



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

May 3, 2021
6:00 PM

ESTABLISH A QUORUM

Chairperson Topher Wallaert noted there was a quorum present and called the May 3, 2021, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, Topher Wallaert, Nancy Brletic, Mark Sauerwald, Deedee Devol, William Roeder, Travis Eikeness and James Eskridge.

Staff members attending were Community Development Director Brock Cherry, Administrative Assistant Brenda Ellis and Public Works Director Richard Urquidi.

MINUTES

*April 19, 2021

Commission Member William Roeder made a motion to approve the minutes for the Regular Planning and Zoning Commission Meeting held on April 19, 2021. Commission Member Nancy Brletic seconded the motion. Vote is as follows: Commission Member Brletic; aye, Commission Member Devol; aye, Commission Member Sauerwald; aye, Commission Member Roeder; aye, Commission Member Eikeness; aye and Commission Member Eskridge; aye. Motion passed by a unanimous vote.

RECOGNIZING PERSONS NOT ON THE AGENDA - None

PUBLIC HEARING AND ACTION

*Action Item-Discussion/Decision and request to sign.

A request by Green Sleeves Properties for a Conditional Use Permit to expand a non-conforming structure addressed as 290 South 2nd East Street. (PZ21-0020)

Community Development Director, Brock Cherry, gave the staff report

This Conditional Use Permit is to allow for the enlargement of a legal non-conforming structure. The structure is non-conforming, being that it is built within the building setbacks. This structure has two front setbacks do to the fact it is a corner lot. There is approximately 325 square feet of structure within the building setback. The applicant is proposing an expansion to expand office space. The non-conforming area will go from 325 square feet to 405 square feet. Currently Code requires twelve off-street parking spaces, there are only nine spaces. After the expansion completion, Code would require fifteen spaces. The applicant still only wants to provide the nine off-street parking spaces. This site is close to the Downtown Parking Overlay that does not require off-street parking. He is located in a buffer area between Downtown and residential. Staff believes that there is suitable on-street parking available. There

are many homes in this area that do not meet the building setbacks. Staff recommends approval to City Council.

Mr. Ratliff was in attendance to answer any questions. There are seven attorneys and this location has run out of room. The expansion will run along the sidewalk, toward the alley. They will add an additional Restroom and add a utility room. There will be a ramp on the front porch and it will be covered. Most all meetings are done by Zoom. This is a 965 square foot expansion.

Public Hearing Opened
Public Hearing Closed

There was discussion regarding the limited off-street parking and the probability of coming into compliance. There is seven off-street parking spaces along the alley and two in front of the building and no way to add more off-street spaces. There is no marked handi-cap parking spaces, but there is a ramp at the rear of the building and plans for ADA accessible entry in front. ADA Parking space will happen with the expansion upon Building Permit Review. Applicant is amenable to providing the ADA space.

Commission Member Travis Eikeness made a motion that the Planning and Zoning Commission recommends to the City Council to approve the Conditional Use Permit to allow the enlargement of the non-conforming structure located at 290 South 2nd East Street. Commission Member Nancy Brletic seconded the motion. Vote is as follows: Commission Member Brletic; aye, Commission Member Devol; aye, Commission Member Sauerwald; aye, Commission Member Roeder; aye, Commission Member Eikeness; aye and Commission Member Eskridge; aye. Motion passed by a unanimous vote.

*Action Item-Discussion/Decision and request to sign.

A request by Cody Hunter Black for Annexation and Zoning to C-4, the Meadows Mobile Home Park, located at 1075 Airbase Road and adjacent parcel. The parcels contain approximately 39 +/- acres of property. (RP03S06E354210, RP03S06E350710) (PZ21-0010)

Community Development Director, Brock Cherry, gave the staff report.

This item was previously before the Commission in 2019. The applicant is requesting annexation into the City. This is the Meadows Manufactured Home park approximately 39 Acres. There are around 90 manufactured homes in the park. Zoning as C-4 requires a Conditional Use Permit for any expansion. This will allow for conformance with the Comprehensive Plan and City Goals. C-4 supports other housing products that Mr. Black may be interested in for the second parcel. Airbase Road is best suited for commercial type uses and gives Mr. Black the flexibility to put in some commercial pads. This is in compliance with the Future Land Use Map. The annexation will force the applicant to hook into City Services. This site is contiguous to the City Limits. Infrastructure is of grave concern for the applicant. This is an old park that is using antiquated systems. City Services would be the most sustainable for him.

Mr. Cody Black came forward to speak. His Engineer was in attendance as well.

The back acreage has a sewer lagoon that services the park. DEQ is requiring immediate action regarding the lagoon. City services are the preferred solution for the long term, remediating the lagoon would allow for development of that parcel. There are water rights that can be traded with the City for fair value. The options are to connect to the City or rebuild the lagoon. There is a lender willing to finance the improvements. The prior denial was do to the poor infrastructure. A video has been completed of the infrastructure and it does need replacement and will be done regardless of annexation. A lift station will also be installed as a protector to the City.

Public Hearing Opened

Linda Bennett asked if there will mobile homes and if skirting and other improvements will be done to the park. Mr. Black confirmed there are existing mobile homes and they are being updated and refurbished to include skirting. New units will include skirting as it preserves the integrity of the unit. There will be a commercial swing-set installed to create some amenities.

Chris Alzola came forward. The water is limited in Mountain Home and encourages the Water Right to be part of the Agreement for annexation.

Public Hearing Closed

There was discussion regarding the prior denial by City Council. The denial was do to the water and sewer lines that were the major concern as the existing infrastructure is about seventy years old. Another concern was staggering the impact fees, but with current financing all those fees can be paid up front. The water rights have the equivalent of sixty-four acre feet and an additional sixty-nine per acre feet for irrigation and are willing to turn those over. These are older water rights.

There was conversation regarding the infrastructure and the status of repairs. They have not been repaired. Applicant has been working with DEQ and an Engineering Firm to evaluate and see if an LSAS system, an evaporative system or a combination of systems would be best. Tests have been done to determine nitrate levels leaching into the soil. There was inquiry regarding if remediation or clean up action is required? DEQ says the existing lagoon is leaking beyond the lagoon. It was stated that the issue will solve itself. Per the minutes of the prior attempt at annexation there was concern regarding safety. The owner stated he would get rid of problem tenants, install cameras, and install a playground. Cameras have been installed and a background check is done on every resident. Enhanced lighting has also been installed. Compared to other parks the calls at The Meadows were fairly low. There is a property manager on site.

There was further discussion regarding the remediation of the lagoons. Mr. Blacks interpretation of what would be required is that the berms could just be bulldozed over. There is no liner. The land should just clean itself. The Public Works Director, Rich Urquidi, would like a condition that any clean up required should be signed off on by DEQ. Water Rights should be discussed and accepted by the City. These items will be addressed in an annexation agreement. Mr. Cherry recommended that if the annexation is approved that City Council give the applicant six months to reach a consensus on an itemized annexation agreement. There are some complicated infrastructure issues as well as general safety issues. There are options to mitigate negative effects. The six months gives the City time to work with Mr. Black and what value the annexation will bring to the City and to determine what safety components may be required. When bringing new property into the City and incurring an obligation for services, fees can be negotiated and agreed to in the annexation agreement. Later development can incur additional costs. There is enough infrastructure to supply water and sewer to this annexation. Mr. Black was ok with a contingency regarding the lagoon for remediation or deemed safe. The infrastructure was an issue in 2019 and is still a problem, however the difference between then and now is, Mr. Black has been able to find funding for all of the fixes and permitting fees. The recommendation to give six months, gives staff and the applicant, time to conclude what will be in the agreement, and within that agreement a timetable can be set for any remediation's and fixes desired. The concerns regarding the infrastructure and remediation to the lagoon should be addressed in the Annexation Agreement. The prior denial was mostly in part to Mr. Black not wanting to put in new water and sewer infrastructure. His original plan was to do a liner system in the lines, this was a faulty system that Council would not accept. There is now a loan structure in place if annexed in and he cannot connect to the City until the new infrastructure is installed. There is an agreement with DEQ that has significant fines if Mr. Black does not do what he is supposed to do. Should this be denied Mr. Black has an alternate plan for his lagoon system.

Chairperson Topher Wallaer believes that the applicant is prepared to do what it takes to ensure things are done according to the standards that need to be met, that the application meets the Comprehensive Plan, and believes that the recommendation allows for the annexation being recorded to allow for the conversation to happen between the City and the applicant to ensure everything is met according to standard.

Commission Member Nancy Brletic made a motion to recommend to the City Council to approve the annexation as presented subject to the following conditions: 1. Subject to site plan amendments as required by building, public works, fire and zoning officials to comply with applicable City Codes and Standards. 2. All future development will comply with the Uses and Bulk and Coverage Controls of the C-4 Zoning District. 3. Prior to an approved annexation being recorded a signed annexation agreement approved by the City Council will be completed by the City and the Applicants in no less than six months. Commission Member James Eskridge seconded the motion. Vote is as follows: Commission Member Brletic; aye, Commission Member Devol; aye, Commission Member Sauerwald; nay, Commission Member Roeder; aye, Commission Member Eikeness; aye and Commission Member Eskridge; aye. Motion passed by a majority vote.

NEW BUSINESS

*None

OLD BUSINESS

***Action Item-Discussion/Decision and request to sign. Tabled from April 19th, 2021**

A request by Viper Investments to Annex and Zone R-3 PUD three parcels of land. Parcels are located South of I-84, North of East 17th North, West of North 10th East and East of North 6th East Street. (RP03S06E242455, RP03S06E242460, RP03S06E244200) (PZ21-0005)

Community Development Director, Brock Cherry, gave the staff report

As a continuation of the prior meeting Mr. Cherry felt it prudent that the applicant present first. There were multiple concerns at the prior meeting and she can present her findings.

Jane Suggs, of Gem State Planning, came forward representing Trilogy Development and Thunderbolt Landing. An additional map was provided showing the range of lot and home sizes planned. There is a plan for 238 new single family detached homes. No Townhouses. Thirty eight homes are on lot sizes from 6100 to 16000 square feet, with homes over 2000 square feet in size. 100 homes will be on lot sizes that range from 5000 to 6200 square feet, with homes over 1500 square feet. 100 homes will be on lots sizes that range from 3420 to 4200 square feet, with homes over 1470 square feet. This is the reason for the PUD. Photos were presented of the different sizes of the homes. The wider lots will have three car garages. The fifty foot wide lots will have five foot side yard setbacks. Homes will be forty feet wide with homes over 1500 square feet. Most of these have two car garages. The smaller homes are on lots that are thirty six feet wide. These all have a two car garage with room in front of the garage for parking. Regarding traffic a TIS was done and submitted to the City. The functional street classification map shows collector streets, North 10th East, North 6th East, North 3rd East, and East 15th North. These streets will not go over their level of service, A or B according to the TIS. Some traffic will go to Ada County. The Comprehensive Plan shows that less than 10% of respondents travel to Ada County. Most traffic is expected to travel south. Single family homes typically average ten vehicle trips a day, two are work related. The remainder is for other types of traffic. The Traffic Distribution from the TIS shows about five percent of the traffic will travel west using NE Bel Air Drive. Some may continue onto Union Street. Union is a local street with about twenty one houses, creating about 200 trips a day. Five percent of Thunderbolt Landing traffic utilizes that access it will add about 119 additional trips through there. Local streets are expected to handle up to 2000 vehicle trips a day. There is 2380 trips a day total out of Thunderbolt Landing. There are many ways in and out of the neighborhood. Collector Streets expected traffic volumes are up to 5000 trips a day. The land scape plan shows the tree line path way up 10th,

Gathering areas with trees and picnic shelters and interconnecting pathways to those areas. As part of the PUD, pathway benches and trees have been agreed to be provided and the Greystone Park be improved which is not currently improved and is off of Thunderbolt Landing property. Recommendation of approval will be appreciated. DEQ has given a letter to clear the site of any investigation from the old mining tailings.

Public Hearing Opened

Rusty Faireloth-Opposed-Came forward. He is not against the development of the parcels, but prefers it be zoned as the original zoning designation with less density. He is concerned that the decisions being made for the future of Mountain Home is not the citizens, but the developers. Traffic is still a concern. The north end was developed with bigger homes and lots in mind. The setbacks were an issue. He does not feel this is the appropriate way to fix the housing shortage. He recommends denial of the requested zoning.

Liberty Trausch-Opposed-Came forward. Her concerns were the contamination of the site. DEQ did sign a letter saying everything was cleared on the site. 2009 the DEQ wanted additional testing on the surrounding site do to air dispersion, those tests were never done. There are two documents she was unable to obtain that could address that issue. When owned by Mr. Bermensolo, he refused to do testing that DEQ said needed to be done. She is concerned she could be sitting on a lead lot. Wind studies show, Trailridge, Saddleridge, and Rockridge, are the area that would most likely be affected by wind dispersion. DEQ may not know that there is new dumping and digging on that site and feels the soil samples are null and void do to new contaminants. She feels the samples need to be redone before anything else is done on that site. Before the cleanup, there was lead, mercury, arsenic, cardamom, etc., and now it being dug up again.

Linda Bennett-Opposed-Came forward. She was not opposed to development, but the density. She had a remediation document that was between Bermensolo's and DEQ. One issue was dust in 2008 from the zolomite treatment, excavation and hauling. There was to be no deep root planting done. At the time it was recommended to be 171 lots, and would prefer these lots be bigger and feels it far more reasonable. Believes more single level homes are need for those who can't do stairs. She is concerned the HOA will fail and the greenspaces will suffer. She feels the traffic study is not accurate regarding the number of trips. A copy of the document she had was requested by the City's legal counsel.

Chris Alzola-Uncommitted-came forward. She was concerned with water as there have been no new water rights since 2014. She doesn't feel the City has adequate water to take on additional subdivisions. Even with water rights, we may not have any water. Water will have to be curtailed by adding many more homes. She was encouraged to go to the Council meeting to speak as well.

Becky Garvy-Opposed-Came forward. She pointed out the TIS was conducted during Covid lockdown which created much less traffic. The study was conducted between 7:00-9:00 am and 4:00-6:00 pm , and feels as the numbers are not accurate. The traffic study states it was conducted on industry standards and a person from the City. She would like to know who that person was. She had two photos showing 6th and 10th. 6th is a wide street, but when two vehicles were parked on opposing sides, two lanes of traffic were not possible. Thunderblot is proposing 36' wide roads and feels this issue will be greater inside the subdivision. She wanted to know if Republic Services were notified as trash service could be impacted. 10th street has the same issue as 6th when there is parked vehicles on both sides. She feels the long term effects will be awful for traffic flow. She realizes the Fire Chief says the street widths meet code, but is that what we are planning is to just meet Code? She would have liked this meeting to be streamed.

Maria Costa-Boyer-Opposed-Came forward. She felt the representative did not provide any alternatives to the plan presented and pointed out that they are not willing to budge. She does believe Union Street will be impacted. We feel the developer is not hearing the citizens and don't care what the citizens have to say and begrudges no compromise by the developer. She felt offended by Commission Member Brletics comment at the prior meeting that the citizens were opposed to diversity and growth. This is an Airforce community and this is a diverse community. She is opposed to the lot size, width of the roads and lack of green space. She would like to see a park in this development. She feels if the existing lots must conform to the City Ordinance, they should also have to conform. She would also like to see more testing. She does not feel there is appropriate infrastructure to handle the growth. She would like specifics on the park improvement.

Mitch Egusquiza-Opposed-Came forward. He also felt the diversity comment was accepted as a criticism. He takes issue with zoning it from an R-3 zoning to something a lot smaller, with narrow roads. Traffic is a big concern and feels the TIS is incomplete, especially do to the timing of the study. This plan seems to allow for housing at all costs. He does not want regret regarding future traffic issues, due to poor planning today. Everyone should ask, Is this is what is best for our community? Is this what is best for those people who buy there? Safety of the children should be a concern on those narrow streets. This should be done right and you should be an advocate for the community. The citizens have a legitimate right and concern and you should legitimately consider what they have to say.

Terri Manduca-Opposed-Came forward. Her concern is the density of the subdivision. She drove around Boise looking at comparable subdivisions, the houses are stacked in there so tight, small yards, and no parking for recreational vehicles. This was proposed as a multi-generational subdivision, there are very few single level lots. Older people want single level homes, the bulk here are two stories. She doesn't agree with the density and prefer it stay R-3. Only seventeen homes in the subdivision she lives in are owner occupied, the rest are investment properties. This brings transient traffic, constant turnover, poorly maintained yards and effects home values. As a realtor she knows housing is needed. This new housing will effect pricing. She hopes this isn't the precedent going forward for development.

Public Hearing Closed

Jane Suggs, representative for Thunderbolt Landing came forward again. The traffic study did take into account Covid. The numbers created have been adjusted for that. The traffic will not surpass the amount of traffic that would be on a local street. The R-3 zone will have a twenty foot front yard setback. The thirty six wide street, from back to curb to back to curb, is adequate for emergency services, which is a typical standard for streets. She believes wider streets make people go faster. There were many environmental studies done and they are public record. The mine tailings have been removed and we have a professional remediation specialist that worked with DEQ. The perimeter of the site was tested and showed no contaminants. There has been soil movement from the property by the City. That dirt was dumped and then taken away. Staff has stated there is plenty of water for potable water, but no irrigation water rights. There will be drip irrigation on the trees and have open spaces. Greystone Park will have trees, benches and a pathway. We want to make sure people use low water use plantings and those things will be included in the HOA and PUD document. Pricing is difficult to speculate because these houses may be built in a year or maybe five years. The density of five units to the acre is well within the requirements of the City and the Comprehensive Plan. They have been working with the Staff from the beginning. Much money has been spent on this project already. The infrastructure is there to handle this project. This location has been in the Comprehensive Plan as a residential neighborhood for a long time. The City will get lots of money from these lots in tax revenue, impact fees and building permits.

There was discussion regarding whether there could be compromise from the developer. There is no plan B. At 35% coverage a house cannot be put on that lot. There will be single story homes. This

development will set a precedent. It was mentioned that every PUD stands on it's own. Chairperson Wallaert stated, "I have gone through the Comprehensive Plan, cover to cover. One portion stood out the most, and that was to encourage neighborhood focus groups to activate residents to participate in the revitalization process. We have that. It is important to hear that. The Developer also meets items in the Comprehensive Plan, the PUD requirements, Health and well-being by improving the Greystone Park and the pathways. There are area's in the Comprehensive Plan that are not being met; Chapter 2, preserving and fostering a small town feel. The moment we talk about density we lose small town feel. Chapter 4, population goal 1, Manage growth by taking step to maintain small town character. We are looking at an R-2 and R-3 surrounding area and we are looking at a PUD that increases density. Chapter 4, goal 2, Encourage development in areas environmentally compatible with near surroundings to protect the quality of life. Again this is increases density in areas that do not have the same level of density. Chapter 5, housing, the study showed 93.44 % of people that participated wanted single family homes. That reflects families with children, and is a problem with smaller lots, is a problem with children playing in areas that are smaller. Goal 3, says to promote high density in and around downtown. This is not in or around downtown. Chapter 5, Housing, goal 4 C, foster creative design subdivision layouts and promote density to the surrounding areas. But do we need that density in an area that is R-2 and R-3? Chapter 8, Community Design, goal 2C, ensure building scaling as appropriate to the site. Sure it can meet that but we are cramming in more density that doesn't meet the surrounding areas. Goal 4 A, establish and maintain patterns in design criteria in keeping with small town rural transitional identity. I don't know if the PUD meets that standard. We are focused on creating density, but to what extent. Goal 5B is the most important for me, as part of the Commission, to listen to the surrounding neighborhood and the voices of the people. I do not hear anyone say they are against this. They are for it but there are too many people in this area. Will all streets shortened and condensed or will specific streets be shortened and condensed?" Jane Suggs stated, "All streets will be thirty six feet, back of curb to back of curb." Chairman Wallaert continued, "There is a piece in our Comprehensive Plan, Goal 1B, to openly collaborate with developers and ensure a mix of housing connectivity to the rest of the City. Collaborate, talk, discuss, we have listened to the community and we hear that this is too much density." Chairperson Wallaert offered a suggested compromise to the plan to meet somewhere, rather than, all or nothing.

Commission Member Sauerwald agreed with much of Chairperson Wallaerts statement. He stated, "the PUD allows for a lot of things, however I do not see where it says it allows for reduction of street width." Mr. Cherry stated, "A PUD has two parts. An underlying zoning district, and then the PUD outlines how they will deviate. If it is not listed then we revert to what is found in the R-3 district." Commission Member Sauerwald stated, "The Comprehensive Plan talks about creating opportunities for communities to slowly increase density without radically changing the landscape. It also talks about congruity in the City's design, things fitting together in a way that makes sense. I am not sure that it won't adversely affect the existing populated area. I am not sure it won't radically change the landscape. Two hundred homes will be below the standard 6500 Square feet. I don't know that is slowly increasing density. I don't know that this is preserving and fostering the small town feel. I agree a compromise would be in order to balance the opposition, the Comprehensive Plan and the Developers Plan."

Ms. Suggs has no authority to change the plan. The plan is placed before the Commission, it is the Commissions responsibility to approve it, approve it with conditions, or deny it.

Commission Member Eskridge felt there were things still not addressed. He believes this is a good project but not at the proposed site, do to the density. He doesn't understand how \$300,000 homes are affordable housing. He agrees with the comments made by the Chairperson regarding the Comprehensive Plan and wonders if we are setting up ourselves for future problems. He is concerned about setting a precedent regarding parking and the street size.

Commission Member Roeder felt that the PUD was to promote a variety of land uses in a preplanned development pattern. The TIS was done during Covid but he did not see anything in the document that mentions that adjustment and feels that is important to know. He would like to see some collaboration and would like Jane Suggs to take it back to the developer to see what compromises could be made.

Commission Member Brletic does not feel the collaboration should be with Planning & Zoning and has been done with staff and city officials. If everything falls in line with the Codes, the Planning & Zoning Commission makes a recommendation.

There was discussion regarding what is Planning and Zoning's role in making the recommendation and the documents utilized to come to that recommendation.

Rich Urquidi, Public Works Superintendent, came forward to speak. Staff has been involved with this for quite a while. There are two parts here, the Annex/PUD and the Preliminary Plat, Staff did not feel anything they were asking for was out of reason.

It was pointed out that this is an annexation and it runs in conjunction with the PUD. The second part is the Subdivision Plat. Planning & Zoning is not compelled to annex this property into the City. If annexed it is subject to our Zoning Ordinances and a PUD agreement that has a request for a Preliminary Plat those three things are tied together.

There was discussion regarding how to make the potential recommendation.

Commission Member James Eskridge made a motion to deny the request to Annex and zone R-3 PUD three parcels of land. Commission Member Mark Sauerwald seconded the motion. Vote is as follows: Commission Member Brletic; nay, Commission Member Devol; aye, Commission Member Sauerwald; aye, Commission Member Roeder; aye, Commission Member Eikeness; aye and Commission Member Eskridge; aye. Motion passed by a majority vote.

Action Item-Discussion/Decision and request to sign. - DENIED

A request by Viper Investments for a Preliminary Plat. Parcels are located South of I-84, North of East 17th North, West of North 10th East and East of North 6th East Street. (RP03S06E242455, RP03S06E242460, RP03S06E244200) (PZ21-0007)

DEPARTMENT HEAD ITEMS

*None

ITEMS REQUESTED BY COMMISSION/STAFF

*None

ADJOURN

Chairman Topher Wallaert adjourned the meeting at 8:51 p.m.

Chair

