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

March 4, 2019  
6:00 PM

**ESTABLISH A QUORUM**

Chairperson Dennis Belt noted there was a quorum present and called the March 4, 2019, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, Deedee Devol, Nancy Brletic, Mary Miracle, James Eskridge and Ralph Binion.

Staff members attending were Building Official Mike McCain, Public Works Director Rich Urquidi, Administrative Assistant Brenda Ellis and Attorney Jay Friedly.

**MINUTES-**

**February 19, 2019**

Commission Member Ralph Binion made a motion to approve the minutes for the Regular Planning and Zoning Commission Meeting held on February 19, 2019, with the correction of unanimous to majority of the vote for the CUP. Commission Member James Eskridge seconded the motion. Vote is as follows: Commission Member Devol; aye, Commission Member Brletic; aye, Commission Member Miracle; aye, Commission Member Eskridge; aye, and Commission Member Binion; aye. Motion passed by a unanimous vote.

**PUBLIC HEARING AND ACTION**

**\*Action Item – Annex and Zone R4 – Gillespie – SW Paiute Street**

Eric Howard of JJ Howard Engineering came forward on behalf of the applicant. Mr. Howard stated, "The intent is to annex the six parcels. There are three rental units currently on those lots. He would like to leave the existing four-plex. He would like to phase the building of the new four-plexes. This will allow him to remove the two other existing structures." Chairperson Dennis Belt asked, "Lot 1 and 2 would be built and then remove the other structures?" Mr. Howard stated, "He would like to get those two done this year and then a phase three build out. We know we have to tie into City services and we will be installing curb, gutter and sidewalk. Lot 3 and 4 would be built on the following year in 2020. The intent is to add a sixty foot right of way to access the exiting farm field to the rear of the property for future development." Chairperson Belt asked, "The sixty foot allows for a normal street?" Mr. Howard stated, "Yes".

Staff Report was read by Mike McCain. Mike McCain also stated, "Mr. Gillespie is requesting that the City take over the responsibility of the curb, gutter and sidewalk, but according to Code that is the responsibility of the property owners. Mr. Gillespie does not want to construct curb, gutter and sidewalk or parking area until all four are built. Normal procedure for infrastructure is done prior to, not afterword.

Those are things that differ from what the City requires to what he is requesting. We would also require joint access agreement for this as a driveway access is shared. An annexation agreement would be required for the requested delays and improvements." Commission member Nancy Brletic stated, "So what we are doing is building everything before the curb, gutters, and sidewalks are in including the two phases, so that could be two, three, or four years?" Chairman Belt stated, "It could be never." Mike McCain stated, "His intention is it is built in 2020. The two initial buildings he wants gravel parking until everything is done. Normal build permits require that off street parking be done at that time." Chairman Belt asked, "So could they get by with finishing the first buildings and infrastructure on lots one and two, but do lots three and four have to be done at the same time?" Mike McCain stated, "I would say no. If you come in and do a small portion and then have them come back a second time it is more costly, but it is a possibility." Chairman Belt said, "So what should be done is to put in all the curb, gutter, and sidewalk for the whole annexation?" Mike McCain stated, "For example in Morning View they put in all streets, curb, gutter, sidewalk, sewers and everything for the first phase of the operation." Chairman Belt the stated, "For this case the curb, gutter, sidewalk and pavement for lots one and two could be ok by what our standard has been in the past? Then if they want to come back and do three and four at another time that is up to them?" Mike McCain stated, "I think that would be acceptable." Chairman Belt asked, "What about the easement road?" Mike McCain stated, "The curb, gutter and sidewalk would need to be put in but the road does not as it is a future possible easement going to the back." Commission Member James Eskridge asked, "What is the rationale for going ahead with this project and not putting in the infrastructure compared to some of the others that we have told they have to have the infrastructure in?" Eric Howard answered, "The owners opinion is, why would I put the infrastructure in and then have the heavy equipment come in potentially crack and break it and then fight with the City to have it repaired." Commission Member Nancy Brletic stated, "I believe what is good for the goose is good for the gander. If this is what the City requires, then that is what it requires. Have we ever given the authority to build first and put infrastructure in later?" Mike McCain stated, "No. Morning View wanted to start building before the roads were in and we told them no." Commission Member Nancy Brletic stated, "Then that is what we need to stick with." Eric Howard asked, "Is the City taking the sidewalks? Morning view the City owns the right of way and the sidewalk and the utilities. When you sign the final plat, it's yours. Is the City going to take the sidewalk, curb and gutter on this?" Mike McCain stated, "The City doesn't take the sidewalk on anything. Our City ordinance says it is the property owner's responsibility for maintenance." Chairman Belt asked, "Who owns the street?" Mike McCain stated, "When he annexes in he will give us the Street. He will be responsible to fill out his portion of the street. When we annex a property we annex the whole street, but he is only responsible to put in the asphalt on his side of the street." Commission Member Nancy Brletic stated, "The contiguous part is the corner correct? The street is just in front of those six lots, correct?" Mike McCain stated, "Yes."

Mark Bergmann came forward to speak. Mr. Bergmann asked, "I am a property owner on SW Independence. I am concerned about property values and don't want another eyesore nearby. Your questions and concerns with regard to the street and sidewalks I appreciate. In the letter it looked like there would be twenty additional cars in that area, based off of the parking diagram." Mike McCain stated, "These six lots would contain four four-plexes and would require all off street parking. Curb, gutter and sidewalk would be required here on Paiute." Mr. Bergmann asked, "Are there are any other changes to the street to accommodate the additional cars going up and down the road?" Chairperson Belt stated, "All that will belong to the City is what is in front of that annexation." Mr. Bergmann asked, "Do I have a say in anything that goes on here other than voicing an opinion?" Mike McCain stated, "You can put your input in and they will take that into consideration. There is nothing that he is asking for that is not a normal request for the zone."

Commission Member Ralph Binion asked, "Can we put in the motion that they need to follow what is in the City Code for infrastructure?" Mike McCain asked Attorney Jay Friedly, "Is that a decision for Planning & Zoning or is it a construction procedure followed by Ordinance?" Mr. Friedly stated, "It is two separate deals. One is the annex and zoning and the other is the development agreement between the City and the Owner." Mike McCain stated, "What we are looking at here tonight is strictly for the annexation. The other would be the development agreement that Council would need to have with Mr. Gillespie on the development delays requested." Commission Member Ralph Binion stated, "If they want to vary from the Ordinance for the construction, isn't that through us for the variance request?" Mike

McCain stated, "Development Agreement normally follow what the ordinance says." Commission Member James Eskridge stated, "Once we approve the annex and zone it is out of our hands and goes to City Council." Mike McCain stated, "Yes, However you can make a recommendation to City Council, that the Development agreement meet the requirements of the City regulations." Jay Friedly said, "The property owner could say we want to both agree, we don't want to annex unless we are going to go along with the development agreement. The development agreement is kind of a process that is going to take a little bit." Eric Howard agreed and said, "Typically we meet with the City and come up with a plan. I don't know if that is at the next hearing or City Council or you have the flexibility to work directly with Development Service." Mike McCain stated, "You can start working with us but City Council will have to approve the agreement."

Commission Member Nancy Brletic made a motion that the Planning and Zoning Commission recommends to the City Council that they approve the application by Kent Gillespie to Annex and Zone R4 certain parcels of property, 1.65 acres located at the Southwest corner of the intersection of SW Paiute and SW Isaac Lane, Mountain Home, ID. Commission Member Ralph Binion seconded the motion. Vote is as follows: Commission Member Devol; aye, Commission Member Brletic; aye, Commission Member Miracle; aye, Commission Member Eskridge; abstained, and Commission Member Binion; aye. Motion passed by a majority vote.

As a disclosure Jay Friedly made the Commission aware he represented Mr. Gillespie in his parent's estate and had nothing to do with this matter.

Commission Member Ralph Binion made a motion that the Planning and Zoning recommends to City Council that the development plan adhere to the current City Ordinances in relation to the infrastructure and the curb, gutter and sidewalk maintenance being with the owner. Commission Member James Eskridge seconded the motion. Vote is as follows: Commission Member Devol; aye, Commission Member Brletic; aye, Commission Member Miracle; aye, Commission Member Eskridge; aye, and Commission Member Binion; aye. Motion passed by a unanimous vote.

#### **NEW BUSINESS**

\* None

#### **OLD BUSINESS**

\*None

#### **DEPARTMENT HEAD ITEMS**

\*None

#### **ITEMS REQUESTED BY COMMISSION/STAFF**

\*None

#### **RECOGNIZE PERSONS NOT ON THE AGENDA**

\*None

#### **ADJOURN**

Chairperson Dennis Belt adjourned the meeting at 6:28 p.m.

Chair

