Date: October 14, 2008
Time: 7:00pm - 10:16pm
Place: Gem County Courthouse

MEMBERS PRESENT:
Don Wilkerson, Will Maupin, Fran Yett, Reisse Perin and Dale Reynolds.

MEMBERS ABSENT WITH PRIOR NOTICE:
David Poole.
CONSENT AGENDA:
Item No. 1 - Approval of the Minutes of August 11, 2008 and September 8, 2008 .................................Page 4

PUBLIC HEARING:
Item No. 1 - (Continued) Rezone #RZ-08-003 - Craig Gibson ....................................................Page 4
Item No. 2 - Rezone #RZ-08-004 - Terri Barrus ............................................................Page 5

REGULAR MEETING:
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PROCEEDINGS

Gem County, City of Emmett, October 14, 2008

CONSENT AGENDA:

Item No. 1 - Approval of the Minutes of August 11, 2008 and September 8, 2008

MR. DON WILKERSON: Good evening. I'd like to open the Gem County planning and zoning meeting for October the 14th. So the first item on the agenda is approval of the minutes of August 11th and September 8th of 2008. Does anybody want to make corrections or approve the minutes?

MR. WILL MAUPIN: I'll make a motion that we approve the minutes of August and September 2008.

MR. DALE REYNOLDS: I second it.

MR. DON WILKERSON: Those in favor say I. Those opposed?
PUBLIC HEARING:

Item No. 1 - (Continued) Rezone #RZ-08-003 - Craig Gibson

(Motion carries unanimously.)

PUBLIC HEARING:

Item No. 2 - Rezone #RZ-08-004 - Terri Barrus

MR. DON WILKERSON: The first item on our public hearing agenda for tonight is the continuation of Rezone 08-003 by Craig Gibson. We received an e-mail from the Gibson's that their item be removed from the agenda.

PUBLIC HEARING:

Item No. 2 - Rezone #RZ-08-004 - Terri Barrus

MR. DON WILKERSON: So the next item on the agenda is Rezone 08-004, Terri Barrus. So the applicant can come forward now. You need to state your name and address for us.

MR. MATT HEATH: Matt Heath, 332 South Fernan Lake Way in Star. I'm representing Jeff and Terri Barrus with JTB Enterprises. They have 17 acres out here on the corner of Jackson and Black Canyon. It is A-1, Prime Ag, with 40 acre minimum lot size. They'd like to rezone that to A-2 with a minimum 5 acre lot size. It, already, is a farming lot. There
is a building permit available on that 17 acres. According to
the 2007 Comprehensive Plan, this is in the priority growth area
3, which allows a density of 1 unit per 5 acres. The properties
around the 17 acres, which are rezoned, the residences range
anywhere from 2 acres to 268 acres. Properties just to the east
of them run from 2 acres to 20 acres. The Southwest District
Health shouldn't be a problem. Emmett Irrigation, we have
letters from them saying exactly what they would want in the
time when the property was to be submitted for a subdivision and
those all would be taken care of at that time.

The right-of-ways for the Highway Department, I pulled
those. As far as the maximum that would be required for that,
that would be about 48,471 feet. An acre of ground is 43,560.
So the right-of-way for the Road Department, we would still have
plenty of room there. Kim Reed from the Gem County Road and
Bridge thought it would be best that the driveways would all
come off of Jackson. The CIP would be 7,201 dollars per
building lot.

MR. DON WILKERSON: That would all pertain if the
subdivision were done. You don't need to address it if you
don't want to.

MR. MATT HEATH: Okay. This property here, they just got a
field. Where it is right now, it's already a nonconforming lot
and I think it would be a great place to be able to rezone and
put a subdivision in.

MR. DON WILKERSON: Any questions from the Commission for
Matt? Okay. Thank you. Before we have any public comment I
need to back up first. I need to ask the Commission if there's
any conflict of interest or ex parte communication on this
application. Then also we're going to let Brad give the
presentation that they put together on this application.

MR. BRAD HAWKINS-CLARK: Actually, Matt did a good job of
giving you what they're asking for. What I'll give you is just
some site photos. As Matt mentioned, the property is on the
north side of the Black Canyon Highway. This is Jackson running

north/south. Here's Black Canyon Highway running north/west.

This is the out parcel here. That does have 2 residences on it.

So the 17 acres that they're looking at is all of this farm
ground that surrounds that.

You're all probably familiar with the area. It is largely
agricultural today and is in the 40 acre zone, A-1. The
Comprehensive Plan, that County Residential Area has it
designated as Priority Growth Area 3.

This is just a little larger vicinity map. You can see
some of the parcelization around the area. There's smaller lots
over here to the east and much larger land holdings to the west.
There are a couple of other smaller lots down here to the south. Here's a couple of site photos. This is looking east, down their north boundary. There's a little bit of an incline coming up here off their property. This is looking south along Jackson Avenue. There is an existing barb wire fence and you can see the power does run along that east side of Jackson. This is down at the other end of the property. That out-parcel with the 2 houses is right behind where this picture is being taken. You can see there is the existing irrigation supply ditch running along here between the site and Jackson. This is moving away onto Black Canyon Highway looking north. There's a reference in the staff report to the gradient coming off of Black Canyon. It's a little tough to tell but there is a pretty significant site grade difference when you come off of the shoulder of the road. Again, that's where the Road Department is recommending, in the future, if they do subdivide, that there be no access. So, in some ways, that would not factor in if the Commission upholds that. We'll show you a quick 360. This is taken up on Black Canyon. You can kind of see the 360 of the area, particularly on the south side of the road. That's coming around and looking west, directly down Black Canyon Highway. Looking south, you
can see there are a couple of structures.

In the staff report that you have it does recommend approval of the rezone. We found the 5 required findings for a rezone have been met. Just as a reminder, the Commission is a
recommending body on these rezones, not a decision. So you would make a recommendation, if you were prepared tonight, to the Board. Thank you.

MR. DON WILKERSON: Any questions from the Commission for Brad? Thank you, Brad. At this time, we'll open up to the public. Those who are in favor of the application please step forward. Those that may be opposed to the application step forward if you want to speak. I guess there's nothing to rebut. So, at this time, we'll close the public portion of the hearing for this application and open discussion among the Commission.

MR. WILL MAUPIN: I'll make a motion that based on the staff report finding of fact, we recommend this to move forward to the Board of County Commissioners for approval of the rezone.

MR. DON WILKERSON: And referencing to the 5 required findings in staff analyzation is what you're looking at.

MR. WILL MAUPIN: Right.

MR. DALE REYNOLDS: Second that.

MR. DON WILKERSON: We have a motion and a second on this application. Any questions or discussion on this motion? If
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8   there's none, those in favor of the motion say I. Those against
9   the motion? So it passes unanimously.
10
11                  (Motion carries unanimously.)
12
13 PUBLIC HEARING:
14
15        Item No. 3 - Preliminary Plat (Timber Butte Subdivision
16
17 #PP-08-002 - Robb Menlove
18
19
20        MR. DON WILKERSON: Next item on our agenda is a
21        Preliminary plat 08-002 for Robb Menlove. Before we start, on
22        the Commission, has anybody had conflict of interest or ex parte
23        communication? Okay. Brad, do you have a presentation on this?
24        MR. BRAD HAWKINS-CLARK: I do. What you have before you on
25        this application is a preliminary subdivision plat, proposed
26        name is Timber Butte Subdivision. This is for four buildable
27        lots and one common lot. This is 54 acres located at 11660
28        Timber Butte Road. The property is on the very eastern edge of
29
30   the County at the eastern terminus of Timber Butte Road. As you
31   can see by this vicinity map, it's a very hillside area, very
32   rugged, and sparsely populated. The Timber Butte Road shows up
33   here on the bottom edge of the screen.
34   One of the property features is Timber Creek, which begins
to the east in Boise County and flows in a south-westerly
direction and kind of bisects the property about in the middle.
The area is all zoned A-3, which is a 5 acre minimum lot size.
There are very few 5 acre parcels, but that is the zoning that
was put in place in 2001 when the Commission and the Board
changed County-wide zoning in Gem County. There is no rezone
request. They are just asking for the subdivision.
Here's the plat. More of a topo plat that kind of gives
you a sense of the topography in the area. The wider the
contour lines up here, the less slope. Then you can see as it
comes down toward the creek, the contours come closer together.
So that's kind of the natural gradient to the property.
A few site photos to further orient you. This is down at
the low end of the property, along Timber Creek itself. This is
on the north side of the creek. You can see quite a bit of
vegetation. This is a near one of their proposed building pad
sites, which is up on the north end. You can see it does raise
in elevation quite a bit.
This is also on the north end of the property, another
potential building pad site kind of in this area.

As you probably read in the staff report, it is a hillside
subdivision, which means they have to do some engineering
reports. I believe there were like five test pits that were dug
by their engineer. This is one of those areas, which would be a potential building pad site in their subdivision.

This is looking south. This is the Menlove's existing home. Timber Butte Road kind of runs down here. You can kind of see where the existing road is starting to wind around the property there.

MR. DON WILKERSON: Is that existing road approximate location of their access to lots 4 and 5?

MR. BRAD HAWKINS-CLARK: It is.

MR. DON WILKERSON: Okay. Thank you.

MR. BRAD HAWKINS-CLARK: Here's another shot of that driveway that is adjacent to the north side of Timber Creek.

As proposed, this would be a driveway and not a private road. There would be potentially three houses that access it. One of those houses is in Boise County. It's on the other side of the county line. Depending on which map you might be looking at, you can see one of those maps has drawn in the road location. I believe it was the one that Leavitt Engineers prepared. So that kind of gives you a sense of where it winds out of the County and comes back into Gem County.

As far as staff's analysis goes, we couldn't find if one of the houses is outside the County, do we count that towards the maximum number or not. The way that it is drafted, we would
As a private driveway, this would not have to comply with the 24 foot standard, which would be if it was a private road. It would have to comply with the private driveway standard, which would basically be Gem County Fire District No. 2. As you heard tonight from Rick, they're looking at 20 feet for all their driveways. That's Fire District No. 1. Fire District No. 2, to my knowledge, has not adopted any standards yet. We did not receive any written comments from Fire District No. 2. Generally, they are looking for a minimum of 14 feet of drivable surface from edge to edge. Typically, we have left that up to the Fire Department.

MR. DON WILKERSON: Brad, is this the road that the land owner or the home owner uses to access their house, at this time?

MR. BRAD HAWKINS-CLARK: Yes. Well, to clarify, there is no house on the Boise County side but there could be.

MR. DON WILKERSON: On one of these maps they gave us, on the top of lot number 5, that road looks like it ends up at an L. Is there a house clear up there on the top?

MR. BRAD HAWKINS-CLARK: No, there's not. The only house on the property is the Menlove residence. As you can see, this is fairly close to Timber Butte Road and the County line is right about in this area. So that is the only residence on the
54 acres. Those were just potential building pad sites.

This is the existing driveway. You can kind of see the
Sweet valley down in here. This is Timber Butte Road following
up and then this is the driveway. So there would be this little
section, which is probably 30 feet, would potentially be shared
between lots 4 and 5, which would go winding around as you saw
in those other pictures and the Menlove residence, which takes
off on this Y right here. The other lot 3, I believe it would
have it's own separate driveway kind of over where these corrals
are or they would have the option to go wherever they want on
that.

MR. DON WILKERSON: That would be lot 2.

MR. BRAD HAWKINS-CLARK: Oh, lot 2. I'm sorry.

MR. WILL MAUPIN: I had another question for you, Brad. I
think you mentioned there's a lot in Boise County, or
potentially another house.

MR. BRAD HAWKINS-CLARK: Potentially in the parcel
adjacent; not in this subdivision.

MR. WILL MAUPIN: But the road does go into Boise County
and then back into this.

MR. BRAD HAWKINS-CLARK: Yes.

MR. DON WILKERSON: Kim Reed mentioned there's supposed to
be a turn around there and he thinks a portion off to the side
of the road may be on private property.
MR. BRAD HAWKINS-CLARK: I think we might have to ask the applicant to address that because I don't think there is. It's not constructed. Their plat shows a 60 foot easement. This is about 1.3 miles to the west. This is at the intersection of Timber Butte and Liberty. So this is the nearest intersection of another public street and I think it was about 1.3 miles or so from this intersection, driving east towards Boise County. This is at the that intersection. It is all gravel roadway until you get to Kirkpatrick, which is where Kirkpatrick gets to Liberty, you have the gravel. So there are a few miles of gravel roadway that serves this area.

MR. DON WILKERSON: Do you know if Timber Butte Road goes on into Boise County and comes out in some location?

MR. BRAD HAWKINS-CLARK: It does. It narrows significantly at the county line. It is not maintained. I did not call Boise County but it's quite evident that it's not regularly maintained.

I'll just point out a couple of other issues in the staff report that you received. One is on the top of page 2. It
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23 notes that the applicant proposes to create two new building
24 lots. Just to clarify, it is a 4 lot subdivision. They have 2
25 parcels today. One of those parcels has the residence on it and

1 then there's another parcel that is legal but does not have a
2 residence on it. So they could, potentially, come in for a
3 building permit on that other parcel. So there are really two
4 other existing building parcels. So by this, it's just stating
5 to create two new lots. That would be two additional building
6 permits.
7 They are proposing individual well and septic for the new
8 building lots. The bottom of page 3 on the staff report is
9 where you see the surrounding uses and surrounding Comp Plan.
10 It is agricultural natural resources in Gem County. Boise
11 County has a designation somewhat similar, agricultural related.
12 All of the zoning in the area surrounding it in Gem County is 5
13 acre minimums and is largely dry land pasture, non-irrigated
14 land.
15 I apologize that you didn't get a final staff report. That
16 section D has several blanks in it and would need to be
17 completed. The main reason that it's not complete is there's
18 some pieces of information on page 5 that staff would like to
19 see addressed tonight. That's A through G on page 5. So we are
20 recommending that before closing the public hearing and making
any recommendation to the Board, that you address these issues
with the applicant tonight and get any other additional
information that you feel that you need to make a final
recommendation.

These are fire protection. As I mentioned before, there is

no letter at this point. That is certainly not the fault of the
applicant. We did send it to Fire District No. 2, we just did
not get a response. We think that's an important issue since it
is a remote area.

The Keller Associates letter is B. We do have with us
tonight Justin Walker who is with Keller and he is the County
Engineer. He did a review of this plat. The letter that you
received from them just kind of represents one of those issues
where we didn't communicate all the best we could but they
thought this was going to be a private road. Assuming the
Commission agrees with staff's analysis, that would be a private
driveway. So there would be several items in the letter that
would not apply. So we did receive an addendum tonight from
Keller. So I might just ask Justin to come up and walk you
through that.

MR. DON WILKERSON: Any questions for Brad from the
Commission? Thank you.

MR. JUSTIN WALKER: My name is Justin Walker. Brad
introduced me already. I'm with Keller Associates. As Brad mentioned, we did receive some additional clarification after our original letter. So based on that, we issued an addendum. In short, really the only changes occurred in the first element, the subdivision element. The change really reflected item C was removed, which is not required for a private drive. In addition to that, item 3, roadway section on the original letter was

renamed to driveways and essentially all the item requirements removed with the exception of an easement or some kind of agreement to authorize both property owners for lots 4 and 5 to utilize that private driveway and there would be some agreement to maintain and operate it. So those were the only changes made to the original letter.

MR. DON WILKERSON: When you say an agreement, maybe a home owners agreement between them and the new property owners for the maintenance of that driveway.

MR. JUSTIN WALKER: There needs to be some agreement to authorize both property owners to drive across the other property owners property. So an easement could work between property owners and then there should be some kind of agreement on how the driveway will be maintained.

MR. DON WILKERSON: Maybe the subdivider should provide access. That's workable.
MR. WILL MAUPIN: In your opinion, is that best done in a road maintenance agreement or should they make a common lot for that portion?

MR. JUSTIN WALKER: I think it can be handled with a road maintenance agreement. I presume a common lot would be probably the most cleanest and clearest. I think there's some cumbersome things about creating a common lot too. In short, I guess a road access agreement could properly handle that.

MR. DON WILKERSON: Any other questions for Justin? Thank you.

MR. BRAD HAWKINS-CLARK: Mr. Chairman, I forgot to just mention to you on item F, on page 5, states we did receive some additional information from Gem County EMS. The applicant wouldn't have gotten this because it wasn't in writing but I did call Gem County EMS and asked them about their response times in this area. I have asked for a letter and I think that would be another valid reason for you to keep the hearing open. In summary, they do have three certified emergency responders in the area. There is not, of course, an ambulance barn up there at this time. So in terms of actual transport vehicles, that does have to originate in Emmett. They are in the process -- they have already purchased an emergency kit, which is used for responders. That would be located in Sweet so that any of those
three personal could go and access that at some common area and 

take that. That has been purchased and they are locating that 

up there in the next month or so. 

The other comment they had relates to the concerns with 

being able to get to that area. The number one thing, I think, 

to consider is there are already some residences up there and so 

they are within the emergency services district and they have to 

respond. So, I think the question is adding two more building 

permits a potential safety threat or not. That's there for you 

to discuss. Is this a concern for them to recommend denial? 

They did not think so. They did not think that would be a 

reason. Just to note for you, those were the issues that they 

had. 

Finally, that item G that relates to ground water. A 

neighboring property owner submitted a letter and ground water 

is a concern for them as well as a number of other issues. 

Ground water quantity is not specifically listed in the 

Subdivision Ordinance as a finding. It's just related to ground 

water quality. Certainly, I think if you find there are issues 

with ground water quantity, that is a valid point of discussion. 

I think that concludes staff's comments. 

MR. DON WILKERSON: Brad, will the Gem County EMT's or Fire 

District No. 2 provide emergency services for the house that
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could be located off of this road in Boise County.

MR. BRAD HAWKINS-CLARK: There is what I think they call a joint powers agreement between the two Counties. I believe Gem County can respond faster than Boise County to this area.

MR. DON WILKERSON: And this area where the Menlove's live now is within Fire District No. 2?

MR. BRAD HAWKINS-CLARK: Yes.

MR. DON WILKERSON: Any questions from the Commission for Brad? Thank you.

At this time, we will open it up to the applicant. I'd like you to state your name and address for us please.

MR. ROBB MENLOVE: I'm Robb Menlove. We live at 11660 Timber Butte Road. Brad's done a good job of explaining everything. I think it's pretty clear just what we're trying to do. We moved here just 2 and a half years ago and knew we were coming to Gem County and spent a lot of time looking at where exactly we wanted to be. When we found this spot we really fell in love with it immediately. We're very determined and committed to maintain the integrity of the land. So where we could break this up into ten 5 acre pieces, that's really not what we're trying to do at all. We love it and we want to be able to stay forever and this would be a good idea for us financially to be able to have these pieces in place and sell
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them if we needed to.

You had a couple questions. You mentioned there was the L

at the top there. That is the plat that was drawn up by Levitt

and Associates. The engineer's drew an idea of what you could

do with the road. Where there's that L, there would be a hammer

head turn around for the fire trucks that come in there. So

that's what you're seeing, is a proposal for that.

Timber Butte Road does continue up and continues on. Like

Brad pointed out, it's not maintained, as well in Boise County.

It comes out on Dry Buck Road and you can come out on Banks

Grade or go all the way up to High Valley.

You talked about the turn around right there where Gem

County ends. There is a turn around. The snow removal trucks

come and turn around right there all winter. So it works out

really good. Right at the start of our driveway is right where

they maintain up to and then they turn around.

MR. DON WILKERSON: Does a school bus come to that

location?

MR. ROBB MENLOVE: It doesn't. Brad had a picture at where

the road forked at where Liberty runs into Timber Butte. The

bus comes right up to there in that spot.

There was some discussion about the road and whether Timber

Butte Road is up to par. If you go left, there's twelve homes

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there now that go that direction and we counted six for sale

signs of other pieces of land. So there could be a potential of

eighteen going up this other way. Going up our way there's just

six, counting our house. So the roads in great shape. We feel

pretty fortunate. We think Gem County does a good job keeping

it in good condition. I think it would be okay to add the two

more plots. I don't think it would be too much of a burden on

Timber Butte Road.

MR. DON WILKERSON: Questions that the Commission has for

Mr. Menlove.

MR. WILL MAUPIN: Referencing your map, you come in off of

Timber Butte Road and it looks like there's a 40 foot road and

utility easement that splits lot 2 and 3 --

MR. ROBB MENLOVE: That's correct.

MR. WILL MAUPIN: -- near the vicinity of L 22. That looks

like where the private road takes off and winds into Boise

County. How wide is that road?

MR. ROBB MENLOVE: Not quite. It's not quite to County

road yet. That's where it also crosses Timber Creek. That's

where they put in a really large hammer head turn around. So

it's big right there. From there, you're very correct. That's

where it does change. Right now it's probably just 14 feet now

but certainly would require more work before it's ready to have
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7 people go up into those other places.
8 MR. DALE REYNOLDS: I have a question on the water rights.
9 I read in there somewhere that the new lots will not have any
10 water rights; do I understand that correctly?
11 MR. ROBB MENLOVE: There are no water rights to either
12 parcel right now as far as irrigation.
13 MR. DALE REYNOLDS: Do you have water rights?
14 MR. ROBB MENLOVE: No.
15 MR. DON WILKERSON: The reason I ask where Timber Butte
16 Road terminated on the other side in Boise County is in case you
17 have to have an extra access to get to and it sounds like you
18 do.
19 Is the road from where Mr. Maupin said L 22 is, up into
20 Boise County and back to lots 4 and 5, is that road in?
21 MR. ROBB MENLOVE: It's been just scratched in with a
22 bulldozer but not brought in. Brad had a picture on there and
23 you can see where the road has been pushed. Then when it leaves
24 our property, the owner of that land has put down some road base
25 and is starting that.

MR. DON WILKERSON: So you would have to build it in Boise
County back up to lots 4 and 5 then.
MR. ROBB MENLOVE: That's correct. When we actually
purchased the land, the people we purchased it from, they build
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Mr. Don Wilkerson: I noticed in the staff report, if that's the access you have to lots 4 and 5, you'd be looking at an easement the rest of the way plus on the property that's in Boise County. Do you see any problems with that?

Mr. Robb Menlove: Well that's kind of how this whole idea came to be. When they bought that piece of land up there, they talked about how do we get to it. It was land locked and they don't have access to Timber Butte any other way. So when they came to us and asked for an easement to get to their land, we weren't very thrilled with that at first but then we realized what if we granted that easement, if you would then grant an easement across your land back so that we could come back and they said sure. It benefits both of us and that's how it came about. We discussed there would need to be some sort of plan to maintain that road. We would certainly pursue that.

Mr. Don Wilkerson: Have you ever entertained the idea to access lots 4 and 5 off the end of your driveway without going into Boise County.

Mr. Robb Menlove: We did look at that quite a bit. It is so steep it would really require a bunch of switch backs going back. We talked about it with the engineer's and it would
really put so many switch backs going up on that we thought that
was a scar on the land that we didn't want to make. That is a
possibility but both for cost and what we would look out our
back window at, nobody wanted to do that.

MR. DON WILKERSON: In the staff report, Brad's made a
special consideration about this meeting tonight and there's
item A through G that we may have to look at. Also, have you
seen the letters from Brad Little?

MR. ROBB MENLOVE: I have.

MR. DON WILKERSON: Can you address anything concerning the
fencing? I would think that where your land is private land,
they shouldn't be grazing cattle on your land; should they?

MR. ROBB MENLOVE: Well, it's cattle. We understand that.
Cattle aren't very obedient to fences all the time and so they
certainly come in on our land.

MR. DON WILKERSON: But his comment was secured substantial
fencing should be constructed and maintained by the home owners
or the home owners association to protect the homes from our
livestock. To me, that would be several miles of fencing.

MR. ROBB MENLOVE: I don't think it would be miles. It
would certainly be a big undertaking. Now, there is the
existing fencing on the west border that goes all the way up and
on top of the north. So the only thing we would have to do is
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that east side. This year just hasn't been a problem. We see
the occasional cow making it's way across but it hasn't been a
problem. I don't understand those laws with the open range, if
that's what we have to do, is to build those fences.

MR. DON WILKERSON: I don't know the laws either but I
would say if you're involved with open range, I know if you hit
a cow and wreck your car, you pay for it.

MR. ROBB MENLOVE: And that's understandable.

MR. WILL MAUPIN: David can correct me if I'm wrong but my
understanding is you are required to fence to keep the cattle
off your property if you don't want them on there.

MR. ROBB MENLOVE: We would understand that and we can make
that clear.

MR. DON WILKERSON: I guess what you could do is fence the
building lot area and let the cattle graze on the rest of it.

There's ways to solve the problem. Any other questions for the
applicant from the Commission? Thank you.

MR. ROBB MENLOVE: Thank you. I appreciate your interest
in this.

MR. DON WILKERSON: Brad, you mentioned Justin would have
some questions on the water quantity or quality. Do you want to
address it at this time?

MR. BRAD HAWKINS-CLARK: I was just throwing that out
there. You don't see to many of these hillside subdivisions and
there are a whole 'nother set of rules mainly related to

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MR. DON WILKERSON: Was there any studies done on the quantity of water?

MR. JUSTIN WALKER: There is no requirement in the code for a water study to be done. I will say a few things in regards to water rights. The State of Idaho, as you probably know, is a first in time first in right, which means if you have a water right, the oldest water right takes priority. Having said that, I think that any time you talk about water rights it's a very important issue to property owners. So there's alarm all the time, whether it's warranted perhaps or not, I think we're all concerned about water. Most of the jurisdictions that we work with really rely on the Department of Water Resources to evaluate both water quality and water quantity issues because it's such a geographical issue and it's very difficult to evaluate that because it's so regional. I guess I offer those comments to you. Again, there is currently no requirement that property owners have the ability and the right to make a claim to the Department of Water Resources if they feel there's been damage to their water rights. The Department will respond to those but beyond that they usually wait for a request.
MR. WILL MAUPIN: I have one question for the applicant. The Idaho Department of Lands has requested an access point to

the southern boundary of that property. The land owner in Boise County, the one you're going to have the road maintenance and agreement with, will they be willing to amend that easement to allow this use?

MR. ROBB MENLOVE: We haven't talked with them and asked them that specifically. That's one thing we would certainly do. We know him somewhat. From what I know of him, he works for National Parks and understands federal lands and state lands very well. I don't see him having a problem with that but that's a good question that we will ask him.

MR. DALE REYNOLDS: Do you have trouble with your domestic well now producing enough water for you at your household?

MR. ROBB MENLOVE: When we drilled it, it went right around 130 feet before we hit water and not a lot, like 4 gallons a minute. We were hoping to hit more and continued to drill down another 200 feet and did not hit more but it's a constant flowing water that we've hit. It's not just a reservoir underneath. So it's constantly running in and filling the extra hole that we've done then we also put in a thousand gallon cistern that stays full. We haven't had any problems with the water at all.
22 MR. DON WILKERSON: By our sign in sheet, there was no
23 individuals that wanted to rebut the applicant's request.
24 MR. BRAD HAWKINS-CLARK: There was one.
25 MR. DON WILKERSON: Okay.

1 MR. JUSTIN DRUFFEL: My name is Justin Druffel. I represent
2 Highland Land and Livestock Company. I just wanted to go on the
3 record as stating that I think a lot of the things that we
4 brought up to the Commission in our letter have been addressed
5 tonight.
6  I think we wanted to get on record that we are concerned
7 about Timber butte Road. That has come up several times
8 tonight. Although the road is maintained year round on the Gem
9 County side, it is not plowed in the winter on the Boise County
10 side, which does create some access issues in between where the
11 County line is and where it needs to get you down on the Dry
12 Buck side.
13  As far as the emergency access, I believe that's already
14 come up tonight. That was definitely a concern of ours, being
15 on the edge of the County, having to access that from Emmett is
16 quite a ways.
17  We were also a little bit concerned about the -- even
18 though it's not a lot of traffic, the increased use and
19 maintenance cost of that road and making sure that increased
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20 maintenance cost was not going to be a burden on any of the Gem
21 County taxpayers.
22 I think that if this is approved, we just want to make sure
23 that our road improvements, all the emergency access that's
24 required for services, and proper fencing for livestock, per the
25 open range laws, is put into the development. That's all I had

29

1 tonight.
2 MR. DON WILKERSON: I have a question. You're probably the
3 expert. Explain the open range.
4 MR. JUSTIN DUFFEL: Mr. Maupin actually addressed it
5 perfectly. If you're in an open range scenario, then as a
6 property holder it's your duty to protect it from the livestock.
7 MR. DON WILKERSON: Where they have maybe 15 acres they
8 could only fence off their house and that would be considered
9 okay under the open range laws.
10 MR. JUSTIN DUFFEL: I think we'd have to look at if it's at
11 the property boundary or the interior to the property boundary.
12 MR. JAMES JARDINE: My names James Jardine. I live at 25
13 Pine Gap Road in Horseshoe Bend. I represent Timber Butte LLC,
14 not to be confused with Timber Butte proposed subdivision.
15 Timber Butte LLC owns the property adjacent to the Menlove
16 property on the east in Boise County. We have a grazing
17 association. We are in complete support of Mr. and Mrs.
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18 Menlove's application. I could also add that our property is
19 going to be traveled through by the driveway in question and we
20 support and are willing to grant easement to the Menlove's for
21 access through Boise County.
22 I would also mention that I have personally met with the
23 District 2 Fire Department in Gem County to discuss their
24 suppression coverage for our Boise County property and it has
25 been granted to us. They are in agreement that they will cover

30

1 our property in Boise County.
2 MR. DON WILKERSON: Thank you for your comments. We'll
3 close the public hearing and open up for discussion among the
4 Commission members.
5 MR. DALE REYNOLDS: I wondered if we could have some input
6 on E from David on the letter from Kim Reed. Are you aware of
7 that?
8 MR. DON WILKERSON: It has your name on it here. It says
9 input from the Prosecuting Attorney's office.
10 MR. BRAD HAWKINS-CLARK: I think I could give you a summary
11 on that. The Road and Bridge Department is recommending denial
12 of the subdivision. They have a letter in the record stating
13 their reasons. The question that I had put into the staff
14 report relates to when you're making your deliberations, help
15 for you, in terms of how much weight you put on them. I'm not
by any means trying to discredit or question Kim Reed's comments. Mostly, it was in regards to what the conditions you put on a project have to be in relationship to the impacts. I was just wanting the Commission to have maybe some better understanding of when you have a 4 lot subdivision, yes we have a substandard road. Timber Butte is 18 feet wide. Our standard thin County is 24. However, Timber Butte Road exists today as a public road and the property in question fronts on about 400 feet on a 1.3 mile long road. So on the one hand, the County has to look at the impacts on the public and how much the public is going to take on in terms of taxpayers because of a new subdivision. On the other hand, there's the property rights issue and they have the right to file. So the finding you have to make is that the impacts on the public placed by this project are not greater. You've heard David talk about this before as far as mitigation. That was really the reason for that comment was just to give the commission a better understanding on how to frame the Road and Bridge Department's letter since they are recommending denial. It is two new building lots. You figure most new residences at about 10 trips a day. However, in rural areas that's typically less because of the distance that they have to travel. So traffic engineer's drop that number. Generally, the further you get from an urban area you usually
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don't see people coming and going from their houses as frequently as you do if you're 3 miles from town. So the number of trips per household would probably drop and I think that's one argument that would say the impacts are less.

MR. DON WILKERSON: You have the 1,800 dollar fee per building permit and say this generates 3 years from now another subdivision up there; 20 lots. My question is if the subdivision's in Boise County, is this the way their going to access it? So could there be a stipulation brought up that if there's more development up there that causes Timber Butte Road to be improved, that the people that live in this subdivision we're purposing tonight pay their fair share of those improvements even though it may be 2 years after they move there. I've seen that in other entities. You go in and build something and the first people don't pay anything then you have to improve it and they still pay their fair share. I don't know if that's something you can do because I don't think it would be fair that somebody new go up there have to pay a large amount of money to improve the road where the people that buy these lots get the use of that new road don't have to pay anything other than that 1,800 dollars per lot.

MR. WILL MAUPIN: Brad, in a situation like this specific situation, if they are using Timber Butte Road as access for a
subdivision in Boise County, wouldn't they have to run that by
Gem County first if that's the access to Boise County?

MR. BRAD HAWKINS-CLARK: No. I mean we get noticed,
usually, if it's a big project. Public road system. Counties
are responsible and if you think there's a problem, then the
County has the authority to shut it down if it's a health and
safety issue.

MR. WILL MAUPIN: So we could deny access unless they
wanted to pay for the improvement.

MR. DAVID HARGRAVES: I'm sure Gem County would be given
notice and we'd have an opportunity to give input on the impact
of the road and even testify at the hearing if it was in Boise
County.

MR. WILL MAUPIN: The County line is so close, it's
literally a property line on this particular subdivision. So
the impact that Don is talking about may not even be brought on
by our County. I mean, we don't have control over that anyway.

MR. DON WILKERSON: Okay. If there's no discussion, I
think we need to look at item number 6, items of special
consideration, that appears the applicant needs to address
through various contacts prior to us making a final ruling on
this application. So if that's the thought of the Commission,
then we need a motion to continue and if you want to add
MR. DALE REYNOLDS: I make a motion that we continue this
hearing until we can get further input from the Fire District
and get a letter from the Emergency Services.

MR. DON WILKERSON: Items A through G.

MR. DALE REYNOLDS: Pretty much items A through G.

MR. DON WILKERSON: At the November 10th meeting.

MR. WILL MAUPIN: I'd like to add to the amendment that we
get in writing permission to modify the easement on the
neighboring Boise County property for IDL access to their land.

MR. DON WILKERSON: Sounds like that's been addressed. So
you want to amend your motion to include that?

MR. DALE REYNOLDS: Yes, to include Commissioner Maupin's
statement about the access for the Idaho Department of Lands.

MR. DON WILKERSON: Okay. Robb, do you understand what
we're talking about with items A through G? We're looking for
some answers in writing instead of in verbal from the Emergency
Services, the Fire District, the Department of Lands, and
especially how you're going to access. If you have any
questions you can refer them to Brad's office.

We have a motion before us presented by Commissioner
Reynolds and the addition by commissioner Maupin. Discussion on
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8   the motion.
9    MR. WILL MAUPIN: Second.
10    MR. DON WILKERSON: Seconded by Commissioner Maupin. Those
11   in favor.
12    MR. BRAD HAWKINS-CLARK: I think you closed the public
13   hearing.
14    MR. DON WILKERSON: Public hearing is open and continued.
15    Thank you.
16
17    (Motion carries unanimously.)
18
19    REGULAR MEETING:
20    Item No. 1 - Discussion of Proposed Ordinance Amendments
21
22    MS. TERI OTTENS: Let's start with the Zoning Ordinance.
23    So, on the Zoning Ordinance, on page 9, we had two different
24   definitions for accessory buildings, some alternate language.
25    So they had me combine those into one definition and that's what

35

1   we came up with. You'll want to review that.
2    The next change was on page 15. I think we did discuss
3   this one. The Planning Commission is actually a joint Planning
4   and Commission. So they had me add the city of Emmett,
5   the City Council as part of the members.
Then on page 25, occupancy standard. We talked quite a bit about the occupancy standard. They felt since it was a standard it needed to go into the performance standard and not in the definitions, which is kind of the tact we've been taking. So we just kind of listed it here and said see chapter such and such.

So then you go back to that chapter and it refers to the occupancy standard.

MR. DON WILKERSON: I have a question. Brad e-mailed us something here called dwelling secondary and it's got the same chapter 11-6-5.

MS. TERI OTTENS: I've got about five different changes that are going into the Ordinance that haven't made it in there yet and that you're going to get a copy of. It will be renumbered. So that new wording from Brad, I got all of that. So you're going to get a new version of this and it also will include some changes that you made not to long ago and you've already approved those changes.

Original parcel is still highlighted because there's still some issues on that. I think the County Commissioner's agreed with this 'upon which was recorded,' rather than the signatures.

I think they don't have any problems with that. I think, legally, we need a ruling on that because previously it said that it didn't have to be recorded. The signatures just had to
be notarized. We want to make sure we're not taking away any property rights.

The next change is on page 30. The County Commissioner's weren't very happy with the 11.5 feet as defining a story. They wanted to know what the building code said. So I quoted the alternate language that you see here, which comes directly from the building code that you've adopted. So we're going to have to, at some point, decide which of those definitions. I will tell you that the Commissioner's didn't seem to like the 11.5 feet.

Page 38. I'm going to tell you that the County Commissioner's do not like the lot splits at all. They didn't take it out, they said send it back to the Zoning Commission and have some more discussion to figure out what you want to do and what you don't want to do with that. Their concern is if you go through your public hearing and it goes through their public hearing and then they end up changing it, that means they'll be sending it back to you. So they wanted to give you a recommendation from them that they don't really like the lot splits. They like the Ordinance the way it is. They feel the lot split causes subdivisions. If someone wants to subdivide, they can go in and rezone and subdivide. So at our next meeting when we go through all our final changes we do have to decide on...
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that.

They did change your Subdivision Ordinance on page 13.

They changed the subdivision definition to actually allow for a
three tier subdivision definition. So if the tract of land was
to divide into two or more lots, it is a subdivision unless the
parcels are 5 acres or larger without development capacity, then
it's not a subdivision. Then they did say on parcels that are
40 acres or larger, there's actually a third tier that you can
subdivide up to five lots before it became a subdivision. They
could define a subdivision as you could subdivide a 40 acre
parcel once without having to file a subdivision plat. So you'd
have to allow for that in a Zoning Ordinance because that
particular zone says minimum lot size of 40 acres. So there's
got to be a way that you allow for that smaller lot size in that
40 acres, which then goes back to lot splits.

MR. DAVID HARGRAVES: One of the reasons that the
Commissioner's, and the reason the Subdivision ordinance was
adopted the way it is, to make everything a split, is because it
became a little challenging to track how many times a parcel's
been split. So, kind of, the consensus was we'll just make less
than five splits a little bit easier to do. That was partially
at the request of the Assessor's Office as well for getting
correct legal descriptions from parcels that have been split
off. So there were a number of factors that went into creating
that definition to make every split a subdivision.

MS. TERI OTTENS: Page 58. Like you, the Commissioner's
didn't like that agricultural buildings for habitation purposes.

So that's still in there but I happened to be in another County
and they've adopted an Ordinance that's quite extensive on
what's an agricultural building and what's not. I thought
I'd give you an example of what they've done and you can look it
over. They talked about the codes that they've adopted, what
each of the codes say about agricultural buildings, and what
habitation is and what it's not. Then they kind of kept that
out of their Zoning Ordinance and put it somewhere else so it
wasn't a Zoning Ordinance issue, it was more of a building code
issue. That way it's not really your issue. It becomes the
Building Department's issue.

The next change is on page 59. We spent all that time on
those frontage lots and if the County asks for dedication for
road right-of-way, they should have smaller than 5 acre lots.
They didn't say they wouldn't approve this. They just said they
had some concerns about it because they feel it gives an unfair
advantage to those developers and that they should take into
account that if they're doing their development, that the County
is probably going to have to widen the road and they should take
that into account when they put their plat together.

Page 61. This was your change on swimming pools. You
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25 asked me to look at what the swimming pool regulations were.

39

1 It's about 3 pages long. So we just refer to it because the
2 County has adopted the International Residential Code. It just
3 refers to the section barrier requirements that they would have
4 to comply with. So I referred to the proper code rather than
5 try to repeat it all in the Zoning Ordinance.
6 Flag lots. The County Commissioner's had some questions
7 about that. Mainly, their questions had to do with the limit of
8 the size of the flag. Their question was why do we care how
9 wide or long the flag is. They had issues with the 30 foot wide
10 because right now the Ordinance says the easements are 40 foot
11 wide. Brad explained to them the whole issue with the Fire
12 Department and we would try to get an answer back to them on
13 that. So that's why that is still highlighted for your
14 consideration.
15 Page 64. In response to our discussion, although I know
16 you had more discussion today with the Fire Chief, I just
17 changed the requirement for dead end access roads to 'in
18 accordance with the appropriate Fire District. That way if
19 your three Fire District's adopt different standards, it's up to
20 them to impose these standards on dead end roads within
21 subdivisions.
22 MR. DAVID HARGRAVES: The legal issue that raises is if the
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23 Fire District may adopt a standard and we haven't adopted their
24 standard by Ordinance, Local Land Use Planning Act requires you
25 have a public hearing when you adopt standards. In this case,

40

1 we're just saying it's whatever the Fire District adopts and
2 there's no public input.
3 MS. TERI OTTENS: Do you have to adopt the standard if
4 you're not the one enforcing it?
5 MR. DAVID HARGRAVES: It's a tricky legal issue. If you
6 want to try to enforce it, that's one of the arguments. They
7 say well, it wasn't adopted by statutory process.
8 MS. TERI OTTENS: The other option is to leave it the way
9 you've got it and just list the standards of all three
10 department's. In other words, if you're in this District,
11 here's the standard. I think, originally, that's what you were
12 trying to do until we figured out we've got more than one Fire
13 District and we might have more than one standard.
14 Page 72. You made the change on No. 1, home occupations.
15 Originally, it said no other persons besides family members can
16 be part of home occupations and you guys talked about it might
17 be all right to have a few employee's that aren't family members
18 as part of the home occupation. The County Commissioner's said
19 they'd really have to think about that. They'd really like it
20 be restricted to family members. There were a lot of minor
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changes that they made. They didn't change any of the content.

Page 109. We gave you some alternate language on

manufactured homes and we do have to make some decisions on

that.

We did get some changes from Justin. He gave us some

changes that he'd like to see in the Subdivision Ordinance.

In the Subdivision Ordinance there's not that many changes.

So we are talking page 13 on the Subdivision Ordinance. Right

now it looks like there may be three tiers of subdivisions.

One, you're dividing for development purposes, less than 5

acres, you've got a subdivision. Two, you're dividing over 5

acres, not for development purposes, you don't have a

subdivision. Three, you're dividing over 40 acres for

development purposes and at 5 lots you've got a subdivision.

The only other change is on page 56. I just wanted Brad to

check out that language. So Subdivision Ordinance is really in

pretty good shape.

Finally, the Matrix. 'A' will be allowed and 'X' will be

not permitted. The other thing I think we're going to add at

the end of this Matrix is that any use that's not listed here,

but is deemed similar by the Administrator of the Commission,

may be allowed. So we have the codes here. I went through your

current Matrix. There were a couple of things I had difficulty
19 with. What I tried to do as much as possible is take what you
20 had in your current Matrix and match it to these definitions and
21 what you permitted and what you said was a special use permit.
22 MR. DAVID HARGRAVES: What are the numbers in front of the
23 description of uses?
24 MS. TERI OTTENS: That's the SCC Code. It's a national
25 data base and it codes the types of use. The advantage to this

1
2 is that you look up this code and it has a full description of
3 what each one of these is so you don't have to describe it in
4 your Ordinance. What I struggled with was trying to keep it as
5 simple as possible.
6 So, what I did is single family residence permitted in a
7 public zone. That was one of my questions. I think I added
8 that. The only reason I put it as permitted is because my
9 feeling is your public zone is an overlay. Isn't your public
10 zone an overlay or is it it's own zone?
11 MR. BRAD HAWKINS-CLARK: It's separate.
12 MS. TERI OTTENS: Okay. So single family residence allowed
13 in all the zones except in a mixed zone and your industrial
14 commercial zone.
15 MR. BRAD HAWKINS-CLARK: Needs to be a special use for the
16 mixed zone, according to the Comp Plan.
17 MS. TERI OTTENS: Okay. Multi-family household units. You
didn't have it broken down. The way your Matrix was, it's like

it's permitted in all three zones but I don't think you want it

in your R-2 and R-3, which are single family zones. I don't

know if you want it as a special use permit in a single family

zone but I put it as an SUP in your mixed use zone.

MR. DAVID HARGRAVES: When we grant special use permits,

the Commissioners usually require that all the conditions are

met and then is subject to annual review. The problem I have

with having a special use permit for a multi-family is what if

the Commissioner's review it and say you haven't met condition

X, Y, and Z so we're pulling your special use permit and then

you've got all these structures that are built. So the

temporary nature of it, we have to kind of resolve that.

MS. TERI OTTENS: I agree with you. I think that if it's a

single family zone, it should be a single family zone. If they

want a temporary permit for that extra residence, we've talked

about this. I'm going to take the SUP's off of R-2 and R-3 for

now.

Group home, less than eight residents per the Idaho Code.

They're permitted in all zones that you permit a single family

zone. So it would be SUP in a mixed use zone. A group quarters

with over 8 residents, that's the one that could be any kind of

group home, I put as a special use permit in all the zone.
Residential hotel, to me, is like an SRO. You have halfway
houses that are special use permits in all your residential
zones. You have halfway houses that are special use permits in
your agricultural zone. Rehabilitation shelter homes, special
use permits. So residential hotel not in your single family.
If you're not going to allow multi-family, you shouldn't allow a
residential hotel. So permitted in your mixed use and mixed
residential.

MR. DAVID HARGRAVES: If you look back in the text that
actually describes the zones, there's some good guidelines in
there when we're looking for places to stick things. To me, it

looks like C-2 Commercial was kind of planned for the motel
because it says uses would provide general retail and travel
needs within the community bordering highway’s.

MS. TERI OTTENS: C-1 is kind of a commercial residential
zone and C-2 is your commercial highway zone. As I explained,
under 19, the three uses that you have there were listed in your
current matrix and I added them because I felt like we didn't
want to lose those references.

Planned unit developments. You allow them in every zone
except for you don't allow them in commercial or industrial. So
I added those. The reason I added them in your industrial,
commercial zone, and even in your high tech zone is that a
planned unit development as defined by your Ordinance doesn't have to be residential even though it's under this residential zone. It could be a mixture. So it seems, to me, you don't want to discourage planned unit developments in your zones. Do you do planned unit developments by special use or is it a planned unit development application?

MR. BRAD HAWKINS-CLARK: It's separate but it's similar.

MS. TERI OTTENS: So it seems that you want to say we're open to any application like that in any zone because we get to decide if it's appropriate or not. Bed and breakfast, you had that on your list and you allowed special use permit in the residential zones and permitted use in the commercial zones. Recreational vehicle parks, special use in the two zones and I think I added the special use in the commercial zones.

Then we jump to manufacturing. Manufacturing in your current thing only had a few manufacturing plants as allowed in the A-1 zone and I had a question as to why you don't allow in your A-2 and A-3. I know those are smaller lots and it might not be as compatible but it's a special use permit so you could always look at the circumstances. Right now, if you have a food processing plant, it can only go in an A-1 zone and you may want to keep it that way.

MR. DAVID HARGRAVES: If I could just go back, Brad and I
were discussing the planned unit development requiring a special use permit. If we could just highlight that, we're going to have to flush that out a little bit.

MS. TERI OTTENS: Yeah because you do have a separate application process.

23, apparel, special use permit in a mixed use. Now even though this is manufacturing, it seemed that in a mixed use zone it might be appropriate because you might be talking about somebody that is making clothes. So I put it as a special use permit but also as a permitted use in both manufacturing zones.

Lumber you permit only in your manufactured areas.

Furniture. Once again, I added the SUP in the mixed zone but is permitted in the manufacturing zones.

Paper and allied products is manufacturing. So it's SUP in the light industrial but permitted in the heavy industrial.

Printing is SUP in mixed but permitted in the two industrial zones. I don't know about the commercial.

MR. BRAD HAWKINS-CLARK: Maybe we could ask the Commissioner's what do you need to help make this process easier and simpler. I heard a legend was one thing, putting the A's in, and I heard maybe putting a little more definitions.

MR. DON WILKERSON: Another thing I'd like to see on this Matrix is definitions of zones on the Matrix itself. It's in
the book here but if you just had this Matrix in front of you
and it says M-1, then you can look back here and see what M-1
is. I'd like to recommend we as a Commission take it and each
of us look at it because I see quite a few things on our old
Matrix that I can't find on here.

MS. TERI OTTENS: And you're not going to. I circled all
the ones on your old Matrix that I didn't think fell into any of
these categories. If you're going to go to this kind of Matrix,
you want to stay away from those little individual listings.
You want to see where they're included under the regular
listings. So what I can do is a little research and see if
there is an NAICS code for bed and breakfast that just wasn't in
our original list. Let me just mention where it differs from
your current code under professional schools.


MS. TERI OTTENS: 35, professional, scientific,
controlling, and optic. That, to me, seems like it fits right
into your high tech district and yet it wasn't on your Matrix so
I put it as an SUP in your high tech district. I mean it should
probably even be a P.

Transportation was a really hard category for me. I can
understand why you would want to say what zones a rapid rail
transit system and a street railway system might be in because
you want to have control over that, and even air craft
transportation. They had things listed like roadways and over
passes and things like that and I took them all out.

MR. BRAD HAWKINS-CLARK: They're going to be in every zone.

MS. TERI OTTENS: That's a whole different plan. That's a
transportation plan. It's approved in a whole different manner.

I added boat docks because those weren't in there.

53 and 54, under your current Matrix, those are permitted
in mixed use, C-1, and C-2 zones.

Retail. Eating and retail, which is number 58 and number
59. I put in the SUP's for R-3 and M-R. The reason I did that
is because you're seeing a lot of that trend now where small
eating establishments are in residential areas to serve those
particular residences.

On the next page are salvage yards and sewage lagoons. I
added those in because those were on your current Matrix and
salvage yards are always a big issue. I'm going to try to find
a code for those.

MR. DON WILKERSON: Could you have sewage lagoons in M-1

and M-2 because they're out in the County?

MS. TERI OTTENS: I wondered about that to because there's
nothing more heavy industrial than that.

Under 71, cultural activities and nature exhibitions. To
me, this all matches with the high tech zone. The high tech
zone could be a place where you might have a cultural activity.
That's an addition. That's different than your current thing.
The one thing I had a question on is you have schools
permitted in all the residential zones and the mixed use zones.
I can understand why you wouldn't want it in your industrial and
commercial zone but what about your high tech zone; maybe as an
SUP.
The last thing is agricultural related activities. I
think I added it in your mixed use zone and the reason I did is
because mixed use, to me, means mixed use and there may be some
agricultural use s that may be appropriate in a mixed use zone.
So this is my first shot. That's where we're at. What I
anticipate is we will add all the changes into the Ordinances
and we're going to need one more meeting. I would hope you look
at all the changes and then present a draft to the public.
MR. DON WILKERSON: I do have some questions. On G, the
design I'd like maybe you to consider is adding siding type when
you say siding. I see a conflict between your maximum size in
J-B. It says the secondary dwelling unit is restricted to the
maximum size allowed per the development standard. So say
somebody's out here and they're in an R zone, which it says is
allowed on 2 acres and they have a CC&R that says they have to
have a 12 hundred square foot home.

MR. BRAD HAWKINS-CLARK: The reason that bottom was highlighted was just for discussion. This is kind of pieced together from three different codes.

REGULAR MEETING:
Item No. 2 - Items from the Public

MR. DON WILKERSON: The next item is items from the public.

(There were no items from the public.)

REGULAR MEETING:
Item No. 3 - Election of Officers

MR. DON WILKERSON: Next item on our agenda is election of officers. Right now the Chairman is David Poole who is not here and the Vice Chairman has moved on to the Planning.

MR. WILL MAUPIN: I volunteer for the chairman position. The only thing I need to say to the Board is next spring I will be working out of state and will be 2 weeks on and 2 weeks off.

(Will Maupin was voted unanimously to be the new Chairman.)
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MR. DON WILKERSON: The next nomination is for Vice Chairman.

(Dale Reynolds was voted unanimously to be the new Vice Chairman.)

REGULAR MEETING:

Item No. 4 - Items from the Planning Director/Administrator

MR. BRAD HAWKINS-CLARK: The Planning Commission has met once. They have their second meeting next month. They are meeting regularly now every month. They meet on Monday's in the morning. Their priority right now is the Comprehensive Plan, putting together the last 5 chapters.

The Board of County Commissioner's has been working on the Merril rezone. They closed the public hearing today and they expect to make a decision next week. At this point, the indications are they will approve it but they have not made a motion.

Design Review Committee. There is a Design Review Committee that has been meeting largely with city members and this is mainly for the buildings along the highway for new construction to have some kind of standards. So there's a draft of an Ordinance that would probably be a joint Ordinance. It probably wouldn't effect you to much but you would certainly...
want to see that Committee's recommendations if it comes to you.

They're very close to finishing their work. While a lot of this will be the City, there will be some County that will be impacted because there are parts of 52 that are not in the city yet. So we'll get you a copy of that as soon as it's drafted.

REGULAR MEETING:

Item No. 6 - Items from the Zoning Commission

MR. DON WILKERSON: Any items from the Zoning Commission?

(There were no items brought up by the Commission.)

REGULAR MEETING:

Item No. 5 - Items from the Deputy Prosecuting Attorney

MR. DAVID HARGRAVES: I just want to let you know we have an open door policy if you have any questions.

REGULAR MEETING:

Item No. 7 - Adjourn
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24        MR. DON WILKERSON:  Meeting's adjourned.

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