

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

MINUTES

Wednesday, August 4, 2010 at 7:00 pm

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

Osborn established a quorum.

Pledge of Allegiance

PUBLIC HEARING

Casa Del Norte, LP for a Variance to keep the roads private and without paving for a 17 lot residential subdivision in an Agriculture Zone. Site is located in Section 9, Township 1 S, Range 9 E, B.M. A common means of locating this property is 2 miles north of intersection of US Highway 20 and Little Camas Reservoir Road.

Martin had to abstain due to business interests with the applicant.

Christy gave staff report and background. Christy asked for clarification from counsel on the variance if it is granted that this in no way means that the CUP is automatically granted.

Miller confirmed. It is unusual to ask for the variance before the CUP but in no way would it mean that the CUP will be approved.

Gordon Sorenson is a land surveyor representing the applicant. He stated that this variance request is to wave the requirement to have an asphalt surface on the roads that will lead into this subdivision. He stated that the roads will be privately maintained and built to Mountain Home Highway District (MHHD) standards less the asphalt surface. Sorenson provided a draft road user maintenance agreement. He stated that he has used this type of maintenance agreement before and it has worked well. He stated that either this type of agreement will be used or the developer will elect to have a homeowner's association and the contents of that agreement will be a part of the CC&R's. He stated that the MHHD has provided him with the daily average traffic count which is 217 vehicle trips per day which is a low volume road. He stated that that the road will remain a very low volume road even after the completion of the subdivision. He stated that the traffic projections were taken from a trip generation manual. He stated that the MHHD is requiring a Traffic Impact Study. He stated that this is surprising because these studies are rarely requested in a development with such low traffic counts. He stated that the Department of Transportation has a memorandum of understanding with local agencies stating that traffic impact studies shall not be required if the total volume will be 250 vehicle trips per day. He stated that this subdivision will not result in an adverse impact in traffic flow or congestion of Little Camas Reservoir Road or its intersection with US Hwy 20. He stated that they have performed a manual 1 week day and 1 weekend day traffic count at that intersection and counts were low as expected. He stated that these numbers are too minimal to have an impact. Sorenson stated that they do not wish to pave the roads because pavement that has little or no use

deteriorates rapidly. He stated that pavement needs traffic to keep it vibrant. He stated these roads do not have enough traffic to do so.

Miller asked why the alternative road standards will meet or exceed the requirements in the ordinance.

Sorenson stated that the gravel road will serve the 17 lots as safe and as well as any paved road would. He stated that he doesn't see where this is a reasonable requirement. He stated that a gravel road will not be detrimental to health, safety or welfare. Sorenson read into record a letter from Spink-Butler written by Heath Clark.

Miller asked if this commission requires asphalt, you are saying this developer would not seal coat it?

Sorenson No our application originally was to pave this road. Then it would be up to the highway district to seal coat.

Miller the letter you read referenced the road ordinance, alternative standard paragraph which is one of the reasons you site for allowing the variance. Question for you is why the alternative standard you want a variance to will meet or exceed the requirement in the ordinance.

Sorenson Stated he did not write that, but the gravel road will serve those 17 lots as safe as a paved road will and as long as it is a private road less maintenance cost. He stated that weeds will grow through the asphalt due to lack of traffic and that will cause the road to deteriorate faster. He stated that there is little confidence that the MHHD will pave Little Camas Reservoir Road in the next decade or two.

Fish asked if the road were to be paved if the MHHD would accept the road for maintenance.

Miller stated that they do not have to accept anything that they do not want to regardless of that standard it was built to or what kind of surfacing it is.

Osborn asked the applicant why they would ask for a variance before they have an approved subdivision.

Sorenson stated that if they are required to pave the road it is not financially feasible to develop a subdivision. He stated that there is no purpose or need to pave.

There was no further testimony.

Osborn closed this public hearing.

Commission Action:

Duerig asked Miller is this maintenance agreement was enforceable.

Miller stated that it is if the property owners in the subdivision wish to enforce it. The County could not enforce it.

Lord stated that she doesn't have a problem granting a variance but she does have a problem with the CUP and because the variance is granted does not mean a CUP will be granted.

Duerig stated that he is inclined to deny because the draft maintenance agreement is basically unenforceable and that this is based on finances.

Duerig moved to deny the variance as it does not meet the 4 standards for a variance.

Van Gheluwe seconded.

The commission had an individual vote:

Van Gheluwe-AYE

Oppedyk-NAY

Duerig-AYE

Fish-NAY

Lord-NAY

Osborn-AYE

The vote was a tie and it fails for a lack of majority.

Lord made a new motion to approve the variance with the conditions of approval that if the CUP is denied that variance goes away, that the alternate design standard is approved by the County Engineer and the number of residential lots remain at 17 or a substantially similar number.

Fish seconded.

Approved

Approved

The commission had an individual vote:

Van Gheluwe-NAY

Oppedyk-AYE

Duerig-AYE

Fish-AYE

Lord-AYE

Osborn-NAY

Motion carried 4-2.

NEW BUSINESS

Martin rejoined this public hearing.

FCO for Casper Case number CUP-2004-06

Miller suggested more language be added to the FCO. This will be on the agenda again on August 18, 2010.

Minutes from 7-21-2010

Van Gheluwe moved to approve as written.

Martin seconded.

Motion carried unanimously.

INFORMATION ITEMS

Christy presented the commission members with the application from Mayfield Springs for a Planned Community.

Commission discussed outstanding applications under the old ordinance.

Christy informed the Commission on the status of the Comp Plan hearing with the Elmore County Board of Commissioners.

MEETING ADJOURNED

Approved

Approved

Patti Osborn

8-18-10

Patti Osborn, Chairperson

Date:

Attest: *Alan Christy*

8/18/10

Alan Christy, Director

Date: