

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, August 17th, 2022, 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, Sue Fish, Jeff Blanksma, and Mitch Smith. Also, present were Director Mitra Mehta-Cooper, Attorney of Record Ralph Blount and staff members Joel Cruz-Haber and Kacey Ramsauer.

ACTION ITEMS

Aleksei Vasilchenko of Diamond Ridge LLC, for a Conditional Use Permit application to subdivide a 4-acre lot into four 1-acre parcels in Elmore County, Idaho; the property is zoned Agriculture. Case Number: CUP-2022-16. The site is located at Township 4 South, Range 7 East, Section 7. The parcel number is RP04S07E076355. A common way of locating the property from the intersection on N 18th E St and American Legion Blvd, in Mountain Home is to go South on N 18th E St for approximately 450 feet and the destination will be on your left.

Vasilchenko, the applicant, provided the Planning and Zoning Commission with a Master Site Plan. He mentioned there are other housing developments within the area that have the same acreage lots size as what he is proposing.

Ramsauer gave staff report and background.

There was nobody signed up to testify in support.

There was nobody signed up in the neutral position.

There were multiple persons testifying in opposition.

1033 SE Hamilton Rd: Neighbor is concerned with how the proposed subdivision may require their well and other neighbor's well's to be deepened. The neighbor mentioned why they moved to the County from the City and how it will negatively impact how the community will look and feel as more subdivisions and homes are being constructed near them.

6117 S 18th E Hamilton Rd: The Neighbor was concerned about how the proposed subdivision may negatively affect his well. The neighbor mentioned his well dropping 6 inches a year. The neighbor felt the City of Mountain Home and Elmore County are not taking water seriously.

1573 SE Hamilton Rd: The neighbor was concerned about how the proposed subdivision will negatively affect his well. His well has dropped 35 feet since drilled in 2003 on 7 acres. The neighbor asked the commission who would drill his well. The neighbor enjoys that Mountain Home is a small town and is upset the City of Mountain Home is developing more.

Approved

1565 SW Hamilton Rd: The neighbor brought up discussions that took place during the applicant's neighborhood meeting. The neighbor claims the applicant would reduce the scope of his project after meeting with neighbors. The neighbor asked the commission no to proceed with the proposed use based on what was supposedly discussed in the neighborhood meeting.

5655 S 18th E Hamilton Rd: The neighbor mentioned that applicant claimed to reduce the scope of the project after meeting with neighbors and hearing their concerns with water in the area. The neighbor is concerned with the number of homes being built in the County and how that affects homes in the area. The neighbor spoke again after the neighbor in neutral spoke and mentioned that 10 years ago, Elmore County had placed a moratorium on building homes due to water. He did not know what happened to moratorium.

848 SE Hamilton: The neighbor borders the proposed subdivision. The neighbor is concerned that more land will be subdivided in the County and will negatively affect wells in the area. The neighbor mentioned that he and another neighbor are attempting to purchase a portion of the lot from the applicant to keep the community the same.

1127 SE Hamilton Rd: The neighbor lives in a subdivision that was established in 2003 and recalls when they had to deepen their well after two homes were built within her subdivision.

1611 SE Hamilton Rd: The neighbor mentioned why they moved to the Country, to get away from people. The applicant mentioned the emotional and financial strain that comes when homeowners must drop their well further and having funding to pay for it.

There was one person to testify in the neutral

713 SW Pilot St: The neighbor mentioned that he will be developing a lot within the subdivision and mentioned that he is concerned with water availability and how the high costs to drill a well. The neighbor was discouraged with how Idaho Department of Water Resources is handling water in Idaho.

Vasilchenko clarifies to the commission that he lives in Meridian Idaho, and not on the property being subdivided. He then recalls the neighborhood meeting and mentions how he felt gained up during the neighborhood meeting. He mentions that he has reached out to local and state agencies to confirm if what he is proposing meets the applicable local and state regulations. The applicant feels that his proposed use is met with opposition due him not living there, then it is about the water. The applicant mentions the multiple homes being built around his property, also drilling wells, therefore, his project would not negatively impact his neighbors as compared to the homes being built in the area.

Osborn asks the applicant if the property is currently being served by one well.

Vasilchenko clarifies that there will be three new homes, one well would be shared amongst two lots and one lot will have its own. There are two irrigations wells, one will be shared and the other will be by itself.

Approved

Osborn asks if the irrigation wells are shallow and non-potable to see why they are there?

Vasilchenko confirms that the irrigation wells are used for the land, and they have been tested for water quality and are permitted wells through IDWR.

Osborn asks if there were any discussion to change the use to irrigation to domestic well status for the two irrigation wells?

Vasilchenko mentions that the two irrigation wells would not be used as a potable water source per.

Blount confirms that the applicant has one potable well and asks if he has a permit from IDWR for another potable well somewhere on the property for use by one of the other lots considering there are two lots that will need water.

Vasilchenko one potable lot, three new homes, and will need two potable wells to proceed with the development. One will be shared, and one will go to an individual house.

Blount asks the applicant if he has talked to IDWR if he has the possibility to have other potable wells on the property.

Vasilchenko confirms he does.

Duerig asks if the applicant knows off hand what his water right is for the irrigation wells

Vasilchenko does not know nor has that information with him right now.

Duerig recommends the applicant he look into his water rights that way he can look into the possibility of changing one the status of the wells from irrigation to domestic. Duerig mentions that IDWR would only need a well driller's permit. Duerig recommends that the applicant change the irrigation wells to domestic considering neighbor's concerns.

Smith clarifies that lot 4 would be a house and a well.

Vasilchenko confirms, yes.

Smith clarifies with the applicant that lot 4 will have a well and a house.

Vasilchenko confirms yes

Smith clarifies if lots 1, 2, and 3 will need additional wells however, lots 1 and 2 will have a shared well. How many new wells will be needed?

Vasilchenko confirms two wells will be needed. One would service two homes. Vasilchenko mentions

Osborn Closes the public hearing for discussion

Approved

Osborne Clarifies with commissioner Duerig that if the applicant deepens their well, they would potentially be able to change the well right from irrigation to domestic.

Duerig confirms, yes. Duerig further explains that a domestic well only allows for 13,000 gallons a day and a half-acre for irrigation. Duerig mentioned that it might be a good idea to include in the CC&Rs that the two homes with a shared well will need to understand their water availability/ rights.

Smith said about the negativity regarding water usage. I think we can all agree that is a problem everywhere you go, and it is a good idea to start thinking about how we can conserve water individually.

Duerig recommends the applicant put a meter on the well in order to monitor the amount of water. It is something IDWR requires anyway, and this is something we can add to the conditions of approval.

Fish She recalls a story about how she had to drill a well for her property in the 70's and how much it cost to drill it. She resonates with the neighbors' concerns of potentially deepening their wells.

Oppedyk resonates with neighbors' concerns about deepening their well however, makes a point that Idaho Department of Water Resource are the only ones who can decide on permitting a well or not. He mentions it might be a good idea to monitor the well.

Blanksma mentions that water has always been an issue and is very sympathetic with neighbors who struggle with water. He mentions that the County does not an ordinance to regulate water nor in the comprehensive plan. There is not a reason to deny the application according to the Elmore County Zoning Ordinance and Comprehensive Plan.

Osborne mentions that she has had to deepen her well and lives along Hamilton Rd. She fully and completely understands the concerns. However, she understands that the proposed subdivision must comply to the County Zoning Ordinance and Comprehensive Plan. She agrees that the County has no legal grounds to deny the application but still sympathetic to neighbor's concerns regarding water. Osborne determines that Idaho of Department of Water Resources would be the one to decide if metering is allowed on the property.

Commission Action:

Osborn stands for a motion to approve the proposed conditional use permit-2022-16 Diamond Ridge LLC

Duerig moves the motion

Oppedyk seconded the motion

The motion was approved 4-2

2022-08-17 JCH

Approved

Raymond Demeyer and Thomas Williams, for conditional use permit to construct a vehicle repair service shop with a car wash for personal use on a portion of 17.78 acres in Mountain Home, Idaho; the property is zoned Commercial. Case Number: CUP-2022-19. The parcel number RP03S06E153640. A common way of locating the property from the Elmore County Courthouse, VIA Old Highway 30 for approximately 3 miles, then turn right on NW Hot Rod Dr., the site is on your right.

Demeyer/ Williams is the applicant. The applicant states preliminary work that has been done to remove trailers and mobile homes and have coordinated with Central District Health and Department of Environmental Quality to do their remedy the parcel before applying for their proposed use. The applicant intends to construct a two-story building vehicle repair and service shop for personal use. The applicant states they intend to construct an individual car wash bay that has been reviewed and approved by Idaho Department of Water Resources. The site will have parking, lighting, emergency access, and two wells.

Fish asked the applicant if it was for Commercial Use?

Demeyer/ Williams No, it is only for personal use.

Osborn Asks the applicant if the goal is to only take care of his personal cars?

Demeyer/ Williams Correct, the cars vary from older antique models and newer models.

Fish Will somebody still be living in the home that is there?

Demeyer/ Williams There isn't now, possibly in the future.

Cruz-Haber gave staff report and background.

Osborn Were there any thoughts in conditioning the project for personal use?

Cruz-Haber Yes, I understand Mr. Demeyer is a businessman and may want to sell the building potentially. Therefore, I included recommendations from the Department of Environmental Quality into the conditions of approval, ensuring future owners will be held to standards for a commercial use, whereas Mr. Demeyer's facility is only for personal use, not commercial.

There was one person signed up in the neutral, did not speak.

Osborn asked the audience if anybody would like to speak who did not sign up.

3250 Sunset Strip: Neighbor signed up in support of the project. The neighbor lives next door and mentioned the applicant's effort to remove trailers. The neighbor does not have a concern for water and mentions that they are on separate wells. The drive is big enough for both and the access has gotten better. The neighbor is pleased to have Mr. Demeyer as his neighbor.

Osborne gave the applicant their opportunity to speak after public comment.

Approved

Williams Clarifies to the Planning and Zoning commission that there is not a living quarters within the structure. The applicant asks why is there a need to have an approach permit with Idaho Department of Transportation if the drive is already existing?

Cruz-Haber At the time of receiving the application, it was not clear that the approach permit had been issued by Idaho Department of Transportation. Reviewing the submitted traffic impact study and Zoning Map Amendment, a permit approach from ITD would be required to provide access to the potential RV park according to Zoning Map Amendment-2021-02 which is why securing a permit for the access is required.

Williams That is not a part of this application, that is a what if on the site. We have talked to Idaho Transportation Department about secondary access and a turn lane, and they pretty much squashed all that. Will we need to obtain an access permit for something that is already there?

Mehta-Cooper Madam chair, it seems in this instance we will need to reach out to ITD and verify that they are okay with the approach, considering they have specific standards they need to review. Although we have the traffic impact study, we will need to consult with ITD and get permission from them. This is something we would like to verify before a building permit proceeds.

DeMeyer For septic, they are digging for test holes on Monday.

Osborne asks the applicant if they have read the conditions of approval and agree with what has been conditioned by staff.

Demeyer/ Williams Yes.

Osborn closes the public hearing and opens it up for discussion.

Osborne says if ITD does not have an issue with the existing access as it stands, then we do not have any say if they need to improve the access, thoughts?

Duerig Regardless, the applicant would need to comply to ITD requirements

Cruz-Haber Yes, condition 12 does hold the applicant to ITD requirements by securing an approach permit from ITD.

Fish I have a question about condition number 10, if this is a personal building, not public, why do we need ADA parking spaces, bathroom, and entrances?

Duerig For potential future uses. The property could be sold in the future as a commercial property and use.

Blanksma Madam chair, could we strike condition 12, wouldn't the condition from number 6 cover that?

Osborn approves.

Approved

Commission action:

Blanksma moves to make a motion to accept Conditional Use Permit-2022-19 with the conditions presented by staff while striking, condition number 12.

Oppedyk Seconded the motion.

Motion carried unanimously.

FCO

FCO for Case Number: SUB-2022-01 for Amanda Howard of TOYCO LLC

Duerig moved to approve.

Blanksma seconded.

Oppedyk abstained from the vote

Motion carried unanimously with one abstaining

FCO for Case Number: VAR-2022-03 for Linda Ramsey

Blanksma moved to approve.

Duerig seconded.

Oppedyk abstained from the vote

Motion carried unanimously with one abstaining

MINUTES:

Minutes from June 15th, 2022

Duerig moved to approve

Smith seconded

Oppedyk abstained from the vote

Motion carried unanimously with one abstaining

Minutes from July 6th, 2022

Duerig moved to approve

Smith seconded

Oppedyk abstained from the vote

Motion carried unanimously with one abstaining

Minutes from July 20th, 2022

Duerig moved to approve minutes with pronoun correction for Griff Herron

Smith seconded

Oppedyk abstained from the vote

Motion carried unanimously with one abstaining

Upcoming P & Z Schedule

Approved

The next public hearing is scheduled for September 21st, 2022.

INFORMATION ITEMS

Mehta-Cooper inform commission that Blanksma's term is expiring in the Spring of 2023, and he had requested that he would like to possibly consider not coming back for renewal. The Department has opened itself up to accept applications as much as I would miss commissioner Blanksma, I think we must agree he has a lot of responsibilities and must respect his wish. We have a form on our website, so if you know anyone who is interested, please let them know. We have help from HR to provide oversight during the interview process.

The county has conducted the impact fee study analysis and we have had a total of six meetings with the development impact fee advisory committee which is comprised of seven members from the community. They have made a recommendation for an impact fee; in the near future you will see what that study in front of you for a potential comprehensive plan amendment.

Osborn Can you share with the group where the Department is with Mayfield Springs?

Mehta-Cooper Yes, we had a board hearing last Friday for Mayfield Springs Planned Community. The hearing started at 2:30pm and we ended at around 5:45pm. It was a well-attended meeting with a lot of questions being asked of staff and the applicant. The Board has supported approval of Mayfield Springs PC. My goal is for FCO and Development Agreements to be signed by the Board on September 2nd. Their wastewater treatment facility building permit is in the Department now that approval has taken place. If you see construction crews on the site, that is because they have approval from DEQ for that and now the pending building approval.

MEETING ADJOURNED AT 8:26 pm.



Patti Osborn, Chairperson

12/21/22

Date:



Attest: Mitra Mehta-Cooper, Director

12/21/22

Date: