

The Emmett City Zoning Commission held a regular meeting on December 3rd, 2018 at 6:00 p.m. at 501 E. Main Street, Emmett, Idaho.

Commissioners present: Jeff Chapman, Bill Slabaugh, Gwen Earls, Kim Butler

Staff present: Building Official/Zoning Administrator Brian Sullivan, City Attorney Jake Sweeten, Recording Clerk Doricela Millan-Sotelo, Clerical Assistant Mary Lake

Public present: Morgyn & Dillon Rogers - 811 E 5th, Gary Koontz - 458 Old Maple Drive, Jean Nutile - 628 S. DeClark, Marion Henderson, Marilyn Tucker, Karole Foruria, Mark Hoburg - 721 E 4th Street, Michael Hughes, Aaron Millan – 725 W 4th Street, Kaylynn Molyneaux, Carmie Molyneaux, Mariah Molyneaux, Joyce Benscoter - 905 E 5th Street, Brian & Jennifer Potts, Gary Thompson - 2303 Mountain View Drive, Harry & Marsha Granger - 850 S Moffat, Bob & Relda Teeter - 522 W. Idaho Boulevard, Anthony & Gail Walker, Phil Chaney, Craig McCullough, James & Patricia Toles - 904 E 5th Street, William Hopwood, Tony Patterson, Paul & Kathleen Derig - 1518 E South Slope Road, Lois Buck, Jeremiah Campos, Paul Storm, ? Storm, Gordon and Laurie Kissner, ??, Earl DeFur, Lyle Thompson - 2303 Mountain View Drive, Bryan Griggs - 334 W. HWY 52, Jason Hill, Nathan Capen - 720 E. 5th Street, Janet Murphy - 908 E. 4th street. (I forgot the list with the address on it. I will add as soon as I can)

Chairman Slabaugh called the meeting to order at 6:05 p.m.

Public Hearings:

Special Use Permit – SUP#18-004 – 921 E. 4th St, Calvary Church, Calvary Christian Academy, Calvary Chapel Daycare and Learning Center

Building Official/Zoning Administrator Brian Sullivan gave the staff report, application summary, required findings, and staff analysis.

Chairman Slabaugh asks if there are any questions for Mr. Sullivan.

Pastor Michael Hughes: Thank you everyone for coming. I just wanted to say that we are excited to be a part of the city of Emmett. We looked through the packet and understand our request not to have access to 5th street. We figured we would ask for it but it does not bother us that we are not going to have access to 5th street. That is fine to remove that from our plan. We can make adjustments to that and submit those to the city if that's what you decide. It makes total sense that a street would dead end into a parking lot. So we do not want to cause problems there or a danger to anybody by doing that. Also I just wanted to say there were a few letters that were written to us from the community; two of them were concerned about the 5th street access and another one was concerned about drainage on our property. We are going to have it engineered of course according to city specs so that everything will drain into our own property so

there won't be any danger of excess drainage to other people's yards or anything like that. Everything should be drained into the drains that we create on the property out of the parking lot and whatever else that we need to do that. And we will have engineers do that. Also, there was a question about fencing. Those are things of course that we are going to abide by. Whatever the city wants us to do as far as fencing and around the property if that is required. So I don't think there is any concern there. And the question about access to irrigation water – we are going to be very careful to make sure that we are working with all the neighbors to make sure we are not blocking anyone's access to irrigation. We will make sure that the neighbors will have access to what they have had access too, so no problems there. But it's an exciting thing to be in the city, to have a lot of neighbors. Which it seems like we have some here today and some people from the church. We are hoping that we are a good neighbor. We haven't had any complaints from our current neighbors. It's a good place to take your kids and your family. And people use our current facility and playgrounds there. We want to make it accessible to the public on non-school hours. We allow people to come play. And we want it to be safe for everybody. Of course during school hours we do lock those things down just because we don't want unapproved people on the grounds. During non-school hours we will open those gates and let the public in to play freely and things like that. We are just a church that loves the community and we want to be a benefit to the community. We try everything we can to be a part of what the community is doing and participate in community events as well as try to improve our community through different programs and things we do. We hope that we'll be good neighbors and that we can be a benefit to all those around us and bring up property values. I've heard, you know I don't know studies, but I've heard that having a school and a church in your neighborhood can bring up your property value. And certainly that's true if somebody wants to enroll their children and or attend a church that's close by. That's all I have to say.

Chairman Slabaugh: Any questions for Pastor Hughes.

Zoning Administrator/Building Official: I received a letter today at 2:44 exactly, it was faxed to us. We found it on our fax machine just scrolling through. I have been advised by counsel that I need to read this letter into the minutes.

City Attorney: Probably Brain, why don't you read it when we have the appropriate public presentation weather it is for or against.

Zoning Administrator/Building Official: Okay

Chairman Slabaugh: Whichever category it fits. Okay we'll open it up to members of the public and like I said please come to the microphone and state your name and address first and speak clearly into the microphone and we will give you three minutes

for each person to talk. So first of all we will have those who are in favor of the application, if you would like to speak in favor of it, please come forward and speak.

IN FAVOR-

Joyce Bencoter: My name is Joyce Bencoter, 905 E. 5th Street, adjacent property to Calvary chapel is looking to building. I'm very pleased to hear that 5th is not going through. With that being said, I think this would be a great addition to that area. And it does provide access for kids. I am a little bit biased in that regard beings that I am a teacher of thirty nine years. So I don't see that children being an issue. They do have set hours. So, with that being said, that would be an addition that would be quite welcome.

Jean Nutile: I'm Jean Nutile at 628 S. DeClark. I am basically in favor of this. My cats are not pleased at all but they will adjust. It's their hunting ground. My one concern, I don't know if this is a question or concern, deals with lighting. This area is surrounded by residential properties and I'm a great proponent of dark skies. I understand that they are going to have to have light but I don't want it to be so blaring that it will come into our windows and everything. I would like some assurance that the lighting, though necessary is not going to be really intrusive. And I think as far as this is a better use I believe than a subdivision with Two story boxy houses all over, that blocks all of our views. In that regard I am for it. I am glad they are not using the 5th street access. And my cats will adjust.

Gary Koontz: Hi, my name is Gary Koontz. I live at 458 Old Maple Dr. I wanted to say that I believe that there are benefits to having the church there and the school. What I would site is a study done and published by the Huffington Post in December 4th, 2013. That said as church attendance rises crimes fall. The Ameripedia also released a study that said there was a six percent reduction in delinquency if there was more church attendance. Now, also, saving money that way, the churches do outreach. That saves money for general relief and they do counseling. Which is good for the community. So I believe there are tangible many reasons that the church is a benefit to community. So, that is one of the many reasons I think it would be a good idea, you know, and to promote that property into being made into a church.

Morgyn Rogers: My name is Morgyn Rogers and I live at 811 E. 5th. I just wanted to say that I am all for the church coming into that property but I am very excited that we won't have access to 5th. That was my only thing.

Patricia Toles: My name is Patricia Toles I live with my husband at 904 E. 5th Street. We are probably the closest in proximity to our new neighbors. And on 5th street we were concerned that the street was going to open. That has been settled for us and we are actually pretty happy about that because of the traffic. We are just moved in there

September and we were looking forward to the peace in quiet but having the church next door to us I am very much in favor of. As a matter of fact I may come see you and we will welcome our new neighbors. I am in favor of this. Thank you.

Relda Teeter: Hi my name is Relda Teeter, I live at 522 W. Idaho Boulevard. I am a current neighbor of Calvary Chapel. We have been here eleven years. The first person we met was Pastor Mike Hughes. He was looking in our window as we were sitting and having lunch and I went oh, maybe that's our new neighbors. He was on the other side of our fence looking at the house and it was very cute. Him and his wife and his little boy that's now a big boy. We have been here only eleven years. We have seen this church grow, the school come in, the daycare come in, and the church just grow and grow and grow. It's very exciting for us, we do go to Calvary Chapel. There has not been noise or if they cut the trees up a little high, I did get used to that. They used to block the church off but now they don't and it's still okay. Anyway, I am very, very excited about this.

Lyle Thompson: My name is Lyle Thompson and I live at 2303 Mountain View Dr. I am the athletic director for Calvary Christian Academy. I just wanted to say I am excited about the possibility about having another gym in our community because I don't know if you guys have ever tried to look for gym here. It is impossible to find. And also our sports field will be nice to have an extra practice area for the rugby. I know that one of my friends is a rugby coach and he was super excited because there is only one rugby field in Emmett. There is a boys and a girls team and so it makes practice hard, games hard, things like that. So just from an athletic point of view I am excited to have more facilities in this community to use.

Nathan Capen: Hi there I am Nathan Capen and I live at 720 E. 5th Street. I'm also the family pastor up at the Nazarene church here in town. Hearing all of my neighbors concern was only about opening up 5th street and so the whole purpose being here tonight was to speak on that behalf. And figuring that that's not going to be happening we are all okay. So we are excited for it. My wife is a teacher and we are really looking forward to just seeing what this is going to do for our community opening it up and just the way that having a church in your area they reach out, they go and touch the community. I am exciting for seeing how the students are going to interact with our area there. So, excited for it and all for it. Thank you.

Paul Derig: Thank you. I am Paul Derig, I live at 1518 E. South Slope Road. Being in the county I feel a little bit out of place but I would certainly advocate for the church and the location. My main purpose is as president of Last Chance Ditch Company Board and we also maintain and control the cook daily lateral which is a pipe line that runs down 4th street. So, from that aspect there should be adequate irrigation and I don't know the plan but if it is a pressurized system that's put in on that piece of property

there will be very little runoff. Those are things to consider but certainly I feel it's a boom for the city of Emmett. We are all for it. Thank you!

Chairman Slabaugh: They will have to design everything according to the standards of the ditch company's approval and all of that.

Janet Murphy: Hello my name is Janet Murphy and me and my family live at 908 E. 4th street. We are right across from the property. We are for it for one of the main reasons is that property has been vacant and an eye sore for a really long time so it would be nice to have something done with it. Thank you.

Chairman Slabaugh: would anyone else like to speak in favor of the application? Okay, anyone would like to speak against it, you're opposed to it, and we would love to hear from you as well.

Opposed:

Mark Hoburg: My name is Mark Hoburg I live at 721 E. 4th Street. I am opposed to any development that would create additional traffic on 4th street until some provisions are made to put a second access into the Monte Vista Mobile Trailer Park off of 7th street.

Harry Granger: Harry Granger - 850 S. Moffat. I am not opposed to their plan; I am opposed to a part of the design. The access that you are talking about onto 7th and Moffat, I went out and measured the surface of the street Sunday all up and down there. Your paved surface there on 7th street is 15 feet. I owned the property before a long time ago. I purposed a subdivision in there. One of the main reasons it was denied, well not really denied, it just ended the whole thing between the city and I, is that access. The access hasn't changed, with the design that is there, if you approve this I would like to see some sort of moratorium on that access until Moffatt or 7th street are widened out to be adequate. Our subdivision streets in the city of Emmett are paved surface of 36 feet. That's twice what is there. And it's more than just power poles that are out into the right of way. We got all kinds of things down there. Take a drive down there before you make a decision if you haven't already. So like I said the church itself, it's an R-1 situation so it's no big deal. But you really need to look at access on there. I notice you don't like access of 5th street, dead ending in there will, if you look at that plan you've got an access that makes Moffat Street, actually S Moffat running from 4th street to 12th street, so that is if you are going to make a drive way through there, it needs to somehow control that it is a driveway or if it is going to be a city street, because that is what you have going on that map you've got access completely through there with totally inadequate with that type of traffic. How many cars did you say this parking lot is for?

Building Official: states 224 cars.

Harry Granger: The only time we have 224 cars, we don't have half that many, is when they shut down johns for maintenance and they all hit 7th street and it's absolutely ridiculous most days but anyway, we live with it. Anyway, consider that in your consideration please.

Chairman Slabaugh: Anybody else in opposition or concerns that haven't been raised yet. We would love to hear those right now as well. Anything that you think, any issues that haven't been considered?

Jean Nutile: If there is going to be a fence is it going to be a great big high, I don't know if there is a certain height because we do have a view now and I would personally would still like a view it's not going to be like a big 10 foot fence right? At the end of my property.

Chairman Slabaugh: I will have Mr. Sullivan respond to that. And a couple of other things in a moment here. Anybody else?

Zoning Administrator/Building Official: I will come up and read my letter now. I think it is appropriate. Okay, we received this letter again today at 2:44. Our cutoff date was last week for the written letters to go into the packet so it did not make that. So this in reference to the special use permit for Calvary Christian Academy at 921 E. 7th street. The letter is from Robert Meyer at 816 S. Moffat Avenue, Emmett, Idaho. Attention City of Emmett Zoning Department: In regard to special use permit Calvary chapel at the 921 E. 4th street location I am totally against issuing that permit. The chapel says it is for what, I can't read the word, to then locating their school to said location. I object to this project due to the increased traffic flow that will occur from exiting the south end of 921 E. 4th street onto E. 7th Street and Moffat Avenue E. 7th Street and Moffat Ave converge into dead end into each other. Note E. 7th street and Moffat Avenue roads are so narrow and have electric power poles in both roads. Two vehicles cannot pass unless one vehicle pulls to the right side of the road until the other vehicle passes by them. The one vehicle can then continue traveling on. I also object to the chapel obtaining utilities from E. 7th street and Moffat Avenue. I suggest the utilities come from E. 4th street so that I will not be blocked in or out of my house. And again any traffic exiting out of the south end of that lot will cause traffic jams at Johns Avenue and E. 7th street, also E. 12th street and Moffat Avenue waiting to make turns onto those streets. And then if you have any questions call and he has his phone number here.

Chairman Slabaugh: while you are up here would you address a couple things that have come up, one related to the lighting and the other related to the fencing. Could you talk about our dark sky ordinance?

Zoning Administrator/Building Official: So, the lighting, we do have an dark sky ordinance in place for the city of Emmett in place. So, when they submit plans, I will

review the plans to make sure they are in compliance with our dark sky ordinance which requires all lighting to be down cast. So its not lighting up the night sky. They are called cutoff shields on the lights to reflect all the lighting down towards the ground. So we will be covered on the light pollution in that way. And the other one, there was a concern about the fencing. We do have a landscape ordinance with the city of Emmett. So two incompatible land uses have to be buffered from each other. So we can make a landscape buffer of either vegetation to provide that barrier or we can do up to a six foot high wood or vinyl fence to give that separation of the two separate properties. So either direction we go, the landscape buffer does say within three years has to grown within mature height to give that buffer between the two land uses.

Chairman Slabaugh: isn't it also the dark skies ordinance, the lighting has to be directional so it doesn't go on neighbors properties?

Zoning Administrator/Building Official: yes, it is down cast lighting. I called it downcast lighting, but it is ninety degree and one hundred- and eighty-degree cutoff shields is what they are called on the lights that down cast away from neighboring properties.

Chairman Slabaugh: Any other questions for Mr. Sullivan?

Commissioner Chapman: has there been a recent traffic study done on Johns or Johns and 4th?

Zoning Administrator/Building Official: there could have been on John's, but I don't have that. We are doing that s John's widening project so there probably was a traffic study with that project that was through ITD. I do not have that.

Commissioner Earls: I have a question, I see on the map the 4th street, however, I would like a better explanation of were the entrances are purposed right now. I guess I'm just not seeing it on the map. Is that 7th street? Where the through street ends, where does that dead end into?

Zoning Administrator/Building Official: Are you talking about on the south side of the property? that goes right onto the intersection east 7th street goes down this way and then turns into Moffat. That goes right at that intersection is where makes that turn where it would access 7th and Moffat right at that intersection. That was in intersection that was approved for cherry grove subdivision. It was the same access point there for that subdivision. So they are using the same point.

Commissioner Earls: so there is an entrance on 4th street.

Zoning Administrator/Building Official: Two on 4th and that one is purposed, if you go through with it, down on 7th and Moffat.

Commissioner Earls: Thank you.

Chairman Slabaugh: any other questions for Mr. Sullivan?

Zoning Administrator/Building Official: I will touch also on irrigation, we do have a letter in here from Last Chance which I do believe you have all read. Does state that engineered irrigation system has to be completed. So we will be covered by the irrigation side.

Chairman Slabaugh: I don't want to cut anybody off, if you have anything to say that's a concern or that you are not in favor for the application, please speak now. Thank you. Is there a motion to close the public hearing?

Commissioner Earls: chairman,

City Attorney: just a reminder, now is the time to get all the information you feel like you need to make a decision. Once we close the public hearing no new information can come in. you can't get anymore question from the public or ask for additional outside information. Once the public hearing is closed its just the information that was presented in your packet and information that the public expressed to you tonight. Otherwise we would have to notice up a new public hearing and reopen it. That is my only advice just make sure you are one hundred percent absolutely sure you are ready. You have all the information you need and ready to close the public hearing.

Chairman Slabaugh: Pastor Hughes, do you have something to say? Please step up to the microphone.

Pastor Michael Hughes: so one thing that I wanted to say about the 7th and Moffat street. Our building is going to be facing 4th street. Our main entrances will be on 4th street. We don't anticipate much traffic on 7th and Moffat. Our parking lots will be on the 4th street side. And so 7th and Moffat will just give one more access to emergencies, for a little bit of traffic that may want to go that direction. But I don't anticipate much of the traffic to head in that direction. Just to speak to that. Also, and just to reiterate that sub development was approved with those streets. I have driven them, they are small, but our traffic will be flowing at any given point will be flowing in one direction, if it does go down those streets, so it's not going to be major inlet or outlet for the chapel or the school. I don't anticipate it being. And if it did become a problem or a safety concern then we would definitely address that as things went forward.

Chairman Slabaugh: any other questions for Pastor Hughes?

Harry Granger: Harry Granger again, 850 S. Moffat. That's all fine and good to hear that if we have a problem later on we will address it. That's not the time to do it, it's now. If that access there is restricted now where it can't be used until those streets are

widened, it makes a lot more sense than saying, well now there's people going there. If that, on your map says a through street. If you look on your map it says a through street. And that through street is right down to 12th street which is a main artery of town. You don't see it. You don't have the whole thing there. Just consider, I hope you will consider that in your considerations on giving the use permit. Use permit is pretty undeniable as far as building that ground. Restricting access to the back part where there is 15 feet. Your driveways are wider than that. So, most driveways are bigger than that. Your required anything bigger than that in the county. So it needs to be slowed down now not later on. Thank you.

Zoning Administrator/Building Official: I would like to just make a quick comment to Mr. Granger's statement. It's very true now is the time to make a decision but with a special use permit we do have leverage. We can review the special use permit if there is trouble coming up. In the future we can review that special use permit and bring it back to the commission and put stipulations on it then if we do not now. But we do have some leverage with special use permits, they go with the property, they stay there, so if there is any outstanding problems in the future we can bring it back and revisit it and address it again.

Commissioner Earls: So if we were to do another special use permit would that also entail a notice to the public? To deal with the 7th and Moffat issue.

Zoning Administrator/Building Official: if there was an issue, we would have to bring it back and revisit that special use permit, if you approve it tonight, we would come back, revisit this special use permit. I'm not sure if it would be a public meeting/public hearing or if it would just be a public meeting.

City Attorney: I'm not sure either. It seems to me if you are going to, the initial special use permit required a public hearing I think a review would also require a public hearing.

Zoning Administrator/Building Official: I would suggest doing a public hearing just for that reason. So the public could come back in. They are the ones that are going to be complaining about the issue. So we would want input from the public I would think at that meeting.

Commissioner Earls: Okay, so at this point then is there anything that can be done or any requirement that we could make at the 7th and Moffat at this point to either pass something.

Zoning Administrator/Building Official: What we have done in the past on another subdivision, we limited access, we put chains across the road so that it's emergency. So we did emergency access only, we chained off the road with bollards and we put a chain across it so if there is an emergency that needs to get in there they can pop

the chain and go in and out that direction but as far as daily flow it limits that. The reason we did it in the subdivision was because there was only one access in and one access out so that gave them a secondary means, but they didn't want the flow through traffic of that subdivision. That is a means that you can do.

Commissioner Earls: What would need to be done to 7th or Moffat or wherever this intersection is in order to make that a better entrance/exit street.

Zoning Administrator/Building Official: The roads are very narrow down there so the only thing that could be done is the roads widened. I think they have only got a twenty-five-foot access. Its very narrow going out of their property its just a little sliver that goes out there. So even a one-way traffic might be, one way in and one way out could be an option also for that property. Because it is pretty narrow, I think that its only twenty-five feet. I can't read the, its on the plan but I can't read it. But whatever you do, if you do decide to limit you need to put that into your motion and your conditions of approval or denial or whatever.

Commissioner Earls: Mr. Hughes, if we had it as an emergency or in a situation like that, is that something that would work for you guys? Or are you needing more access?

Pastor Michael Hughes: We would like more access but we may block off our parking lot on that direction sometimes anyway, you know with cones to keep people from using that. We would like the access just for people who live in those neighborhoods to be able to access the property. Again, I don't believe that its going to cause a significant traffic in that area and if it does then we are absolutely willing to revisit that. We don't want to be a danger to anybody. We would like the access.

Chairman Slabaugh: I think we have one more person back there that wants to say something.

Bryan Griggs: My name is Bryan Griggs and I live at 334 W HWY 52. That's a city road back there right? That Moffat? Is it maintained by the city?

City Attorney: It is.

Bryan Griggs: what does the city maintain as an easement, as a right of way through there? Is it twenty from the center? Is it forty-foot-wide back there? Is it an old alleyway back there? Do we know what they setbacks are for the easement there?

Zoning Administrator/Building Official: We have a fifty foot right of way on the center local street

Bryan Griggs: Okay, that was my question.

Chairman Slabaugh: Any more questions? Any more input?

Commissioner Earls: Sir can I ask you what you were, why you asked, why you made that point now? What are you trying to infer here? I don't need inference, I need to understand.

Bryan Griggs: Once again Bryan Griggs 334 W HWY 52. Just to look at the possibility, I didn't know if it was an alley way back there or if it was a road or what we have to work with. I mean obviously if we have got a fifty-foot easement back there. There's plenty of room to widen that road.

Chairman Slabaugh: Mr. Granger this will be your last time because you have gone over your three minutes.

Harry Granger: Okay, that's fine. He is exactly right. That Moffat is both city and county through there. Not sure if we have the whole fifty feet on the county part of it which is fine. Once that is the right size it's no big deal. The problem is now, if you approve it now, with out it chained off access or something else, with that traffic, because I have watched traffic for a long time, where that traffic is going to be from 12th street into there. So that needs to be restricted now until that is developed where it is a decent street one way or the other. It would be nice to have both 7th and Moffat or both if either were the right size would draw the traffic to it. That is why I request the restriction.

Commissioner Butler: Brian, so according to the map you said 4th street has two access points correct?

Zoning Administrator/Building Official: Yes, two on the front of the property, yes.

Commissioner Butler: two on the front of the property. So, because the map and my eyes aren't very good on the south side of the property showing this through street is this ending the very southernmost part of this property ends at 12th street?

Zoning Administrator/Building Official: No that's 7th and Moffat right there to the south side.

Commissioner Butler: that is 7th and Moffat?

Zoning Administrator/Building Official: that's 7th and Moffat, yes. 12th street is about.

Commissioner Butler: so, it's two city blocks?

Zoning Administrator/Building Official: approximately yes.

Commissioner Butler: the reason I am asking is, I'm sorry, pastor Hughes, you have mentioned you were wanting people to be able to use that access there which I understand. The more ways to get into a place the easier it is. So the reason I'm asking

is the concern of public who do have to live there. That's why I am asking just so you know. Thank you.

Commissioner Chapman: a typical mapped through street, I am thinking of next to the middle school where the loading zone is for the bus there is some signage requirements on the front of that is that though public works?

Zoning Administrator/Building Official: that is all private. Yeah, once it goes onto private property it's private signage. We don't take care of anything that way. We only do our city street.

Commissioner Chapman: with the special use permit can signage be.

Zoning Administrator/Building Official: yes, you can request of the applicant to put signage up stating it's one way or whatever, not a through street.

Commissioner Chapman: Emergency access only or something to that effect.

Zoning Administrator/Building Official: yes, you could request that signage.

Commissioner Butler: Mr. Chairman, I have got one more for you. Pastor Hughes this is for you. I am just curious as to when the main times are for, what time does the school let out, for traffic purposes because there are a few other schools on that street. It does cause a lot of traffic on that street.

Pastor Michael Hughes: Yeah, our school starts at 8:30 so drop off time would be between 8 and 8:30 Monday through Thursday because we don't have school on Friday. The daycare is open from 6 to 6. And so people kind of drop off. We have a very small parking lot at the daycare right now with maybe oh I would say 15 spots for employees and people dropping off and we have never had any congestion there so it is kind of sporadic throughout the day. You know the people come.

Commissioner Butler: and this is for the daycare.

Pastor Michael Hughes: Yeah, this is for the daycare. Our daycare will not be bigger where we are going than it is now. It will probably actually be smaller. The facility we currently have is sixty eight hundred square feet for the daycare. The new facility we don't anticipate having more kids than we have now at the current daycare. So that's not a significant source of traffic. Church is Sunday morning. And I honestly don't know, right now we have 8:30, 10:30, and 12:30 services on Sunday morning which will probably be reduced down to one service. So there will be some traffic on Sunday morning.

Commissioner Butler: As far as pick up from schools or release time.

Pastor Michael Hughes: Oh, so school release time would be Monday through Thursday at, well there is two school release times because we have elementary school gets out at 3:30 and then junior high and high school get out at 4:00. It kind of breaks that traffic flow up a little bit.

Commissioner Butler: Yes it does for those two schools.

Pastor Michael Hughes: And then church is probably just going to be 10:00 to noonish.

Chairman Slabaugh: are we ready for a motion?

Commissioner Earls: Mr. Chairman, I purpose that we close the public hearing.

Chairman Slabaugh: is there a second?

Commissioner Chapman seconds.

Hearing Closed.

Pledge

Accept agenda

Accept minutes

Decision of Public Hearing: (I can't remember how this part is supposed to look)

Commissioner Earls: So, Mr. Chairman, I was kind of curious, I was very interested in what you were thinking for the signage. What did you have in mind, what is over at the middle school?

Commissioner Chapman: I was just using that as an example with the middle school. As a similar set up with busses where they drive through there and I know that I believe it just says school bus loading zone no entry or something to that effect. It seemed like it would be an option here to put through street or some sort of signage in place that limit the traffic going on to 7th.

Chairman Slabaugh: yeah it could be a sign for exit only for example or a entrance only with signage on both sides and the other option is close it until it is widened or to put the emergency bollards and chains across so its emergency access only. So these are the typical options.

Commissioner Earls: So if the signs were not proving effective then we could have the other hearing, is that my understanding?

Chairman Slabaugh: I don't think the signs would prove ineffective. People always disobey signs. How many times have you pulled out of Wells Fargo and turned left. You don't have to admit to it in public. But there are always going to be people that disobey the signs other than if there is a chain across there. That's pretty typical in Emmett especially on Washington Avenue. You know we have limited access all up and down there with signage. So that would be some of the options or to give complete access and see how it goes. You know if there was complaints and those sort of things. We could revisit it.

Commissioner Butler: That's why I asked when school times get out because I know Black Canyon is out at 2:41 and there preschool lets out at noon. Down 4th street the middle school is 2:45 and so the 3:30 4:30 is actually a better time as far as the 4th street traffic going in and out. Obviously it is a private school and the buses so there will be parents especially with the move I imagine there are going to be a lot of happy parents because their children can walk to school now but that being said I'm sure there are other parents that are going to have to drive their kids.

Chairman Slabaugh: Yeah and I think one thing to consider with the traffic on 4th street I don't think there will be as much traffic with Butteview school and the administration of Black Canyon high school now plus with the Calvary Christian school there used to be when Butteview was a full elementary school. Did you get all your questions answered as far as 5th street being closed, the ditch water access, those kind of things? Do you have any questions on the parking and layout?

Commissioner Earls: The only thing that I still have a question about is how the map is done I can't see where exactly it comes into Moffat and 7th. I mean I'm being told it is on the corner but without it having it drawn on the map specifically I'm struggling with how that looks, and I would like to have a clearer picture of that. But if I can't I can't.

Chairman Slabaugh: Doesn't 7th and Moffat take a ninety degree at that point?

Brian Zoning Administrator/Building Official: yeah.

Chairman Slabaugh: 7th street comes down this way and this would be Moffat.

Commissioner Earls: So technically it's entering on 7th?

Chairman Slabaugh: Well it entering right at the bend of the streets.

Commissioner Butler: And Moffat goes straight through til 12th street?

Commissioner Earls: Is 7th and Moffat the same width?

Zoning Administrator/Building Official: 7th is narrower than Moffat Avenue. Correct Harry?

Harry Granger: Yeah. 18 feet on Moffat, 15 feet on 7th.

Zoning Administrator/Building Official: yes that corner will be expanded because we do have a minor subdivision right at the corner. They will expand the corner on the opposite side of the road but not where this enters. Which a minor goes through staff findings.

Commissioner Earls: Is there any plans to improving Moffat?

Brian Zoning Administrator/Building Official: None that's in the works that I know of at this time right now.

Chairman Slabaug: On page three the required finding of staff analysis with the reminder that when the motion is made you will need to reference the required staff finding and staff analysis. I would recommend also mention the report from public works and the ditch company and those kinds of things. Because they said several times in their letters they are going to require.

Commissioner Chapman: Mr. Chairman, when the motion is made it can be made to adopt the staff finding and all the staff reports

Chairman Slabaugh: And requirements from public works and the ditch company.

Commissioner Chapman: Does that fall under staff findings?

Chairman Slabaugh: No, that would be separate from staff findings. So on page three required findings and staff analysis does require a special use. There was the daycare center wasn't specially noted but that requires a special use as well.

Pulls up google maps to get better view of area. Brain explains were the 7th and Moffat access point is. Goes over the foundries of the whole property. Points out 4th street access points. Upon Commissioner Earls request Brian scrolls out to show where 12th street is. Brain points out S John's for Commissioner Butler. Brian also points out the stretch of road that will be improved on Johns. Brian points out 4th, 12th, 7th, and Moffat. He also points out where the 5th street access point would have been. Chairman points out there will be a roundabout on 4th and John's when its completed. (Not sure we need this)

Chairman Slabaugh: On B: harmonious in accordance with general objectives of the comprehensive plan of zoning ordinance, any thoughts or comments? On page four at the bottom says title nine zoning regulation. Staff finds the following sections of title nine apply to this application. The commission must find the application is either in accordance with these provisions or they do not apply before the application can be approved. And it has to do with church, private school, nursery is permitted under the

special use permit, in the R zone. Are you in agreement that we are in compliance that section?

All: Yes.

Chairman Slabaugh: the requirement of the conceptual plan for both sides showing location of the buildings, parking, loading and unloading, traffic access, traffic circulations, do we need to discuss that? So you have had enough now with the google map to feel like you understand whether or not we are in compliance with that part of it? On C: will be designed, constructed, operated, and maintained, to be harmonious and appropriate in appearance with the existing intended character of the general vicinity and such use will not change the essential character of the same area. Any questions?

Commissioner Earls: No something else that came to mind. Mr. Chairman, the subdivision that was planned to go in before, how big was it?

Brian Zoning Administrator/Building Official: I believe it was 50 to 60 lots is what was scheduled to be in there.

Commissioner Butler: Okay, so we are at a one hundred cars. Mr. Chairman if you could go to section H under the same section of the zoning. Staff findings of vehicular approaches proposed, two on E 4th and one on S Moffat Street will be adequate.

Chairman Slabaugh: Did you have a comment on that?

Commissioner Butler: That's my comment.

Chairman Slabaugh: That was your comment. Okay. Go Back to E: that was raising a question of 5th street. The general design for the area and it mentions there in the staff findings. The Emmett school district office, Black Canyon High school, formerly Butte View Elementary school, there is the LDS church in the neighborhood, it's not very far from many of those. There are a lot of those uses already in that area. And D: Will not be hazardous, disturbing to existing or future neighborhood uses. Any questions? E: Will be served adequately by essential public facility, highways, streets, water, sewer, refuge. There is the letter from Bruce Evans, Superintendent of Public Works, and he requests, and one of his requirements is that 5th street access will be denied. And part of the problem there is not just the cul-de-sac and extending it but also coming into a parking lot but there is also a drainage problem in that cul-de-sac that would negatively impact. The parking lot of church is going to be higher than the neighbor's area and so it will have to be maintained and drainage taken away has already been said. It would have to be in accordance with the drainage and landscaping plan city of Emmett required anyway. F: Will not create excessive additional requirements to public cost to public facilities and services and will not be detrimental to the economic welfare of the

community. The infrastructure facilities/ utilities are already there and have been approved by Superintendent of Public Works. Any other thoughts? G: Will not involve uses, activities, processes, materials, equipment, conditions, or operations that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, and odors. We have talked about the traffic to some extent. Any other thoughts, comments? This would probably be a good place to talk about what would be your preference regarding the southern access onto Moffat and 7th.

Commissioner Chapman: Can I ask Brain a question? When the building permits are submitted and signage or barricades or bollards, is that part of your approval before that.

Zoning Administrator/Building Official: Yes, what we will do is a certificate of zoning compliance first when they first start the project to make sure everything is in compliance with parking, signage, lighting, landscaping, all those requirements are met and whatever requirements you might put on this special use permit have to be reviewed at that time. Which I would be the one reviewing that.

Commissioner Chapman: is it typical or standard process for, I know in other jurisdictions they have had, I have has this scenario where it been required where we provide a traffic study seeing what impacts by a designed professional or either option as to limit the access if we are concerned about it provided by a traffic study or is that opened deal up for interpretation.

Zoning Administrator/Building Official: I am not sure one that one.

City Attorney: I don't think we have anything in our code that requires a traffic study.

Zoning Administrator/Building Official: for a subdivision or a large annexation we do but for a special use permit we don't. For building permits we don't either.

Commissioner Chapman: So if it were presented, would it be acceptable if either provide signage limiting this or traffic study saying that 7th street adequately provides access too. I don't know if that is making sense. It would be nice to see some data if it was a requirement and they wanted it no matter what and they could provide the study that would limit this at certain times of the day would impact with the street or something to that effect.

Commissioner Earls: How expensive are traffic studies roughly? Do you know?

Chairman Slabaugh: the last one I looked into was twelve thousand dollars.

Zoning Administrator/Building Official: That was on Washington Avenue.

Commissioner Earls: Is that because of the location? Was it a business related?

Chairman Slabaugh: Well that was according to Idaho transportation department which would require probably a much more extensive. One of the difficulties with a traffic study is all you can do is study what the traffic is now and then guess at what it is going to be added impact.

Zoning Administrator/Building Official: Yeah, it's just an educated guess.

Commissioner Earls: I don't feel that a traffic study would be an appropriate thing. I also think it is cost prohibitive in a situation like this. The way I feel about this start out least restrictive with signage, but I'm open discussion about that.

Commissioner Chapman: The traffic study is more if you didn't want to put signs up or didn't want to put a barricade up then this would be an option. If a person has done a study and its adequate.

Chairman Slabaugh: Well lets kind of back into it. Probably the most restrictive that would make sense would be the chain and bollards for emergency vehicle use only. And then the least restrictive would be just open it up. So commissioners are you more in favor of something not totally restrictive but something that is least restrictive?

Commissioner Earls: I am of the mind that I would like to see signs verses a chain across just because I understand the need to, I mean one way or, however they do it, however the traffic flow works. I do believe that most people will come in off of 4th street.

Chairman Slabaugh: The way to do it with signage for one way is it would be an exit only so only people leaving the property because it wouldn't make sense to have an entrance only there. But to me it makes sense to have an exit only because at peak hours your reducing the traffic on 4th street to some extent. You know so people come out of the church parking lot as they leave the church, they have the opportunity to go south or to go north. That's when they want to go home the quickest. They are not in a big hurry to get to church right. I'm a pastor so I think I can say that. How many show up on time. So I think for a medium restriction would be an exit only at that point. Just it would say an exit only not entrance. So you would have signs on each side of the street on one would say exit only so people would hopefully obey that. There good Christian people.

Commissioner Butler: I agree with what you said as far as maybe doing a one way traffic im leaning toward that because I want to address the concerns of everyone who lives there. I also live in a subdivision where people use it for a drive through and it drives me crazy but it is a city street and there is not a lot I can do about it. I would like it to be one way on my street. The least amount of blocking access I think would be

better. Hopefully the church itself can encourage participants to respect that especially during those times when the traffic is going to be flowing.

Commissioner Chapman: I agree. I like the signage requirement limiting, trying to make it work everywhere. The only reason I was bring up the traffic study was if the applicant needed it was dead set against it. Then that would be an option. I think limiting it is good. Hopefully that will work for everyone as well. I think that it falls in the staff findings, the traffic falls in that.

Commissioner Earls: Where did we leave off at?

Chairman Slabaugh: That's were we left off was the, other than I. Letter I: would not result in the destruction, loss, or damage of natural scenic or historic feature of major importance. I think we realize that it doesn't do that.

Commissioner Earls: Mice aren't scenic?

Commissioner Butler: Sorry people you are still going to have mice.

Chairman Slabaugh: the church might have trouble with cats for a little while. They will find another place to hunt. Anything we haven't addressed or discussed yet?

Commissioner Earls: Are you preparing the motion?

Commissioner Chapman: Just making notes.

City Attorney: So presuming you are ready to make a decision you really have three choices: One is to approve, two is to approve with conditions, or three is to not approve. Brian has got a suggested motion in there under his recommendation but of course you are always free to add in your own conditions and change the wording.

Chairman Slabaugh: You will notice there if you recommend approval of this application you will have to in the motion adopt the staff report, adopt all staff findings and staff comments, and I would recommend we adopt the statements of the public works department and the ditch company as well. And then if we add a condition related to one way exit onto 7th and Moffat. Then that would be the condition that we would add. I don't think we talked about any other conditions, did we? That condition could be stated for a one exit.

Commissioner Earls: And that's the ditch manager correct? Or did you mean the company?

Chairman Slabaugh: Well it would be the company. Last Chance Ditch Company.

Commissioner Chapman: Mr. Chairman, I would like to make a motion to approve the application adopting the staff report, all staff findings, all staff comments, the city of Emmett public works department findings, and the Last Chance ditch company's findings, be a part of the approval in addition to the findings the applicant provides either signage at 4th street entrance limiting access to the 7th street or some means of restriction there. This signage would need to be approved and submitted to the planning and zoning department as part of the buildings departments plan approval.

Chairman Slabaugh: Is there a second to that motion?

Commissioner Earls: Wait, I have a clarification. You said signage on 4th street not on 7th and Moffat.

Commissioner Chapman: I'm sorry. Signage at the entrance limiting the access to 7.

Commissioner Earls: So do you mean at the entrance on 4th street do you mean the signage should be at 7th and Moffat because I think that's where the signage should be.

Commissioner Chapman: I guess both. All entrances have posted signage.

Commissioner Earls: So we probably need to redo that then.

Chairman Slabaugh: Can you clarify you motion?

Commissioner Chapman: clarifying my motion. At all entrance's signage will be posted and the signage plan would be submitted to the planning and zoning department as part of the approval process of the permit.

Chairman Slabaugh: With exit only on the 7th street.

Commissioner chapman: Correct.

Chairman Slabaugh: Is there a second?

Commissioner Butler: I second.

Chairman Slabaugh: Commissioner Butler seconds. Is there any question now on the motion itself? All in favor?

Motion Carried.

Items from the Public:

Unfinished Business:

Items from the Commission:

Items from the Building Official/Zoning Administrator:

Commissioner xx Commissioner xx seconded the motion. **Motion Carried.** (I'm not sure which part this went to)

Zoning administrator

Commissioner Slabaugh set next regular meeting to January 7th, 2019.

Next Regular Meeting –January 7th, 2018

Commissioner Earls made a motion to adjourn. **Commissioner Chapman** seconded the motion. **Motion Carried.**

Meeting adjourned at 7:36 p.m.

Chairman Bill Slabaugh

Acting Secretary