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**MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING  
CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO**

November 7, 2022  
6:00 PM

**ESTABLISH A QUORUM**

Chairperson Kristopher Wallaert noted a quorum present and called the November 7, 2022, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, William Roeder, Scott Harjo, Cristina Drake, Kristopher Wallaert and Travis Eikeness.

Staff members attending were Community Development Director, Brock Cherry, Assistant City Planner, Chris Curtis, Public Works Superintendent, Rich Urquidi, and Legal Counsel, Geoff Schroeder.

**MINUTES**

\*Action Item – Minutes, October 17, 2022

Commission Member William Roeder made a motion to approve the minutes for October 17, 2022. Commission Member Scott Harjo seconded the motion. All in favor. The motion passed by a unanimous vote.

**RECOGNIZING PERSONS NOT ON THE AGENDA** – None

**CONFLICT OF INTEREST DECLARATION**

\* Does any Commissioner, Commissioner's employer, or Commissioner's family member have an economic interest in any matter on the agenda? (Idaho Code 67-6506)

\* Have any Commissioners received communications or engaged in discussions regarding matters on this agenda outside of this meeting? – None.

**PUBLIC HEARING AND ACTION**

\* Action Item – Zoning Title Amendment (ZTA) Brock Cherry - Community Development Director

A request to amend the City Code by addition of Chapter 1, Title 9, Section 7; Chapter 3, Title 9, Section 2; Chapter 7, Title 9, Section 4. The additions will outright permit all City of Mountain Home facilities and structures, provide a definition for City facilities and structures, and update the Zoning land use chart to illustrate all City of Mountain Home facilities and structures as permitted.

**PZ-22-96**

Community Development Director, Brock Cherry, gave the staff report. Richard Urquidi will be representing the application. The reasoning for the Zoning Title Amendment is so that the city can continue to effectively deliver goods and services to its citizens. After a discussion with legal counsel, we found the definition of City of Mountain Home Facilities, Structures, owned and operated was broad and could potentially be abused, if not for having some oversight of the Planning & Zoning Commission and City Council for certain uses which could have greater impacts that could be a hazard to surrounding properties. There is an updated definition that was not in the packet, which will be available. What will be proposed as an amendment by interlineation will not be to the definition will add an asterisk to the Land

Use Chart because generally you should not regulate via definition, it is statutory best practice. We want to say yes, the city is going to be allowed to do whatever it needs to do. However, there are certain land uses that we should still follow the procedure that any private party would follow, to avoid incompatible uses. Those potential incompatible uses are those presented today. The uses have been reviewed by staff and forwarded on to legal review as well. I believe we have a more complete definition. There are two arguments to be made, should the language not be added to what is proposed today, I would say that the City Council will probably not sit there very long. This will help avoid creating a capital improvement that could be of extreme cost, in a way, even after you vote someone out it is very hard to move a jail, to correct those actions. This in essence is us trying to promote good planning, good land use, and multiple things associated with the Comprehensive Plan. Clarifying language has been added to the sign code. Initially presented was that the city can build the signs that it needs, be it a welcome sign, directional signs, or new signs for our parks. Legal Counsel recommends some clarifying language in the sign code.

### **Public Hearing Opened**

### **Public Hearing Closed**

There was hesitance allowing everything as permitted. It was thought that residential areas should be conditional to allow for the residence to have a say and other areas being permitted. New residential developments could donate land for some city facilities, and it will be included in the master plan for the residential development. Some smaller things will still have to follow building codes, but just not have to go through the process things. Building permits would still be required, and codes and standards would need to be followed. Developers donating land for big capital improvements such as fire stations, allows for the city to strategically place potential facilities; This is the best investment for taxpayer dollars. The opinion by staff, that the building of those big capital improvements will be associated with land use applications.

There is still concern for blanket approval because the city is expanding and uses such as vehicle maintenance garages going in in the residential zones. Public utilities are permitted across the board. The intent by the staff is to legally make something consistent across the board for City of Mountain Home use. The intent of 9-9-22 discusses power plants, energy protection or utility, is like a coal plant or power plant. Regarding wells there has to be enough room for a discharge area, before it goes online, and putting something like that in a residential area is probably not going to happen unless it was planned for in a large subdivision. It is the call of the Commission to determine if it would be an undue burden to do a conditional use permit for well sighting. For certain uses, such a maintenance could be conditional in a residential zone. When contemplating the regulation, it is important to consider the precedent that could allow for certain powers to dictate when and how things happen, especially in the residential zones. The people should have a say in residential areas. It was mentioned that a CUP may not be merited in all residential areas with some uses. Staff could look at other uses that are not traditionally in residential districts, unless the Commission believes it should be all. There are some City uses that do not make a significant impact. What is presented is if the use is City owned and operated it would be permitted. Title 50 chapter 3 has a list of uses cities have the power to do. Some uses are self-limiting. It was suggested if it would be more prudent to requires city uses in the residential zones to have a conditional use permit, verses trying to capture, not only those things that are expressly stated in Code, but that cone of uncertainty of what may happen in the future. The residents of the city should have a say as constituents. Medium impact uses could be considered for conditional approval. It was suggested that a joint work session could be had with the City Council. Additional residential protections need to be looked at.

Commission Member Scott Harjo made a motion to table action item, PZ-22-96 to the December 5<sup>th</sup>, 2022, Planning & Zoning meeting. Commission Member Cristina Drake seconded the motion. The vote is as follows: Commission Member Eikeness; aye, Commission Member Roeder; aye, Commission Member Drake; aye, Commission Member Harjo; aye, and Commission Member Wallaert; aye. The motion passed by a unanimous vote.

### **NEW BUSINESS**

\*None

**OLD BUSINESS**

\*Action Item – Approve Findings of Fact

Preliminary Plat (PPLAT) Jane Suggs – Trilogy Development

To approve the Findings of Fact for Blue Yonder Preliminary Plat (PPLAT) 40-acres located on Smith Road between South 5<sup>th</sup> West and South 14<sup>th</sup> West streets. (RPA3S06E358410). The Blue Yonder Subdivision will consist of ten duplex units, 35 4plex units, and ninety-four single family homes for a total of 254 dwelling units.

**PZ-22-90**

Commission Member Cristina Drake made a motion to approve the findings of fact PZ-22-90.

Commission Member Scott Harjo seconded the motion. The vote is as follows: Commission Member Harjo; aye, Commission Member Drake; aye, Commission Member Roeder; aye, Commission Member Eikeness; aye, and Commission Member Wallaert; aye. The motion passed by a unanimous vote.

\*Action Item – Approve Findings of Fact

Conditional Use Permit (CUP) – Jane Suggs – Trilogy Development

To approve the Findings of Fact for a Conditional Use Permit to allow multiple units to be constructed on a single lot located on Smith Road between South 5<sup>th</sup> West and South 14<sup>th</sup> West streets.

(RPA3S06E358410). The proposal includes 35 4plex buildings for a total of 140 units on a single lot.

**PZ-22-91**

Commission Member Cristina Drake made a motion to approve the Findings of Fact for application PZ-22-9. Commission Member William Roeder seconded the motion. The vote is as follows: Commission Member Eikeness; aye, Commission Member Roeder; aye, Commission Member Drake; aye, Commission Member Harjo; aye, and Commission Member Wallaert; aye. The motion passed by a unanimous vote.

**DEPARTMENT HEAD ITEMS**

\* Monthly Code Enforcement Report – October 2022-None

\* Monthly Building Permit Report October 2022-None

**ITEMS REQUESTED BY COMMISSIONERS/STAFF**

\*None

**ADJOURN**

Vice-Chairperson Roeder adjourned the meeting at 6:50 p.m.

Chair 