



PLANNING AND ZONING MINUTES
Monday, August 15, 2005 - 7:00 p.m.

Attending: Mike Davis, Chairman, Connie Otteson, Kirk Mackert, Bill Smith, Dirk Mace and Kip Martindale

Absent: Rod Dalling, Kurt Eidam

Other Attendees: Karen Lords, Administrator, Molly Knox, Secretary, Owen McLaughlin D7HD, Kathy Thompson, Compliance Officer, Susan Lott; City of Newdale, Joni Amen, Sam Jones; City of Ashton, Ryan and Jeff Lerwill, Kurt Rolland, Drake Munson

Mike Davis- welcomed everyone with opening the meeting at 7:01 p.m.

Kip Martindale – With a change on page two we propose a maximum of two commission members be replaced within one year.

The minutes from July were approved by Connie Ottesen and seconded by Bill Smith with corrections made by **Kip Martindale**. - All in favor and the motion carries.

Mike Davis – Karen you had an item of business that our vice chairman resigned.

Karen Lords - In the back of your packet you will have a letter of resignation from Rich Zimmerman and he was serving in the position of Vice Chairman so I feel like we need to replace him tonight.

Mike Davis – At this time we need to open the floor to the board, to nominate a new Vice Chairman

Bill Smith – I would like to nominate Kirk Mackert.

Kip Martindale – I will second that.

Mike Davis - Okay we have a motion and it has been seconded. Do I hear any other nominations?

Connie Otteson – I would like to nominate Kip Martindale.

Kirk Mackert – I will second that.

Mike Davis – Okay we have a motion to nominate Kip that has been 2nd also.

Dirk Mace – Motion nomination sees

Bill Smith – I will seconds that.

Mike Davis – Okay, we can do this by a show of hands or a private ballot.

Private Ballot was taken to make the decision of who to be Vice Chairman.

Mike Davis – Karen will you count the votes?

Karen Lords – Votes counted and Kirk Mackert with 3 and Kip Martindale with 2, therefore Kirk Mackert has been voted in as Vice Chairman.

Mike Davis – Welcome to the Vice Chairman position Kirk.

Kirk Mackert – Thank you.

Public Hearing – Repair Service – Bob Bauer – Frontage Road off US Hwy 20

Mike Davis – The first item on our agenda is our Public Hearing for the repair service for Bob Bauer on the Frontage Road off of US Hwy 20. Karen have the proper notices been provided?

Karen Lords – Apparently he has chosen to be absent. So I recommend that we cancel and go forward with the meeting.

Mike Davis – Okay we can cancel and go forward then if Mr. Bauer is ready.

Kirk Mackert – Do we want to cancel or postpone?

Karen Lords – Let’s postpone it to the end of the meeting just in case he decides to step in.

Mike Davis – Okay, that’s fine with me.

Public Hearing - Newdale Area of Impact Zoning – Susan Lott

Mike Davis – Okay, moving to the next item on the agenda is the Public Hearing Newdale area of Impact Area with Susan Lott. Karen, have the proper notices been provided?

Karen Lords – Yes, they have and Susan and Newdale P&Z here, there is a map in packet, zoning inside Newdale because we never finished the final step. Large colored map passed around.

Kirk Mackert – green Ag...

Karen Lords- On the bottom right hand corner legend that starts what they want for zoning, and so the boundary has not been changed it has already been voted on and approved. We are looking at Agricultural, Low Density, Residential and Village Center or Commercial. Along Hwy 33 they are hoping to keep Village Center or Commercial. The representatives are here for any additional questions.

Mike Davis – Okay, before we move to that point are there any members of the board who would like to step down due to conflicts of interest with this proposal? Does that conclude your report? Any questions for Karen on what has been reported on?

Susan Lott – I am Susan Lott. I live at 525 Park Street, Newdale.

Shane Harris –I am Shane Harris. I live at 710 Main, Newdale.

Susan Lott – Pretty much cut and dry, held our Public Hearing with P&Z board, the only question we had was why are you taking in my area clear out there. But we talked about that two years ago and have had no issues.

Mike Davis – Do any of the board members have any questions for Susan?

Bill Smith – What about Ag?

Mike Davis – Mr. Harris, you are in Ag. Do you feel comfortable with this?

Shane Harris – Just to the North of Newdale is where we farm. We left it all in Ag because that is what is what is now. Keep as is now and proceed in future.

Mike Davis – Any questions? Okay, thank you. If there are no further questions for Karen or Susan we will now open to Public comment at this time. Please limit your comments to three minutes. Two names signed up. Susan Lott, did you have anything else you wanted to add?

Susan Lott – No, I do not.

Mike Davis – Okay, Marie Worrell

Marie Worrell – No.

Mike Davis – That is all of the names signed up to speak is there anyone else who would like to make comment on this proposal? Okay then, we will close to public comment and turned over to board for their decision.

Bill Smith – Same as last?

Dirk Mace – I will make a motion to accept zoning for City of Newdale impact area.

Bill Smith – I will second that.

Mike Davis – Okay, we have a motion and it has been seconded to accept the City of Newdale impact area for zoning, all in favor motion carries. Thank you, Susan.

Public Hearing – Ashton Area of Impact Boundary and Zoning – Joni Amen

Mike Davis – The next item on the agenda is the Public Hearing for City of Ashton area of Impact Boundary and Zoning, Joni Amen. Karen, have the proper notices been provided?

Karen Lords – Yes, they have.

Mike Davis- Does anyone on the board conflict of interest with this proposal? No. Karen, could you report please?

Karen Lords – If you recall about a month ago, you tabled a decision on the Ashton impact area. It was sent back to a new committee for them to review the types of zoning. Included in the packet, is a map that shows the new proposed impact area and zoning. Not much has changed and the boundary has stayed the same. For the most part, the density has lowered further out. The boundary goes: minor changes on highway commercial, community care area near the school and some is designated industrial. There are representatives in audience, Joni and Sam, if there are questions for them.

Mike Davis – Do you have another larger copy of the map?

Board review of map group discussion, Inaudible

Mike Davis – do any of the board members have any questions?

Kirk Mackert – Has the hotel and gas station been annexed into the city

Karen Lords – Yes, it has been annexed.

Kirk Mackert – Question on “backslashes” in top left corner?

Karen Lords – Industrial.

Karen – **Have** they totally annexed the high school? Is it still in the county?

Joni Amen –4056 E 1000 N, No but they are going to. Yes, still in the county.

Karen Lords – **She** is addressing the public on if they had seen the map or not – went into the audience to discuss.

Mike Davis – Do you have anything else to add, Joni?

Joni Amen – 4056 E 1000 N, Ashton Idaho

Mike Davis – Board members do you have any questions?

Dirk Mace – Yes, this looks 100% better. My only question is why instead of industrial – in audible

Karen Lords – in audible

Joni Amen – 25 foot buffer.

Dirk Mace – 50 foot.

Karen Lords – in audible

Dirk Mace - Why along the railroad tract? Why not zoned industrial?

Karen Lords – It already has residential homes, Makes since to leave as that.

Kip Martindale - Over by section 25 or lower density?

Karen Lords – It make sense to leave it that, if it is already that.

Mike Davis –Do we have any other questions for Joni? Sam?

Sam – No, she’s doing fine.

Mike Davis – Any more questions from board for Joni or Karen

Mike Davis – We are open to Public comment. We have one, George Week. No one else has signed up. Anyone who would like to add comment at this time? We will close to pubic at this time.

George Week-I crossed my name off because I am satisfied with the map.

Kirk Mackert – It looks a lot better.

Mike Davis - Turn over to the board for discussion, looks a 100% percent better.

Dirk Mace – I make the motion to accept Ashton.

Bill Smith - **Seconded**

Mike Davis - A motion was made and seconded. All in favor? Motion carries.

Final Plat – Peak Valley Estates – 39 Lots – Ryan & Jeff Lerwill

Mike Davis – Next we have Final Plat Peak Valley Estates.

Karen Lords – This is the final plat for Peak Valley Estates and they using clustering of lots which used to be Parkinson's property. Same amount of lots and roads are being completed and if not completed a Development Agreement will be required to be signed with the county commissioners. There will be individual septic and wells. The developers are in audience if you have any additional questions. Roads have to be done to sale lots and the development agreement will allow them to do it in phases. The developers are thinking three weeks for the completion of roads.

Jeff and Ryan Lerwill - We would like to move forward with the development agreement as written. Approval by County Attorney Karl Lewies and we have not heard form him.

Karen Lords - We will need to go forward with County Commissioner's, if the roads are not completed. The roads all need to be done to meet with the County Commissioners. We could meet with commissioners on 22nd with the condition that they get numbers to Attorney for review and to be included on paperwork. You will need to get right on signatures and development agreement.

Mike Davis - No other questions for developers from board? All has to be done and finished to record the plat and the commissioners to sign.

Group Discussion - on how well it has been put together as a development.

Dirk Mace – I make a motion with the condition to meet with the County Attorney, concerning language in developmental agreement.

Connie Otteson – I will second.

Mike Davis –okay, go ahead and go forward. All in favor?

Sketch Plan – Hess Property – 6 Lots – Kurt Rolland

Mike Davis – Karen, will you report on this.

Karen Lords- This project is located on the river front property on Fall River. The Reserve on Fall River map is passed out. Drake Munson is the developer. He is asking for six lots. Travis Hess is to manage properties. There are issues of cliffs and flood plains. But they will be allowed to build but they are going to do building envelopes.

Kip Martindale - Lots one and two? Will they be allowed to build in the lower ends of the lots?

Karen-Yes, it is flatter there.

Karen Lords – Will you explain the roads and how to get to the property? I will need to go and complete an onsite and look at the roads and the area.

Drake Munson – It is one road south of reclamation road. (Group looking on sketch plan map)

Kurt Rolland -Group discussion of location. Developer, Drake Munson, showed on larger maps of where it is located. Inaudible. There is two different points of access, modifying building envelopes due to slope and floodplain. The one access to the west, there is a legal issue regarding the ownership of property and we will be using the further access to east into the subdivision. Drake, which perk tests have been done on which lots have been drilled and slope of the road?

Kurt Rolland- We are three weeks out on the roads.

Karen Lords -Are you going ahead with a development agreement?
Mike Davis – Owen, (District Seven Health Department) have you been up and looked?
Owen McLaughlin –There are holes on lots one and two.
Drake Munson -and one up higher, but Owen has not seen it.
Owen McLaughlin– I have seen the holes on the lots above on river.
Mike Davis – What are the setbacks on septic?
Owen McLaughlin - 200 feet on river for setbacks
Mike Davis – No opportunity to see other hole? Are there any other questions from board?
Bill Smith – Are the setbacks from river determined from high water?
Owen McLaughlin – Yes, it is.
Mike Davis – Any other questions? Thanks. It sounds like there is not.
Kirk Mackert – There are some issues?
Mike Davis – Sounds like they are going forward.
Kip Martindale – With the issues involved, how do you proceed?
Karen Lords – If during the public hearing there are legal issues that need resolved, then the project will be delayed.
Kip Martindale - With the access issues, it would be several months away.
Mike Davis – The time frame is in couple months or six or eight months when legal issues are resolved.
Kirk Mackert – No final plat will be approved until access issues are resolved prior to?
Karen Lords – Yes.
Drake Munson – Which issues?
Karen Lords The development agreement, slopes, wetlands, and then it needs to be scored before it goes to final plat.
Drake Munson – Can you provide me with a list?
Kip Martindale – Do they have to own the property?
Karen Lords – They do not have to own property to develop it.
Karen Lords – The development code allows that.
Kip Martindale – Okay.
Karen Lords – in audible
Kirk Mackert – Will the slopes be addressed before the public hearing?
Karen Lords – Kurt (Rolland), Drake (Munson) and I set down and reviewed the slopes issues.
Mike Davis - Owen will need to find other side of the property.
Mike Davis – It looks like there are issues that need to be addressed.
Kip Martindale – It’s their call.
Kirk-Mackert – That’s my theory.
Kip Martindale - What do we need to do to accept the sketch plan?
Karen Lords – You will need to give them the okay to go ahead with public hearing.
Dirk Mace – I make the motion to accept, if all the condition are addressed and they need to meet with Karen on all the issues and score the project.
Kirk Mackert – I second.
Mike Davis - A motion has been made and seconded to move forward. All in favor? The motion carries.

Bob Bauer Repair Service -

Mike Davis -Bob Bauer is still not here. Due to failure to show, this public hearing will be postponed until a later date.

Administrator's Report

Karen Lords stated the letter was sent from the Planning and Zoning Commission concerning snow loads was addressed by The County Commissioners and they feel we are getting ahead of the game. Karen informed planning and zoning board of snow load information as of federal law. The federal law requires a "Ramada" or waiver for snow maintenance agreement and they will have to remove the snow.

Karl Lewies and Nancy Taylor are working on Manufactured Home or Trailer Park Ordinance and we will getting the draft in two or three months. They (manufactured homes) have to meet standards on permanent foundations under manufactured homes. They can have it declared as real property by releasing the "Title".

You also have a letter from Rich Zimmerman with three names submitted for replacement. You will need to give me the okay to submit these names to the commissioners.

Adjourn

Motion to adjourn the meeting was made by Connie Otteson.

Seconded by: Bill Smith

The meeting adjourned at 8:57 p.m.