

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

**MINUTES
Wednesday, April 4, 2018 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, Jeff Blanksma, Ed Oppedyk, Sue Fish and Mitch Smith. Also present were Attorney of Record Philip Miller, Director Beth Bresnahan and staff members Diana Clark and Kacey Ramsauer.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

Intermountain Development (Jim Carrie) for a Conditional Use Permit to subdivide an existing 5-lot subdivision Frontage Estates into a 53-lot subdivision (Blue Sage Subdivision) in the Agriculture Zone/Mountain Home Area of City Impact. Case Number: CUP-2018-02. The site is located in the NW1/4, Section 15, Township 3S, Range 6E, B.M. A common way of locating the property is from Sunset Strip turn onto Frontage Road. The property is located approximately 1 mile on the right.

Chairperson Osborn read the rules for the public hearing.

Ed Oppedyk stated that he will recuse himself from the discussion and the decision for this hearing as he is in the notification area and he may or may not be biased and he would rather not be involved.

Jim Carrie is the applicant. He stated that the proposal is to develop this 65 acres into 53 residential lots. He stated that this is a redo of an application submitted in 2015 that was denied. He stated that they have worked since that time to address the issues that led to the previous denial. He stated that he feels that they have achieved that at this point. He stated that this proposed subdivision will be done in 2 phases and the average lot size will be 1 to 2.1 acres. He stated that they have gone out to the community. He stated that it has been a long time since a subdivision has been approved in the county and there is a need for lots and housing. He stated that he has a petition with 75 to 80 signatures from citizens and businesses in the community urging the commission to approve this application along with letters from people who could not make this meeting. He stated one of the reasons for denial at the last meeting was lot size. He stated that staff has put together a list of all subdivisions surrounding this proposed area and all lots are lesser in size than this one. He stated that a big reason for the size of the lots is with the community water so they no longer have septic tank and drain field consideration.

Mike Woodworth is an engineer with Mountain Water Works and is working on this project with the applicant on the community water design. He stated that this proposal has included a community water system and that allows for the lots to be smaller as there are less constraints. He stated that this does include a water permit from IDWR (Idaho Department of Water Resources) for domestic use and fire protection. He stated that they completed a test well on the project site. He stated that there is an exhibit included in the packet that shows information the test well on the project site as well as some of the surrounding wells. He stated that the test well is located on the northeast corner of the site and it is approximately 550 feet deep. He stated that the best water varying zone that they got in that test well was from 497 to 550 feet. He stated that this is the deepest test well of any of the surrounding wells. He stated that the majority of the existing wells are about 350 feet based on IDWR well survey and well logs. He stated that the majority of the water that they would be pulling out would be at 500 to 550 feet. He stated that is below any of the surrounding wells. He stated that the max permitted diversion from the water right is .88 cfs for domestic use and this includes all of the peaking factors during irrigation season. He stated that this permit includes irrigation of one half acre per lot. He stated that the proposal is phased from a water system standpoint. Phase one would include a single well and well house to get to 24 lots. He states that DEQ (Department of Environmental Quality) requires a second well for anything more than 24 lots. He stated that it wouldn't be for additional water used but it would be a redundant well to provide an additional source. He stated that the community does have an approved Well Site Evaluation Facility Plan and a Community Water System Plan approved through DEQ. He stated that based on the work they have done they certainly meet the criteria for a conditional use as the community water system addresses one of the previous concerns.

Jim Carrie stated that it took over two years to obtain the approval through DEQ and that's primarily the reason it's taken so long to come back with the new application. He stated that there were never any objections to a community water system just the amount of time it takes to gain approval. He stated that the health department has approved the subdivision for septic tanks as well as soils testing done and approved.

Fish asked if access to the subdivision would be from Frontage Road.

Carrie stated that yes it would be.

Fish asked if the subdivision was going to have 53 buildable lots.

Carrie said there would be 53 buildable and about 6 common lots for landscaping and such.

Osborn asked if there will be an emergency response exit on the south end of the property.

Carrie stated that they have no access from the south so emergency response would have to go around and come in through the north.

Clark gave staff report and background.

Miller addressed the Planning and Zoning Commission. He stated that this is a new application being presented. He stated that several current members of this commission were present

during the 2015 public hearings. He stated that the decision tonight needs to be made upon the information received tonight. He stated to use that and apply it to the conditional use permit standards.

James Blanton signed in as opposed. He submitted some documents for the record. These were entered into the record as Opposed Exhibit # 1.

Blanton stated that he is the water technician for Town and Country Subdivision and they are against this proposal. He stated that it has been his job to maintain a healthy water system for his community. He stated that they have two wells in their subdivision and they are both within 100 feet of the applicant's property. He stated that they are opposed to the 50 plus homes with individual septic tanks. He stated one well on the property has already failed for nitrate levels in 2017. He stated that if a housing development is placed on every piece of land in the county then they need to have a septic system to bring all of this into the city. He stated that will be the only way to address the issue of nitrates in the water that causes wells to be shut down.

Martin Reinier signed in as opposed but did not wish to testify.

Benjamin Fritz signed in as opposed. He stated that he moved his family to this area to be away from people and to keep his children safe from predators as he was a victim of this himself as a child. He stated that building more homes and bringing more population could increase the risk of these types of things to happen.

Anthony Klazura signed in as opposed. He was not present when his name was called.

Robert Vork signed in as opposed. He stated that he doesn't live as close as others but cannot help but feel he will be impacted. He stated that his water levels has dropped in his well over the years. He stated that no matter how deep the applicant drills his wells he can't help but think it's coming from the same aquifer. He stated that 53 lots is a significant growth for the county and will have an impact on emergency services and traffic impacts as well. He stated that it will also impact crime in the area. He stated that any letters received in support from those who could have a financial impact be stricken. He stated that he doesn't want this to cause his property to be annexed into the city.

Brenda Vork signed in as opposed but did not wish to testify.

Gerald D Mann signed in as opposed but did not wish to testify.

Connie Guyer signed in as opposed. She stated that this subdivision will basically be in her front yard. She stated that 50 plus septic's is too many and when her well is contaminated who will pay to fix it? She stated that there will be an impact on Frontage Road. She stated that she believes most of these homes will be sleeper houses and most will work and shop in the Boise area. She stated that local businesses are still closing down all the time. She stated that she is concerned that all of these homes are going to get rid of farmland and then how will we feed all of these people moving here. She stated that the increase in homes and population will bring more crime into the area. She stated that she wants her privacy, her serenity and her sunsets.

Ken Guyer signed in as opposed but did not wish to testify.

Gary Guyer signed in as opposed but did not wish to testify.

Thomas Westall signed in as opposed. He stated that his well was tested yesterday and is still going down. He stated that Canal Road is already busy and dangerous and the people that buy these homes will use that road. He stated that we will hear of a child being killed on that road.

Michael Bowser signed in as opposed but did not wish to testify.

James Binnell signed in as opposed but was not present when his name was called.

Dianna Binnell signed in as opposed but was not present when his names was called

Charles Nickelsen signed in as opposed. He stated that he is concerned about contamination and water. He stated that 53 septic tanks will cause water contamination. He stated that if his well starts to drop he will call IDWR and let them know that his well has seniority. He stated that Carrie is getting his water from the Snake River. He stated that there are other wells in this area that are contaminated now. He stated that this level of growth needs to be done right.

Nelson Culp signed in as opposed but did not wish to testify.

James A. Spinti signed in as opposed but did not wish to testify.

Terra Longhurst signed in as opposed. She stated that she is concerned with the contamination from all the septic tanks being proposed. She stated that she wants to keep her home rural and doesn't want to be surrounded by subdivisions.

Barbara Jernigen signed in as opposed. She stated that she recently purchased a lot that is barley 100 feet from this proposed subdivision. She stated that she is concerned about her well being depleted, contamination from the septic's and the increase in traffic.

Sharon Goldsby signed in as opposed. She stated that she is the President of Oakleaf Homeowners Association. . She stated that she is also concerned with the wells and water use and the possible contamination from the septic tanks proposed. She stated that the increase in traffic is very concerning as well. She stated that she is not against growth but that it needs to be done right.

Tina Ruberry signed in as opposed but did not wish to testify.

Tom Ruberry signed in as opposed. He stated that he owns property in the area close to this subdivision. He stated that the water issues in Elmore County are very serious and that this process needs to be done with that in mind.

Candy J Welch signed in as opposed but did not wish to testify.

No one signed in as neutral to the application.

Gary Bermensolo signed up in support but did not wish to testify.

Alan Roberts signed up in support but did not wish to testify.

Tell Riley signed up in support but did not wish to testify.

Robbie Robinson signed up in support. He stated that he has been in real estate for many years in Mountain Home. He stated that the subdivisions that many people testifying live in surrounding this area started the same way. He stated that there is not enough housing in the county for people that are coming here from all over the country. He stated that the developer has met all the requirements from the Government entities regarding water and sewer so there shouldn't be an issue. He stated that he is all for it.

Lehi S. Hartwell signed up in support. He stated that he lives in the area next to this proposed subdivision. He stated that he does not know the applicant but knows that he has built other subdivisions in the county and many people in attendance tonight live in them. He stated that he owns private land and he should be able to build on it if he wants to as long as he meets all of the requirements. He stated that he would like to see Frontage Road improved to handle the traffic load.

There was no further testimony.

Jim Carrie gave his rebuttal. He stated that it's amazing to him that everyone's well and septic are bad but they all enjoy a nice lifestyle that he had a great hand in creating. He stated that this subdivision is intended to add to the value and lifestyle of the community. He stated that they have done all that is required for the community well and septic systems. He stated that they are putting water service to each lot with a meter vault placed in each lot so the meter can be inserted and if water is being misused it can be restricted. He stated that DEQ is not aware of the contamination issues being brought forth here tonight. He stated that they are trying to be good neighbors. He stated that the homes will start at about \$200,000 and up and will have strong covenants similar to surrounding subdivisions. He stated that not all buyers come from out of state and many are locals wanting acreage to build a shop and have animals and toys.

Miller asked if the water right applied for by the applicant was protested.

Carrie stated that it was not.

Mike Woodworth gave his rebuttal. He stated that all of the issues testified to are valid, specifically with respect to septic tanks and contamination and the amount of water being used which is why they are heavily regulated. He stated that the applicant has received approval from Central District Health which is the governing body over that. He stated that the findings of the nitrate study found no significant impact from the 53 homes on septic systems to the surrounding aquifer. He stated that Town and Country Subdivision did have nitrate levels over 5 in 2017 but now are below 1.5. He stated that when you do get above 5 milligrams per liter on nitrate concentration it is not necessarily considered the MCL or Maximum Contaminant Level but an action level when increased monitoring is required. He stated that in no cases does DEQ

record of any of community water system having hits of above 10 milligrams per liter that he is aware of in the area. He stated that with respect to the water rights and the clause about the Snake River he stated that is a standard clause that states if there is not enough water below Swan Falls Dam for fish passage that IDWR reserves the rights to restrict water users. He stated that the distance this property is from the Snake River and the amount of water that they are talking about here will surely never be an issue or concern with IDWR. He stated that the well locations are in the Mountain Home Groundwater Management Area and identified by IDWR. He stated that they indicate no real trend going back to 1998 of declining besides seasonal ups and downs. He stated that IDWR will require the applicant to prove up his water right and to prove that it's put to beneficial use. He stated a flow meter will be required on the well by IDWR as well as DEQ. He stated that DEQ requires that any community water system with more than 25 residences/connections must have 2 separate wells in case of any issues or a pump needs replaced. He stated that wells are influenced by groundwater recharge which is seasonal also irrigation practices and canal leakage.

Miller stated that he had to leave to go to his next meeting.

Carrie thanked the commissions and staff for their patience.

Osborn closed this public hearing.

Osborn stated that she would like to table the discussion for this application until legal counsel is present.

Commission consensus was to table this to the next regularly scheduled meeting.

Duerig moved to table this hearing until legal counsel is present.

Smith seconded.

Motion carried with Oppedyk abstaining.

Oppedyk rejoined the meeting.

PUBLIC MEETING

Accept testimony and to consider amending the Elmore County Zoning and Development Ordinance which was adopted on March 21, of 2012 and amended September 19, 2012.

Bresnahan stated that there has been a few items come up since the ordinance revision was last discussed and she went over them with the commission members and changes have been made regarding these items.

FCO and MINUTES

FCO for Case Number ZDA-2018-02 Recommendation to forward the Zoning and Development Ordinance revisions to the Board of County Commissioners.

Approved

Approved

Blanksma moved to forward the Zoning and Development Ordinance with the proposed changes to the Board of County Commissioners.

Duerig seconded.

Motion carried unanimously.

Minutes from February 21, 2018

Duerig moved to approve.

Smith seconded.

Motion carried with Osborn and Fish abstaining as they were not present for this meeting.

INFORMATION ITEMS

Upcoming P & Z Schedule

The next meeting is scheduled for April 18, 2018.

MEETING ADJOURNED at 8:30 p.m.



Patti Osborn, Chairperson

4-18-18

Date:

Attest:



Beth Bresnahan, Director

4-18-18

Date: