, Emmett Idaho. We bought the property in 2009 and have been raising corn there since 2013. In July 2017 Terry Gardner with the Community Bible Church approached us to say he'd like to build a new church on part of the property. We said "fine by us" but we knew because a booster station is one of the requirements that we needed to come up with a solution for the entire property. In March 2018 we began working with the city and engineers. It's taken us a while to get to this point. We believe the project

meets the City's requirements and will be good for the valley. I'm a neighboring rancher so we are right here and in it for the long-term success of the project.

Chairwoman Earls: asks if any Commissioners if they any questions? There were none.

Applicant Adam Little: 1137 Harcourt Dr. Boise. Points out that they have reviewed some of the impact agencies comments. And provided the following feedback . . .

- In regards to Gem County Treasurer's Office Comments: we will make sure all taxes will be paid to date.
- In regards to Last Chance Ditch Company, Emmett Irrigation District and Black Canyon Irrigation District: we will make sure all water transfers are done appropriately. We will work to coordinate our efforts to address their concerns of fencing and protecting their right of way.
- In regards to Public Works with re-routing the road and utilities, will make sure to address that in our Construction Plans and coordinate so that the City team is on board.

Carl Porter: Sawtooth Land Surveying Company, 2030 S. Washington Ave. Emmett. Points out that that the property has been surveyed, including a boundary survey and a topographic survey.

Commissioner Wiechmann: asks is there access to the church off Hwy 16?

Carl Porter: Answer's "no".

Chairwoman Earls: Asks for any other questions from the Commission? There were none.

Attn Sweeten: Asks if the lot that the church is proposed to be on is still owned by 210 Main LLC?

Applicant Adam Little: Responds, yes, it needs to be subdivided after their application for SUP permit is approved.

Chairwoman Earls: asks if there is anyone else that wants to speak for the Applicant? There were none. Asks if anyone from the public that wants to comment they are welcome to step up to the podium.

John McGovern: 2405 Pinyon Peek Dr. Emmett. What concerns me is traffic on 12th St. I can't tell by looking at the map how traffic comes in and out? Are they planning to leave access to Hwy 16 in place or are they closing that off?

Zoning Administrator: Responds, showing on the map, that there will still be access from 12th street into the subdivision. 12th street will just cut short this corner continue south through the subdivision and access to Hwy 16 will still be there.

Gwynna Jensen: 865 Clifford Dr. Emmett. I am the sharp corner and I see probably 80 cars a day go flying around that corner and that's without 300 new cars coming into it because that's where people are out walking their dogs. I'm excited for the new houses but there needs to be some speed bumps, widen the road, some walking paths because 300 new homes means kids going to Carberry. There also needs to still be access to our gates off 12th street.

Zoning Administrator: Responds that there will still be access to that private road, the new spur into the development will have curb and gutter sidewalks, but there is a gap it won't go all the way to Regency.

Applicant David Little: Responds that everywhere within the subdivision will have sidewalks, and we are hoping to do a walking path around the outside of the property as well.

Chairwoman Earls: if there is anyone else please step up to the podium

Jackie McGovern: 2405 Pinyon Peek Dr. Emmett. Asks any idea when this is going to kick off?

Applicant David Little: Responds that there are 8 phases. We are projecting that this will take multi years. We expect that next Spring/Summer to start construction and actual houses by next Fall.

Carl Porter: Responds that this is the approval process, we need to get Preliminary Plat approval first before we can get Final Plat approval.

Jonathan Philips: 912 Gem Stone Way, Emmett. Pastor of Community Bible Church. We are ready to break ground but we are waiting for approval here. Until then can we lay some time-lines. We have a plot ready for purchase and we have plans but can't do anything until these meetings take place.

Carol Davis: 2295 E. Quail Run Rd: We take 12th St. Road everyday over that bridge to go over the hill. What is going to be affect on that bridge with 300 new cars driving on it? The problem is also once you get to Hwy 16. You better be on your mark because it's dangerous. There will be a fatality right there. So then the other problem is that if people can't get on to Hwy 16 they will be coming down 12th street as an alternative. Then there is Carberry. Is there going to be a light put right there? It's getting to be Fall and Winter and kids walk to school. Where are we putting in the safety measures for this subdivision? My property borders Regency. And they didn't do a great job. They left the City with a huge bill and got out of town. And what are the quality of the building that will be put in? Are we putting standards on buildings? Is it going to be one builder or a series of builders?

Attn Sweeten: Responds with that there are certain things that the City has jurisdiction over and there are certain things that we don't. The way our Zoning Code works is that if a developer comes in and meets requirements, they will be able to do what they want. One of the things that is outside the City's control is the quality of the homes, of course they will meet building set-back/square footage requirements but "quality" is subjective and our Zoning and Building Code doesn't account for that.

Applicant Adam Little: Responds by explaining that the Phases were picked in a way to minimize the impact on the road. The modification of 12th St. to curve slightly instead of a 90-degree turn is to mitigate cars going off the road there. The existing part of 12th Street extension that goes North/South is going to be a widened but until Phase 3. Access through there will not be closed off during Phase 1 and 2. In regards to the bridge, the existing bridge will NOT be improved.

Unidentified Member of the Public: That bridge is dangerous for pedestrians currently. Cars come flying over at 35mph and they can't see me as I'm walking across the bridge. Things will only get worse with 300 more cars coming in and out of there.

Zoning Administrator: Responds that the City can drop the speed limit down to 20mph within the subdivision. We don't have anything in our code book regarding bridge widths or impacts to bridges. In regards to the quality of building the subdivisions CC&Rs could address the quality and the style.

Andy Frasier: 2295 E. Quail Run. Voices concerns of bringing over extra wide heavy equipment over that bridge and about massive traffic jams at Substation Ave.

Applicant David Little: Responds that they can put temporary caution signs out there during construction.

Unidentified Member of the Public: who is responsible for the bridge?

Applicant David Little: I don't know the answer to that question.

Chairwoman Earls: Asks any more public comments?

Jackie McGovern: 2405 Pinyon Creek Dr. Emmet: When regency was going in there was so much truck traffic going on back and forth it was ridiculous. To say it will go on in phases in ridiculous. Its going to come and come and keep coming. It's going to get very busy on 12th street, there are a lot of kids and people out walking their dogs. So it kind of annoys me that you are saying you don't know how much traffic there is going to be!?

Chairwoman Earls: We are to the point where we are going to have to limit the number of times people can comment and to limit comments to 3-minutes. Asks any more public comments?

Brian Weers: 2480 Sunrise St. Emmett. I understand from Brian that we don't have all responses back from Public Agencies yet but I'm wondering is Carberry at capacity?

Zoning Administrator: Responds that he did send a packet to Emmett Independent School District but that they did not respond.

Chairwoman Earls: Asks what agencies do we send the packet out to? Who gets notified?

Zoning Administrator: We have a list: ITD, our Engineers, the School District, All the irrigation districts and companies, Sawtooth Land Surveying, all City and County agencies, Police, Fire, and EMS . . . about 20 agencies.

Chairwoman Earls: In the past has the School District responded?

Zoning Administrator: We had one earlier this year and the School District did not respond.

Brian Weers: How does that affect decision making overall?

Chairwoman Earls: I would suggest you ask that to the School District.

Chairwoman Earls: Asks Commissioners if they have any more questions regarding this application?

Attn Sweeten: Reminds everybody that there are 4 Companion Applications. If there are no more questions on the 1st Application, then we can move on to the next one.

Vice Chairwoman Butler: questions the renaming 12th street?

Zoning Administrator: Points out on the map that the original 12th St. that runs horizontal will stay 12th Street but that the 12th St. segment that runs North and South through the subdivision will change.

PUBLIC HEARING for VARIANCE #19-001 LOT SIZE, FRONTAGE, and SETBACKS for 11 LOTS (COMPANION APP to PP #19-002).

Chairwoman Earls: Opens Public Hearing

Zoning Administrator: Summarizes the Application. The Variance is for 11 of the proposed 242 lots. The variance would allow these particular sub-standard lots to be legal in the Payette River Orchard Subdivision. The reason is due to the existing infrastructure that was already constructed for the previous development that was approved in 2006. The existing infrastructure includes underground sewer and water lines to each of these 11 lots. The City's standard lot size for R-1 is 6000 square foot, the proposed size is 5500 square foot. The standard road frontage requirement is 60ft and the proposed size is 50ft. And the standard set back requirements are 7ft and the proposed is 5ft.

Zoning Administrator: Based on staff findings, staff recommends approval of the application. It would be an unnecessary hardship on the developer to have to reconstruct sewer and water infrastructure that has already been tabbed. And the fewer tabs is better for the integrity of our system.

Chairwoman Earls: Asks Commissioners if they have any questions?

Vice Chairwoman Butler: Asks who was the previous developer?

Zoning Administrator: Responds it was Sanderson company out of Bend Oregon.

Chairwoman Earls: Asks would the Applicant like to speak?

Applicant Adam Little: We've had the sewer lines inspected, and they are in good shape. Keeping the tabs where they are would avoid having to plug those up and would help maintain long-term integrity of the line.

Chairwoman Earls: Any more comments from the public or the Commission? There were none.

PUBLIC HEARING FOR SPECIAL USE PERMIT SUP #19-005 CHURCH IN A RESIDENTIAL ZONE (COMPANION APP to PP #19-002)

Chairwoman Earls: Opens the Public Hearing

Zoning Administrator: Introduces the Application and goes over the staff report. The Applicant is Community Bible Church but the land is still currently owned by 210 Main LLC. Explains how the Application relates/is in agreement with the City's Comprehensive Plan

Policies and City Code. Staff feels that a church in a residential zone adds to the small town feel in the community.

Zoning Administrator: Based on city requirements and staff findings staff recommends approval of the application and adopting staff findings, Staff Report and Staff Comments as being part of the approval.

Chairwoman Earls: Asks Commissioners if they have any questions.

Vice Chairwoman Butler: Asks to clarify where the Church access points are?

Zoning Administrator: Shows the two access points.

Vice Chairwoman Butler: Confirms, so the two access points are from within the subdivision itself, not from 12th St. or Hwy 16. So in order to reach the Church you would have to go through the subdivision.

Zoning Administrator: Correct

Vice Chairwoman Butler: Asks how big is the congregation?

Community Bible Church, Terry Gardner: 2101 E Quail Run Emmett. Our plan is to have something very attractive as people enter the City on Hwy 16. The seating is probably between 300-400. The average in attendance now is 150 in attendance.

Chairwoman Earls: Asks any other questions from the Public? or the Commission? There were none.

PUBLIC HEARING FOR MODIFICATION OF DEVELOPMENT AGREEMENT DA #19-002 (COMPANION APP to PP #19-002)

Chairwoman Earls: Opens the public hearing.

Zoning Administrator: I have created a Memo for this Development Agreement Modification. This Agreement is between the City of Emmett and 210 Main LLC. Gives a brief history of the 2013 Modified DA. Most important to note is that the 2013 Agreement states that no permits shall be granted until the owner submits another Modification to this Agreement. The DA must address the required Booster Station for the site.

Zoning Administrator: explains that the Funding/Reimbursement Agreement for the Booster Station, between the Developer and Public Works is still in discussion. Staff recommends that we continue the hearing on this and all Companion Applications the next Zoning Commission Meeting to allow time for the DA to be completed. A recommendation to approve the modification must be made to the City Council.

Chairwoman Earls: Thanks the Zoning Administrator

Zoning Administrator: Clarifies that the Zoning Commission does not "approve a DA Modification" but makes a recommendation to City Council. Same thing for the Variance. For

the PP and the SUP the Zoning can approve those. The PP does go to City Council for final approval but they do not have another Public Hearing on it.

Chairwoman Earls: Asks Commissioners if they have any questions for Zoning Administrator.

Commissioner Wiechmann: to keep things moving forward can we make decision on the PP without being able to make a recommendation on the DA?

Zoning Administrator: Asks Attn Sweeten what he thinks?

Attn Sweeten: I believe the best thing to continue the public hearing and table ALL the applications.

Chairwoman Earls: Asks if there are any comments from the public or the Applicant?

Applicant Adam Little: Suggests that we continue approval of PP with a sort of contingency-agreement regarding the DA.

Attn Sweeten: I think what Adam Little is saying is to keep the project moving forward by "Approving with Conditions" tonight. Warns that if there is a substantial changes we would have to open the public hearing again and start the whole process over again, so I still suggest we table everything.

Chairwoman Earls: Asks for any more comments from the public? Or Commissioners?

Zoning Administrator: Clarifies that ex parte communication doesn't include talking to staff. Commissioners can ask any of us any questions about the project anytime. You just can't talk about it with the Applicant, the public, or each other (without disclosure).

Commissioner Wiechmann: Asks how are funding negotiations are going between Public Works and the Applicant regarding the booster station?

Public Works Director, Clint Seamons: 6218 S Teton Peak Way, Boise. The Littles have been great to work with, we've been working on this for awhile. We are making sure it will be profitable for both sides.

Vice Chairwoman Butler: Motions to continue the public hearing for all these applications- not excluding discussion and more information on the width of bridge and the North/South segment on 12th St. and information from ITD regarding access to Hwy 16.

Commissioner Wiechmann: Seconds the Motion.

Chairwoman Earls: All if favor say "yay" . . . any opposed? Motion Passes.

REGULAR ZONING COMMISSION MEETING

Chairwoman Earls: Please review the minutes from the last meeting.

Vice Chairwoman Butler: Motions to approve Sept 3rd 2019 Meeting Minutes.

Commissioner Henry: Seconds the Motion.

Chairwoman Earls: All in favor say "yay" . . . any opposed? Motion Passes.

Chairwoman Earls: Clarifies the job of the Commission is to see if proposed development meets city requirements and addresses concerns of the public. If something doesn't feel right to you its ok to ask questions so we can put it on the table for discussion.

Commissioner Wiechmann: Asks if the City Code can help shape HOA requirements?

Zoning Administrator: They will give us their CC&Rs for us to review to make sure they comply with City Code, e.g. how tall the fence is, how far the fence is set back but we cannot tell them what kind of fences to use.

Chairwoman Earls: Any items from the public? Any unfinished business from Zoning Administrator?

Planning Clerk, Anna Marie Young: Asks Commission to send photos and short bios to post on new Zoning Commission Webpage.

Attn Sweeten: Warns that any communication regarding city business is subject to public records request so Commissioners should only be using their city email address for communication.

Zoning Administrator: Confirms that we will no longer be sending packets out to personal email addresses.

Chairwoman Earls: Our next meeting is scheduled for Nov 4th 2019.

Commissioner Henry: Motions to adjourn.

Vice Chairperson Butler: Seconds the Motion.

Chairwoman Earls: All in favor say "yay" . . . any opposed? Meeting Adjourned!