

ELMORE COUNTY PLANNING AND ZONING COMMISSION
War Memorial (American Legion Hall), 515 East 2nd South Street, Mountain Home, ID
83647

Wednesday, April 20, 2016 at 7:00pm

Agenda

PLEASE SILENCE CELL PHONES

CALL TO ORDER

ESTABLISH QUORUM

- | | |
|---|--|
| <input type="checkbox"/> Chairperson Patti Osborn | <input type="checkbox"/> Vice-Chairman K.C. Duerig |
| <input type="checkbox"/> Dave Holland | <input type="checkbox"/> Sue Fish |
| <input type="checkbox"/> Ed Oppedyk | <input type="checkbox"/> Shane Zenner |
| <input type="checkbox"/> Jeff Blanksma | |
|
 | |
| <input type="checkbox"/> Attorney of Record Phil Miller | |

PLEDGE OF ALLEGIANCE

NEW BUSINESS

- Extension request for Preliminary Plat for Case Number: SUB-2006-03 Driftwood Subdivision Phase 2, 3 and 4.

PUBLIC MEETING

- Ordinance Revision Work Session

ITEMS FROM THE PUBLIC

MINUTES

- Minutes from 04-06-2016

INFORMATION ITEMS

- Upcoming P & Z Schedule

MEETING ADJOURNED



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
Phone: (208) 587-2142 ext. 254
Fax: (208) 587-2120
www.elmorecounty.org

Alan Christy
Director

Tell Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

Staff Report to the Planning and Zoning Commission

Meeting/Hearing Date: 04/20/16 **Date Report Compiled:** 04/04/16

Agenda Item: Extension request for an extension of Preliminary Plat for Driftwood Subdivision Phase 2, 3, and 4

Applicant: Thornton Gallup LLC
PO Box 1495
Nampa, ID 83653

Case Number: SUB-2006-03- Extension

Staff: Beth Bresnahan

Location: W2NW4 and E2NW4 Section 8, Township 4 South, Range 6 East, and E2E2NE4 Section 7, Township 4 South, Range 6 East, B.M. A common way of locating the property is from Mountain Home, proceed south on Bruneau Highway, turn west on Old Grand View Highway approximately 2.75 miles. Property is located on the north side of the road.

Zoning: Agriculture/ Wildfire Urban Interface Overlay

BACKGROUND

Phase 1 of Driftwood Subdivision was recorded on November 27, 2007. An extension for the preliminary plat was granted until April 7, 2013 and again until April 17, 2016.

The property was recently been purchased by Thornton Gallup LLC. Thornton Gallup LLC is requesting an extension.

The Director has determined that a public hearing is not required because there have been no land use changes in the vicinity and no hazardous situations have developed or been discovered in the area. No agencies and no one from the public have been notified of the extension request.

The fees for the extension request have been paid and the application was filed with the Land Use and Building Department on March 30, 2016.

ATTACHMENTS

1. Approved FCO for CUP-2013-02.
2. Application requesting extension.
3. Minutes from April 7, 2010 and April 17, 2013

STAFF RECOMMENDATION

Staff recommends **approval** of the request for an extension to April 17, 2019 for the following reasons:

1. Applicant provided the justification for an extension.
2. The application was filed within the required timeframe.
3. All fees have been paid.
4. There have been no changes in the vicinity.

**BEFORE THE PLANNING AND ZONING COMMISSION
OF ELMORE COUNTY**

IN RE:)	
Conditional Use Permit for a)	
54 – Lot Platted Subdivision)	FINDINGS OF FACT
)	CONCLUSIONS OF LAW
)	AND ORDER
)	
)	
)	
Applicant)	
Franklin “Bud” Corbus)	
RR2 Box 460)	
Mountain Home, ID 83647)	

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 20th day of December, 2006, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a proposed 54-lot platted subdivision. Property is located in Township 4 South, Range 6 East, W2NW4 and E2NW4 of Section 8; Township 4 South, Range 6 East, E2E2NE4 of Section 7, B.M., and is zoned Agriculture A.

The Commission having heard from the applicant in support of the application and from neighboring property owners and others appearing at the public hearing both in opposition and support, and being fully advised in the matter, now issues the following:

FINDINGS OF FACT

1. The applicant has applied for a Conditional Use Permit for a proposed 54-lot platted subdivision in Township 4 South, Range 6 East, W2NW4 and E2NW4 of Section 8; Township 4 South, Range 6 East, E2E2NE4 of Section 7, B.M.
2. Notice of public hearing has been given.
3. The property in question is zoned Agriculture A, pursuant to the Zoning and Development Ordinance of Elmore County. The property is designated General Agricultural/Grazing/Forest “Ag” as a land use classification in the duly adopted Elmore County Comprehensive Plan.
4. Relevant criteria and standards for consideration of this application are set forth in the Elmore County Zoning and Development Ordinance Chapter 1, Article XIV, Section C.14-1 and Idaho Code §67-6512.
5. The existing land uses in the immediate area of the property in question are rural residential and dry grazing.
6. The proposed conditional use will, in fact, constitute an allowed conditional use in that zone, as determined by the Land Use Matrix and Zoning District regulations

- Chapter 1, Article VI and Article VIII; or is a legal existing nonconforming land use or structure.
7. The proposed conditional use will be in accordance with goals and objectives of the Comprehensive Plan and with all the applicable provisions of the Zoning and Development Ordinance.
 8. The proposed conditional use will be served adequately by existing essential public facilities and services such as highways, streets, schools, police and fire protection, drainage structures, refuse disposal, water and sewer or the person responsible for the establishment of the proposed conditional use shall adequately provide any such services.
 9. The proposed conditional use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.
 10. The proposed conditional use will be designed, constructed, operated and maintained to be harmonious with the existing or the intended character of the general vicinity and such use and/or expansion will not change the essential character of the same area.
 11. The proposed conditional use will not be hazardous or disturbing to existing or future neighboring uses.
 12. The proposed conditional use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 13. The proposed conditional use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of the environment, or excessive production of traffic, noise, smoke, fumes, glare, or odors.
 14. The proposed conditional use will not result in destruction, loss or damage of a natural or scenic feature of major importance.

Based on the foregoing **FINDINGS OF FACT**, the Elmore County Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The requirements of Idaho Code Section §67-6509 have been met.
2. The action taken herein does not violate Chapter 80 of Title 67 of the Idaho Code.
3. The applicant has met the requirements of the Zoning and Development Ordinance Chapter 1, Article XIV, Section C.14-1 for a conditional use permit as shown above in the findings of fact.

Based on the forgoing **CONCLUSIONS OF LAW**, the Elmore County Planning and Zoning Commission hereby enters the following:

ORDER

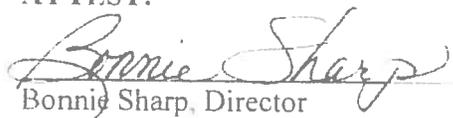
The application for a conditional use permit for 54-lot platted subdivision located in Township 4 South, Range 6 East, W2NW4 and E2NW4 of Section 8; Township 4 South,

Range 6 East, E2E2NE4 of Section 7, B.M., should be and is hereby **GRANTED** with no additional conditions.

COMMISSION VOTE:

CHAIRMAN NICK NETTLETON	VOTED AYE
VICE CHAIRMAN AL SOBTZAK	VOTED AYE
K.C. DUERIG	VOTED AYE
PATTY OSBORN	VOTED AYE
DEBBIE LORD	VOTED AYE
COURTNEY HILER	VOTED AYE

ATTEST:


Bonnie Sharp, Director


Nick Nettleton, Chairman

DATED this 10th day of January 2007.

*Effective the 25th day of January 2007.

*Note A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal is submitted in writing to said Board within fifteen (15) calendar days of Commission action by 5:00 p.m. on the 15th day. Questions concerning appeals or deadlines should be asked of the Elmore County Growth and Development staff during normal business hours.



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT
520 E 2nd South - Mountain Home, ID 83647 - (208) 587-2142

www.elmorecounty.org

Application for Extension of Approval
\$500

Please attach additional sheets of paper if necessary. Do not fax! Please complete in INK.

Name: Thornton Gallup LLC

Address: P.O. Box 1495

Email / Phone: tgallup@steelheadmetal.com 208-989-9971

Case # and Background: Property address is - TBD Old Grandview Highway - Mountain Home 83647 - Dirttweed Sub

Reasons for extension: Thornton Gallup LLC purchased property from C-four Corp at the end of January, 2016. We are working with a realtor to establish market pricing of the developed lots and getting a bid from a local builder to build a spec. house in the development.

Improvements: We just purchased this property and are not sure of the timeline for / of improvements

Previous Extensions: Unknown

Planned Completion Date: Based on conditions of Real Estate Market for the Mountain Home area.

Signature: Robert T Gallup

Printed Name: Robert T Gallup

For Administrative Use Only

File Number: 2016-2020-03

Fee: \$500 Date Paid: 3/30/2016

Receipt Number: 20-10323

Date Accepted: 3/30/2016 By: [Signature]

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, April 07, 2010 at 7:00 pm

Chairperson Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Chairperson Patti Osborn, Debbie Lord, K.C. Duerig, Al Sobtzak, Sue Fish and Betty Van Gheluwe and Jim Martin. Also present were Attorney of Record Phil Miller, Director Alan Christy and staff members Beth Westerwelle and Kacey Hultenius.

Osborn established a quorum.

Pledge of Allegiance

PUBLIC HEARINGS

Christy welcomed the newest Planning and Zoning Commission member Jim Martin to his first public hearing.

Christy stated that this will be Commission Member Al Sobtzak's last meeting. He stated that he has been on the Planning and Zoning Commission for 13 years. Christy presented him with a certificate of appreciation and thanked him for his years of service to Elmore County.

David Mickelson for a Conditional Use Permit for an 11-unit recreational vehicle park and a Variance for road construction standards in a Commercial (C2) Zone. Case Numbers: CUP-2010-06 and VAR-2010-01. The site is located in Section 21, Township 3 North, Range 10 East, B.M. A common way of locating the property is from Pine head north on the Pine-Featherville Road approximately 7.8 miles, the property is located on the left hand side of the road.

Christy gave staff report and background. Christy stated that there were some additional letters that came in and a copy of the CC&R's that caused staff some concern.

Eric Howard is representing the applicant. He stated that this property is about 3/8 of a mile from the Boise River. He went through the proposed conditions of approval. He stated that they plan on working with the Mountain Home Highway District regarding access. He stated they have not filed for a legal easement because they felt that they should not encumber the property before gaining approval but there will be one. He stated that they are working with Marty Jones from Central District Health Department but the groundwater is high in the area but they are planning in putting in a complex system for only the 11 units proposed. He stated that as far as DEQ, they really don't have any jurisdiction over this project yet. He stated that if Central District Health wants to bring them into this with a nitrogen pathogen study then at that point they would deal with DEQ. He stated that he would not know who to send an approval letter to. He stated that they are requesting a variance for the paved surfaces. He stated that he could not find an application for a private road but could find no application on the Elmore County Website. Christy stated that it is on there and one could be provided for him if he could not find it. Howard asked Christy to clarify what road maintenance agreement that he needed. Christy stated that they need a recorded

agreement from the property owner stating that he will be in charge of the road maintenance. Howard stated that he is in agreement with that. He stated that the reason that they submitted a variance is that although they would like to comply with the Mountain Home Highway District (MHHD) standards but in that area Planning and Zoning has granted a variance in the past to use local aggregate which is primarily decomposed gravel and they would like to continue that. He stated that the other variance is for the plant mix surface. He stated that the reality is in the ordinance a 3 inch hot plant mix asphalt is required. He stated that in the staff report it states that all the roads in this area are paved. He stated that while they are paved they do not meet MHHD standards or the current ordinance. He stated that they are a chip seal which means oil is sprayed and they place chips over the top of it and the reason they do this is because to get a hot mix asphalt from as far as Boise, Sun Valley, or the Twin Falls area and maintain a temperature of 250° is almost impossible. So the only other option is to move in a plant closer. He stated that his area of expertise is roadways and roadway construction.

Duerig asked if they have an easement.

Howard stated that they do not but they have a written agreement with the current landowner. He stated that if he throws an easement on there now he would have encumbered his lot and if the project is denied they will have problems. He stated that a condition of approval should be to have a recorded easement after approval.

Van Gheluwe stated that the ordinance states that entrance or exit is not permitted which moves traffic through a residential subdivision. Howard stated that he was unaware of this. Van Gheluwe stated that he agreed to this but she is not sure how he can. Howard stated that he did not see that in the staff report that he received. Van Gheluwe stated that it was in the supplemental staff report but is also in the original as well. Duerig explained that there is a statement in the zoning ordinance that refers to traffic through a residential area and condition 8 stated that he will comply with the ordinance so there is a problem there.

Howard stated that he did not read that in the ordinance.

Jim Howard signed up in support but did not wish to testify.

Ron Lawton signed up as neutral but changed to opposed. He stated that he owns property in the area and is also representing David Lumia who also owns property there. He stated that he is neutral because there are many unanswered questions regarding this project. He stated that he is concerned about putting a private road through the area and whether one is allowed to use the road or not. He stated that he is concerned about the excess people, traffic, recreational vehicles and all of this blocking his view of the valley by his property.

Matt Shultz is a land development consultant representing Lee Centers who owns property in this area. He stated is a licensed Professional Engineer in the State of Idaho. He stated that Centers did not get his neighborhood meeting notice until 1 day after the meeting occurred and they have not been able to find anyone who received a neighborhood meeting notice. He stated they are concerned with access and turn around through the subdivision. He stated that they found CC&R's for this subdivision from 1975 that state "the property coved by these protective covenants shall be used exclusively for residential purposes". He stated that he believes the proposed private access road that they are proposing for a commercial RV park in a residential subdivision is not an allowed use per the CC&R's. He stated that there is no way that the applicant can comply with the ordinance as the 300 foot private road is not direct access to a collector arterial road and the ordinance requires this. He stated that the code clearly stated this. He stated that this use will be detrimental to the neighbors and existing uses of the property. He stated that this application should be denied because it does not meet code.

Lee Centers owns property south of the proposed RV Park. He stated that he in opposition to this because this is a residential subdivision. He stated that this application is for a commercial use and it does not fit in with the area. Duerig asked if he knows what the post date was on the letter for the neighborhood meeting. Centers stated that he is not sure but spoke with another property owner in the area and he stated that they had not received notice either.

Jake Centers owns a lot in the Elk Valley Subdivision. He stated that he is not opposed to an RV park but because the success of the golf course depends people coming out and using it. He stated that he feels the RV Park would be much better suited closer to the clubhouse.

Shirley McRae is a property owner in the area. She stated that she is against this project. She stated that she did not receive notice of the neighborhood meeting. She stated that the covenants of the subdivision should be followed otherwise she could build cabins on her 3 acres and rent them out if she wanted. She stated that she doesn't want her view of the golf course to be of an RV Park and the gravel road would make everything dusty.

Gary Ames owns property in the area and is very familiar with this property. He stated that he understands why the applicant would like to have this RV Park but he also thinks that a different location for it would be more suitable. He stated that his main concern is with access to it, the ingress and egress, because they have enough traffic through the private roads in their subdivision as it is.

Eric Howard responded to the public testimony. He stated that in light of what he has heard here tonight regarding the neighborhood meeting on site and the lack of attendance maybe this is why they didn't show up because they did not receive notice. He stated that this is out of their control. He stated that he would propose to table this public hearing for the CUP and the variance to get input from the neighbors as they may have some valid concerns. He stated that as far as the covenants in a residential subdivision is concerned, he stated that Lee Centers, who testified, accesses his property through that subdivision to get to his property also, and so what they are requesting is nothing out of the ordinary.

Commission consensus was to table this public hearing to May 19, 2010 for the continuance of the public hearing for the CUP and Variance.

Sobtzak moved postpone this public hearing for both the CUP and Variance to May 19, 2010.

Lord seconded.

Motion carried unanimously.

Skyline Construction for a Conditional Use Permit for a fuel storage/containment structure in a Heavy Industrial (M2) Zone. Case Number: CUP-2010-05. The site is located in Section 10, Township 2 South, Range 4 East, B.M. A common means of locating this property is south on Simco road, turn right on Emprise Rd to the end, the property is located on the left hand side of the road.

Christy gave staff report and background.

Stacy Buckingham is representing the applicant. He stated that he would answer any questions that anyone may have. He stated that this is a 12,000 gallon tank. He stated that it will be completely enclosed for safety reasons. He stated that it is a concrete structure around the entire thing and a metal roof.

Jim Rogers owns property in the area of this proposal. He stated that he was unaware of any of this going on. He stated that he wanted to get information on this. Chairperson Osborn stated that all the information and building plans are available at the Growth and Development Office.

Stacy Buckingham responded to the public testimony. He apologized to Rogers. He stated that he tried to notify Rogers but the letter he sent him did come back. He stated that the applicant built the road out there and his trucks travel it all day long so he will maintain it. He stated that the fuel tank will not create any additional traffic as it is only for his business use.

Osborn closed this public hearing.

Commission action:

Sobtzak moved to approve.

Lord seconded.

Motion carried unanimously.

Technology Associates (Verizon) for a Conditional Use Permit for a Cell Tower in an Agriculture (Ag) Zone. Case Number: CUP-2010-04. The site is located in Southeast ¼ of Section 14, Township 2 South, Range 7 East, B.M. Common means of locating the property is from Interstate 84 head north on Highway 20 for 12 miles, turn on Old Highway 20.

Westerwelle gave staff report and background.

Nefi Garcia is with Verizon Wireless. He stated that he has looked over the staff report and agreed with everything it states.

Lord asked where the road will be located. Garcia stated that it would come off of Highway 20.

Sobtzak asked what kind of lighting will be used. Garcia stated that there will be no lighting because it is less than 199 feet tall unless the FAA requires it. He stated that there are no airstrips within 8 miles.

There was no further testimony.

Osborn closed this public hearing.

Commission action:

Martin moved to approve with the proposed conditions with one additional condition stating that they must present to the Growth and Development Department the recorded access easement for the road access.

Van Gheluwe seconded.

Motion carried unanimously.

Bud Corbus to contest revocation of the Preliminary Plat for phases 2, 3 and 4 and to extend the Preliminary Plat for Phases 2, 3 and 4 for Driftwood Subdivision, a 54-Lot Platted Subdivision in a Agriculture (Ag) Zone. The site is located in a portion of the Northeast Quarter of Section 7, Township 4 South, Range 6 East, B.M. and the Northwest Quarter of Section 8, Township 4 South, Range 6 East, B.M. Property is located is from Highway 51 (Bruneau Road) turn west on the Old Grand View Highway approximately 2.75 miles. Property is located on north side of road.

Westerwelle gave staff report and background.

Christy stated that the applicant has done an outstanding job with this subdivision compared to the other ones that have been granted extensions. He stated that he believes they will continue to do well.

Bud Corbus is the applicant. He stated that this was always to be a long term project. He stated that they would like some to get past these tough economic times. He stated that they are trying to do a good job.

Sobtzak moved to grant an extension for the Conditional Use Permit and Preliminary Plat for Driftwood Subdivision for 3 years and request that the applicant submit an update to the Growth and Development regarding the progress of the subdivision on a yearly basis.

Van Gheluwe seconded.

Motion carried unanimously.

NEW BUSINESS

Revocation of Conditional Use Permit for Sun Rider Ranch Subdivision.

Christy stated that the applicants submitted a letter that they are not requesting an extension as the fees were a bit high for them.

Sobtzak moved to revoke the Conditional Use Permit and Preliminary Plat for Sunrider Ranch Subdivision due to the lack of progress and the applicant's withdrawal of her desire to not contest the revocation.

Lord seconded.

Motion carried unanimously.

Approved

Approved

FCO's and Minutes

FCO for L.G Davison and Son's Inc. and CC & T Land & Cattle Case Numbers: CUP-2009-09, CUP-2009-10, CUP-2009-11, CUP-2009-12, CUP-2009-13, CUP-2009-14.

Duerig moved to approve.

Van Gheluwe seconded.

Motion carried unanimously.

FCO for Grand View Solar PV One, LLC Case Number: CUP-2010-03

Van Gheluwe moved to approve.

Lord seconded.

Motion carried unanimously.

Minutes from 3-17-2010

Lord moved to approve.

Van Gheluwe seconded.

Motion carried unanimously.

INFORMATION ITEM

Planning and Zoning schedules and reminders.

Christy reminded the commission members about the workshop being held on April 10 at the Elks Lodge from 9:00 am to 3:00 pm.

Christy reminded the commission members that there will be a work session on May 5, 2010 at 7:00 pm and ending at 9:00 pm.

Administrative Interpretation for Building Setbacks.

Christy stated that there are issues regarding rifle lots in the County that cannot meet set back requirements. He stated that they will discuss this at the work session on May 5.

Little Camas Acres Update.

Christy stated that there was a letter in the packet explaining that they have postponed this public hearing scheduled April 21, 2010 indefinitely. He stated that they are going to move forward on the variance regarding the road standards.

Christy again thanked Sobtzak for his service to Elmore County.

MEETING ADJOURNED

Approved

Approved

Patti Osborn 4-21-10
Patti Osborn, Chairperson Date:

Attest: Alan Christy 4-21-10
Alan Christy, Director Date:

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, April 17, 2013 at 7:00 pm

Chairperson Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Chairperson Patti Osborn, Vice Chairperson K.C. Duerig, Debbie Lord, Jim Martin, Jeff Blanksma, Ed Oppedyk, Sue Fish, and Betty Van Gheluwe. Also present were Attorney of record Phil Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer.

Osborn established a quorum.
Pledge of Allegiance.

PUBLIC MEETING

Confined Animal Feeding Operation (CAFO) Siting Permit Ownership Transfer for TLK Properties LLLP Case Number: CAFO-2013-01.

Oppedyk recused himself because he has a personal relationship with the applicant.

Bresnahan gave staff report and background.

Lord moved to approve

Duerig seconded.

Motion carried unanimously.

Oppedyk rejoined this public hearing.

Extension of Preliminary Plats for Driftwood Subdivision Phase 2, 3, and 4

Bresnahan gave staff report and background.

Duerig moved that a 3 year extension be granted from the date of this meeting.

Martin seconded.

Motion carried unanimously.

MINUTES

FCO for Grandview Solar PV Two, LLC Case Number: CUP-2013-02.

Martin moved to approve.

Van Gheluwe seconded.

Motion carried unanimously.

Minutes from March 20, 2013

Van Gheluwe moved to approve.

Martin seconded.

Motion carried unanimously.

Approved

Approved

UPCOMING P&Z SCHEDULE

Christy stated that there will be meetings on May 1 and May 15, 2013.

MEETING ADJOURNED

Approved

Approved

K. Osborn Vice-Chairman
Patti Osborn, Chairperson
Date: *1-May-2013*

Attest: *Alan Christy*
Alan Christy, Director
Date: *5-1-13*



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, Id. 83647
Phone: (208) 587-2142 ext. 254
Fax: (208) 587-2120
www.elmorecounty.org

Alan Christy
Director

Tell Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

Memorandum

Date: April 12, 2016

To: Planning and Zoning Commission

From: Alan Christy, Director

Re: Ordinance Update Chapter 23

Background

The purpose of this memorandum is to give the Planning and Zoning Commission an update on changes to the Zoning and Development Ordinance for the April 20, 2016 work session.

Chapter 23

- Consistency in terms
- Removed redundant open space requirements.

Questions

- Are the open space percentages adequate? **Highlighted yellow areas.** By comparison the City of Mountain Home requires 12 acres of park per 1,000 people.

Attachments:

1. Revised Chapter 23
2. Redlined Chapter 23

**TITLE 6
ELMORE COUNTY
ZONING AND DEVELOPMENT ORDINANCE
CHAPTER 23 – OPEN SPACE STANDARDS AND DEVELOPMENT
REQUIREMENTS**

Sections:

- 6-23-1: Purpose**
- 6-23-2: Applicability**
- 6-23-3: General Regulations**
- 6-23-4: Design Standards**

Section 6-23-1: Purpose:

The purpose of this Chapter is to encourage well designed open space within new development, and to provide standards for dedicated open space areas and/or uses approved as part of a development application.

Section 6-23-2: Applicability:

These regulations shall apply to all new commercial development, industrial development, multi-family or condominium development and subdivision plats as defined in this Ordinance.

Section 6-23-3: General Regulations:

- A. Dedicated Open Space Plan: A dedicated open space plan shall include the following information shown on a map of an appropriate scale, as determined by the Director and shall be accompanied by any associated documents as may be necessary or required. The Dedicated Open Space Plan may be incorporated with any required Master Site Plan:
 - 1. A written plan with narrative and maps to include the following:
 - a. The boundary of all dedicated open space area shall be mapped along with all abutting properties within three hundred (300') feet of the open space boundary at a scale and size as required by the Director; and
 - b. A legal description; and

- c. All existing distinctive natural characteristics contained within the proposed open space areas including, but not limited to, prime agricultural land and topographical elements shall be mapped and thoroughly discussed in the written plan; and
 - d. All proposed uses and development including, but not limited to, structures, roadways, parks, and trails surfaces shall be mapped and thoroughly discussed in the written plan.
- B. The open space plan shall include narrative describing a perpetual funding mechanism for the maintenance and any proposed development of the open space. Funding options may include, but are not limited to transfer fees, private donations or CC&R dues.
- C. Required Dedicated Open Space:
 - 1. Commercial and industrial development projects greater than forty (40) acres in size shall designate five (5%) percent of the acreage to be used exclusively for natural and/or developed open space as defined by this Ordinance and/or as approved by the Director, Commission and/or Board.
 - 2. Multi-Family or Condominium development projects shall designate ten (10%) percent of the acreage to be used exclusively for natural and/or developed open space as defined by this Ordinance and/or as approved by the Director, Commission and/or Board.
 - 3. Subdivision development projects of ten (10) acres or greater in size shall designate ten (10%) percent of the acreage to be used exclusively for natural and/or developed open space as defined by this Ordinance and/or as approved by the Director, Commission and/or Board.
 - 4. Minimum Amenity design standards:
 - a. Dedicated parks shall require a landscaping plan and park benches at a ratio of one (1) bench per one thousand (1,000') sq. ft of park.
 - b. Tot lots shall be required to contain a minimum of three (3) individual play apparatuses or one (1) multi-functional play apparatuses.
 - c. Proposed clubhouses and/or swimming facilities shall be sized appropriately to accommodate the residents.
 - d. Barbecue area shall contain a minimum of two (2) barbecues and two (2) picnic tables.

- e. Open space plans, where amenities are required, shall contain detailed plans and specification sheets for all proposed amenity fixtures such as tables, benches, barbecues, and play equipment, etc. Such fixtures shall be reviewed and approved by the Director and reviewed by the Commission and/or Board.
 5. All required amenities shall be installed and fully operational prior to the first dwelling or unit receiving final occupancy or the issuance for the second dwelling or unit whichever is more restrictive. For good cause, the applicant/owner may provide a bond or surety for the required amenities with Director approval and in compliance with this Ordinance.
- E. Other Allowed Open Space Uses: Other allowed open space uses for residential development shall include, but not be limited to, the following:
1. Natural areas; and/or
 2. Agriculture; and/or
 3. Community garden plots for cultivation by residents; and/or
 4. Recreational areas designed for specific passive and/or active recreational uses, golf courses, tennis courts, football and ball fields; and/or
 5. Floodways identified on the adopted pathway plan; and/or
 6. Lawns or ground cover with or without trees; and/or
 7. Riding trails and common pasture; and/or
 8. Use associated with an historic structure; and/or
 9. Any combination of uses listed above.
- F. Required drainage areas, swales, or drainage retention areas shall not be used to house amenities.
- G. Required setback areas shall not be used in the calculation of required open space.
- H. Term and Form of Restrictions for Dedicated Open Space:
1. All development restrictions shall be noted and/or shown on the final plat and shall be recorded as either a deed restriction or a conservation easement prepared subject to the regulations of Idaho Code Title 55, Chapter 21.

- I. Ownership: Dedicated open space shall be held in one or more of the following methods of ownership:
 - 1. Condominium: If ownership of the proposed development is held as a condominium in conformance with Idaho Code, Title 55, Chapter 15, the dedicated open space may be held as a common area of the condominium.
 - 2. All Other Development: The dedicated open space may be held in common ownership by an incorporated homeowners' or property owners association.
- J. Maintenance Standards: All open space shall be maintained in good condition and shall not create any nuisance, fire hazards or be detrimental to the public health, safety, and welfare of those using the space and/or any other standards as imposed by this Ordinance.
- K. Maintenance Requirement: Failure to maintain any dedicated open space will constitute a violation of this Ordinance.
- L. Improvements: Required improvements including, but not limited to, landscaping and recreation facilities within the dedicated open space areas shall be provided by the applicant or owner. A surety agreement, as set forth in this Ordinance, may be required to cover costs of installation or maintenance of such improvements.

Section 6-23-4: Design Standards:

- A. Consistent with Adopted Plans: The design shall be consistent with any adopted regional or local open space plan, recreation plan and the Comprehensive Plan.
- B. Accessibility: The dedicated open space shall be easily accessible.
- C. Roadways: The number of private or public roadways that divide the dedicated open space shall be limited to those necessary for proper traffic circulation, and the roadways shall not detract from the efficient use of the open space.
- D. Structures: The dedicated open space shall be free of all structures, except those that enhance the use of the dedicated open space including, but not limited to, structures related to outdoor recreational use, well houses, and storm water retention basins.
- E. Storm Water Basins: Storm water retention or detention basins designed and approved as part of the storm water management system for the property may be located within the dedicated open space area but shall not be utilized for active amenities.

- F. Impervious Surface: No more than ten (10%) percent of the dedicated open space shall be impervious surface.
- G. Additional Standards for Dedicated Open Space in a Subdivision:
1. Dedicated open space shall not be less than one hundred (100') feet in width at any point and not less than twenty thousand (20,000') square feet of contiguous area, except when part of a trail system or pathway network; and
 2. The dedicated open space shall be connected to open space areas on neighboring properties wherever possible including provisions for pedestrian walkways to create linked walkway or pathway systems; and
 3. When children's play equipment, benches, barbecues or picnic tables are proposed, a minimum of two (2) shade trees shall be planted to shade the play equipment, benches, barbecues or picnic tabled on the west and southern exposures. Additional trees shall be at the discretion of the applicant.
- H. Alternative Open Space Plan: The Director, Commission and/or Board may approve, or recommend approval of an alternative open space plan when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Chapter and shall not be detrimental to the public health, safety, and welfare.

TITLE 6
ELMORE COUNTY
~~ZONING and AND DEVELOPMENT ORDINANCE~~

CHAPTER 23 – OPEN SPACE STANDARDS AND DEVELOPMENT REQUIREMENTS

Sections:

- 6-23-1: Purpose**
- 6-23-2: Applicability**
- 6-23-3: General Regulations**
- 6-23-4: Design Standards**

Section 6-23-1: Purpose:

~~A.~~ The purpose of this Chapter is to encourage well designed open space within new development, and to provide standards for dedicated open space areas and/or uses approved as part of a development application.

Section 6-23-2: Applicability:

~~A.~~ These regulations shall apply to all new commercial development, industrial development, multi-family or condominium development and subdivision plats as defined in this Chapter Ordinance. ~~For the purpose of this Chapter multi family or condominium, shall be where there are three (3) or more dwelling units or apartments located on the same parcel or lot. A multi family dwelling may or may not be present on the property.~~

~~Planned communities, planned unit developments, and planned unit development districts shall be exempt from the requirements of this Chapter.~~

Section 6-23-3: General Regulations:

~~A. Application: An application and fees, as set forth in this Title, shall be submitted to the Director on forms provided by the Growth and Development Department.~~

~~B.A.~~ Dedicated Open Space Plan: A dedicated open space plan shall ~~be submitted on the appropriate application and shall~~ include the following information shown on a map of an appropriate scale, as determined by the Director and shall be accompanied by any associated documents as may be necessary or required. The Dedicated Open Space Plan may be incorporated with any required Master Site Plan:

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1. A written plan with narrative and maps to include the following:

- a. The boundary of all dedicated open space area shall be mapped along with all abutting properties within three hundred (300') feet of the open space boundary at a scale and size as required by the Director ~~this map shall be titled "Open Space Boundary"; and~~
- b. ~~A printed written legal description and an electronic file of the written legal description shall be submitted with the application. The electronic file shall be submitted in a Microsoft word file format and on an acceptable media as determined by the Director; and~~
- c. All existing distinctive natural characteristics contained within the proposed open space areas including, but not limited to, prime agricultural land and topographical elements shall be mapped and thoroughly discussed in the written plan. ~~The map shall be properly labeled with a legend and titled "Existing Distinctive Natural Characteristics"; and~~
- d. ~~All existing impervious surfaces and uses including, but not limited to, structure footprints, driveways, roadways, parks, and trails shall be mapped and thoroughly discussed in the written plan. The map shall be properly labeled with a legend and titled "Existing Improved Conditions"; and~~
- e. ~~All proposed uses and development including, but not limited to, structures, roadways, parks, and trails surfaces shall be mapped and thoroughly discussed in the written plan. The map shall be properly labeled with a legend and titled "Proposed Improvements"; and~~

f. ~~A written narrative describing how the open space would be conserved and the manner in which the dedicated open space area shall be maintained, managed, and administered.~~

CB. The open space plan shall include narrative describing a perpetual funding mechanism for the maintenance and any proposed development of the open space. Funding options may include, but are not limited to transfer fees, private donations or CC&R dues. ~~In any event, the funds shall be managed and maintained by a non-profit organization that will distribute the funds when required and as needed to maintain the open space.~~

DC. Required Dedicated Open Space:

- 1. Commercial and industrial development projects greater that forty **(40) acres** in size shall designate **five (5%) percent** of the acreage to be used exclusively for natural and/or developed open space as defined by this Ordinance including, but not limited to, animal viewing areas, picnic areas, natural open space, landscaped

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~~open space, sporting areas such as volleyball or basketball courts or other active recreational opportunity~~ and/or as approved by the Director, Commission and/or Board.

2. Multi-Family or Condominium development projects shall designate **ten (10%) percent** of the acreage to be used exclusively for natural and/or developed open space as defined by this Ordinance and/or as approved by the Director, Commission and/or Board, including, but not limited, animal viewing areas, picnic areas, parks, tot lots, barbecue areas, landscaped open space, sporting areas such as volleyball or basketball courts. Multi-Family or Condominium developments meeting the requirements listed above shall also be required to provide a minimum of three amenities within the open space dedicated to active recreational opportunities for its residents. These uses shall include: clubhouse, swimming pool facilities, picnic areas, developed park, tot lot, barbecue area, sporting area such as volleyball or basketball courts or other active recreational opportunity as approved by the Director.
3. Subdivision development projects of **ten (10) acres** or greater in size shall designate **ten (10%) percent** of the acreage to be used exclusively for natural and/or developed open space as defined by this Ordinance and/or as approved by the Director, Commission and/or Board, including, but not limited, animal viewing areas, picnic areas, parks, tot lots, barbecue areas, landscaped open space, sporting areas such as volleyball or basketball courts. Subdivision developments meeting the requirements listed above shall also be required to provide a minimum of three amenities within the open space dedicated to active recreational opportunities for its residents. These uses shall include: clubhouse, swimming pool facilities, picnic areas, developed park, tot lot, barbecue area, sporting area such as volleyball or basketball courts or other active recreational opportunity as approved by the Director.
4. Minimum Amenity design standards:
 - a. Dedicated parks shall require a landscaping plan and park benches at a ratio of one (1) bench per one thousand (1,000') sq. ft of park.
 - b. Tot lots shall be required to contain a minimum of three (3) individual play apparatuses or one (1) multi-functional play apparatuses.
 - c. Proposed clubhouses and/or swimming facilities shall be sized appropriately to accommodate the residents.
 - d. Barbecue area shall contain a minimum of two (2) barbecues and two (2) picnic tables.

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- e. Open space plans, where amenities are required, shall contain detailed plans and specification sheets for all proposed amenity fixtures such as tables, benches, barbecues, and play equipment, etc. Such fixtures shall be reviewed and approved by the Director and reviewed by the Commission and/or Board.
5. All required amenities shall be installed and fully operational prior to the first dwelling or unit receiving final occupancy or the issuance for the second dwelling or unit whichever is more restrictive. For good cause, the applicant/owner may provide a bond or surety for the required amenities with ~~director~~ Director approval and in compliance with this ~~Title~~ Ordinance.
- E. Other Allowed Open Space Uses: Other allowed open space uses for residential development shall include, but not be limited to, the following:
1. Natural areas; and/or
 2. Agriculture; and/or
 3. Community garden plots for cultivation by residents; and/or
 4. Recreational areas designed for specific passive and/or active recreational uses, ~~golf courses, tennis courts, football and ball fields; and/or~~
 5. Floodways identified on the adopted pathway plan; and/or
 6. Lawns or ground cover with or without trees; and/or
 7. Riding trails and common pasture; and/or
 8. Use associated with an historic structure; and/or
 9. Any combination of uses listed above.
- F. Required drainage areas, swales, or drainage retention areas shall not be ~~considered as active open space areas used to house amenities.~~
- G. Required setback areas shall not be used in the calculation of required open space.
- H. Term and Form of Restrictions for Dedicated Open Space:
1. All development restrictions shall be noted and/or shown on the final plat and shall be recorded as either a deed restriction or a conservation easement prepared subject to the regulations of Idaho Code ~~section Title 55, 2105~~ Chapter 21.

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- I. Ownership: Dedicated open space shall be held in one or more of the following methods of ownership:
 - 1. Condominium: If ownership of the proposed development is held as a condominium in conformance with Idaho Code, ~~Ordinance Title~~ 55, Chapter 15, the dedicated open space may be held as a common area of the condominium.
 - 2. All Other Development: The dedicated open space may be held in common ownership by an incorporated homeowners' or property owners association.
- J. Maintenance Standards: All open space ~~passive or active shall be maintained in good condition and shall not create any nuisance, fire hazards or be detrimental to the public health, safety, and welfare of those using the space and/or any other standards as imposed by this Chapter and Title Ordinance.~~
- K. Maintenance Requirement: ~~Failure to maintain In the event any dedicated open space fails will constitute a violation of this Ordinance. to be maintained in accordance to the standards of this Chapter and in compliance with Chapter 12, Fire Prevention And Wild Fire Mitigation Standards And Regulations Applying To All Districts, Elmore County may in accordance with this Title with reasonable notice, demand that deficiency of maintenance be corrected and/or enter the dedicated open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the dedicated open space.~~
- L. Improvements: Required improvements including, but not limited to, landscaping and recreation facilities within the dedicated open space areas shall be provided by the applicant or owner. A surety agreement, as set forth in this ~~Title Ordinance~~, may be required to cover costs of installation or maintenance of such improvements.

Section 6-23-4: Design Standards:

- A. Consistent with Adopted Plans: The design shall be consistent with ~~any~~ adopted regional or local open space ~~plan, and~~ recreation plan ~~ands including~~ the Comprehensive Plan.
- B. Accessibility: The dedicated open space shall be easily accessible.
- C. Roadways: The number of private or public roadways that divide the dedicated open space shall be limited to those necessary for proper traffic circulation, and the roadways shall not detract from the efficient use of the open space.
- D. Structures: The dedicated open space shall be free of all structures, except those that enhance the use of the dedicated open space including, but not limited to, structures related to outdoor recreational use, well houses, and storm water retention basins.

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E. Storm Water Basins: Storm water retention or detention basins designed and approved as part of the storm water management system for the property may be located within the dedicated open space area but shall not be utilized for active amenities ~~as required by this Chapter.~~

F. Impervious Surface: No more than ten (10%) percent of the dedicated open space shall be impervious surface.

G. Additional Standards for Dedicated Open Space in a Subdivision:

1. Dedicated open space shall not be less than one hundred (100') feet in width at any point and not less than twenty thousand (20,000') square feet of contiguous area, except when part of a trail system or pathway network: and

~~2. All residential lots shall be clustered into designated development areas to enable the most efficient use of the dedicated open space as noted in the open space plan.~~

~~H. Additional Standards for Dedicated Open Space:~~

~~12.~~ The dedicated open space shall be connected to open space areas on neighboring properties wherever possible including provisions for pedestrian walkways to create linked walkway or pathway systems; and

~~2. Required parking areas for outdoor amusement or recreation facilities shall be required to conform to the standards of this Title; and~~

~~33.~~ When children's play equipment, benches, barbecues or picnic tables are proposed, a minimum of two (2) shade trees shall be planted to shade the play equipment, benches, barbecues or picnic tabled on the west and southern exposures. Additional trees shall be at the discretion of the applicant.

~~H.~~ Alternative Open Space Plan: The Director, Commission and/or Board may approve, or recommend approval of an alternative open space plan when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Chapter and shall not be detrimental to the public health, safety, and welfare.

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**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES
Wednesday, April 6, 2016 at 7:00 pm

Chairperson Patti Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairman K.C. Duerig, Ed Oppedyk, Jeff Blanksma, Sue Fish, Dave Holland and Shane Zenner. Also present were Attorney of Record Philip Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Ramsauer.

PLEDGE OF ALLEGIANCE

NEW BUSINESS

Preliminary Plat for Case Number SUB-2015-01 Carlon Smith Subdivision.

Bresnahan gave staff report and background.

Osborn asked if approved what period of time the applicant has to have to get the final plat in.

Christy stated that there is some discrepancy in the ordinance so historically the county has gone with a 2 year time date from the approval of the preliminary plat to recording of a final plat. He stated that they would also be allowed a one-time one year extension.

Duerig moved to approve.

Oppedyk seconded.

Motion carried unanimously.

PUBLIC MEETING

Ordinance Revision Work Session

The commission discussed chapter 22.

MINUTES

Minutes from 03-16-2016

Holland moved to approve.

Duerig seconded.

Motion carried with Duerig and Oppedyk abstaining as they were absent for this meeting.

INFORMATION ITEMS

Subdivision Improvement Training

Christy presented information to the commission regarding the process for construction and improvements for subdivisions.

Upcoming P & Z Schedule

Christy stated that the next meeting will be on April 20th, 2016. He stated that there will be more ordinance chapters to review at that time.

MEETING ADJOURNED at 7:25 pm.

Patti Osborn, Chairperson Date:

Attest: _____
Alan Christy, Director Date: