

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, October 20, 2010 at 6:00 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 and staff members Beth Westerwelle and Kacey Hultenius.

Osborn established a quorum.

Pledge of Allegiance

PUBLIC HEARING

Application from Powder River Development Company, Inc. for a Planned Community. The Planned Community Application consists of a Zoning Ordinance Map Amendment, Development Agreement, Zoning Ordinance Text Amendment and Comprehensive Plan Amendment in an Agriculture zone. Case # PC-2009-01. The site is located in Sections 34 and 35, Township 1 North, Range 4 East, B.M. Property is located from I-84 exit at Indian Creek Road or Simco Road, and parcels are via Desert Wind Road (Old Highway 30).

Christy went over the rules for the public hearing.

Christy introduced the consultants for the County. Lance Warnick is County Engineer. He introduced the Planning Consultants Jane Suggs and Bruce Wall.

Van Gheluwe stated that she would have to recuse herself from these public hearings as her employer Elmore Medical Center has a potential economic interest in this project and that she has also participated in meetings with the Mayfield Springs applicants.

Christy gave staff report and background. He stated that he received some late exhibits and they were submitted as supplements to the staff report. He stated that they are Exhibit F and Exhibit G. He stated that he received a letter from Environmental Conservation Services Inc. that will be entered as Public Hearing Exhibit # 1.

Bruce Wall is a Planning Consultant for the County. He gave a summary of his analysis and recommendation on this application. He started with transportation analysis. He stated that the PC Ordinance doesn't have any specific requirements concerning transportation improvements, however; requirement number 16 states that the proposed planned community provides adequate mitigation for all identified tax and revenue shortfalls and any negative impacts to existing service providers. He stated that condition of approval numbers 7, 8, and 9 requires that an agreement be reached between the Ada County Highway District, Mountain Home Highway District, and Idaho Transportation Department before any construction of the project begins. He stated that condition of approval 13 requires road improvements be made as specified in those agreements prior to approval of any final plats in the development. He stated that these conditions ensure that the impact to local roadways and federal and state highways will be mitigated. He stated that according to these agencies the negative impacts have not yet been identified. He stated that there was a traffic study that was submitted by the applicant and those impacts weren't fully

identified. He stated that the real question here is should a zone change be approved that would allow significant development in this area without a clear understanding of the impact to the transportation system. He stated that the local transportation authority has noted that this project together with other proposed projects in the area will cause the need for additional lanes on the interstate between Mayfield and Boise. He stated if that is the case the application has not shown how public services will be created and financed as required. He stated that he believes the commission needs additional information on traffic impacts or at least an understanding of how impacts will be determined and mitigated before a decision is made. He stated that a clear understanding of roadway capacities is needed before a zone change is approved and another 10,000 people are living in that area. He stated that the Idaho Department of Fish and Game (IDFG) said that the Wildlife Mitigation Analysis submitted in the application lacks the adequate amount of information needed to make the critical assessment as to the impacts. He stated that the applicant wrote a letter to the IDFG stating that he does not agree with them and he believes that this situation calls for another unbiased opinion. He stated that he has been in touch with a couple of firms that specialize in Wildlife Habitat Assessments and with the County's permission he would like to ask one of them to review the Wildlife Mitigation Plan and provide a report on the findings at a future meeting. He moved on to discuss the Mayfield Springs Zoning Ordinance. He stated that the zoning ordinance submitted does not comply with the Mayfield Springs Comprehensive Plan as required. He stated that he has drafted some changes that resolves some of these conflicts and makes significant changes. He stated that he would be happy to work with the applicant on each of these changes and work with the County's attorneys to make sure this zoning ordinance is something that works for the County. He stated that he has other issues as well that he discussed in the staff report. He stated that he will discuss any questions the commission has with these issues. He stated that his recommendation is that the commission collects more information from impacted agencies and from the applicants so a decision can arise at a future date. He stated that he has attached 51 conditions of approval but that the applicant has suggested some conditions as well as Alan Christy. He stated that these PC's are complex and as you continue to gather more information some of these conditions are likely to change.

There were no questions from the commission at this time.

Mark Pecchenio is representing the applicant. He gave a Power Point presentation of the application for Mayfield Springs Planned Community. He explained the application process. He stated that the County was involved from day 1 with this to make sure that it is correct and will work for everyone. He stated that this was done with workshops and site visits. He stated that he feels this application meets the 16 major findings Bruce Wall mentioned. He stated that he does not believe that the intent of the ordinance is that you have to meet every objective, that it is more of a guiding tool. He stated that Elmore County will benefit economically from this project in tax revenues. He stated this development will provide multi generational housing and provide an active lifestyle for its residents. He stated that there will be a variety of housing options available as well. He stated that this project will have a 30 year build out. He addressed Millers concerns about the land use map. He stated that it is conceptual at this point and will be until it is platted. He stated that another reason that it is conceptual is that they have identified school sites on the map as well but the Mountain Home School District has not decided if they want to put a school on that site yet. He stated that there are open space and possible parks that may change the land use map as well. He stated that there will be variety of different types of housing available and it is completely different than anything seen in the County before. He described that phasing of the project. He stated that there is no groundwater study because the County has no jurisdiction over that. He talked about traffic studies, design concepts, parks, trails and open space. He discussed the design concept and showed examples of the homes and what they may look like from different planned communities in other parts of the country. He stated that they feel that the Wildlife Mitigation Plan meets the ordinance and that the key word here is "adequately". He stated that he looked up adequately in the Webster's Dictionary and it means that it barely meets standard. He stated that it doesn't mean that it has to be perfect or exceed

standards. He stated that he has a wildlife biologist to answer any questions that commission may have because like Bruce Wall, he is not wildlife biologist. He stated that he believes that financial plan meets the standards of approval and that he has will serve letters from various agencies regarding services. He stated that they have a water right and a water permit already in place for this community. He stated that they have the required signatures to develop a Mayfield Fire District. He stated that the fire district will benefit everyone living in the area that wants to join the fire district. He stated that there are tons of trails and sidewalks. He showed pictures of alley ways and streets and how they will be designed. He stated that parks and the town center are within a half of a mile of the housing areas. He stated that this is designed so that one can walk to the parks, town center and community pool. He stated that they believe they have created enough open space to provide to the community and most likely there will be more. He moved on to discuss important natural features. He stated that he does not know what an important natural feature is because it is not defined in the ordinance and if he asked the commission what it is they would all have a different answer. He stated that is why they have a meeting with staff that includes a site visit to determine this. He talked about storm water storage and how they are hoping to use it for irrigation purposes. He stated that he has had 2 meetings with the Mountain Home Highway District at which time they stated that they have no comment as they see no impact at this time. He stated that he had email correspondence from IDFG stating that it would be a waste of time to meet with them because the application was submitted with no guidance from the County. He stated that until they get some direction from the county it will be a waste of time to meet with them. He stated that the ordinance does not require approval from Fish and Game. He stated that he has had numerous meetings with the hospital and he has worked with them to agree on the conditions of approval. He stated that they submitted what was required per the Elmore County Zoning and Development Ordinance which was approved by this Planning and Zoning Commission so if there is any questions or concerns the commission needs to guide staff on how to fix these concerns. He stated that statistically crime rates are low in these planned communities because there are so many things for its residents to do.

He ended his presentation.

Christy stated that he had a couple of points if clarification. He stated that the Qualified Economist Bill Reid got the hearing dates confused so he was unable to attend this public hearing. He stated that any further economic questions that they may have need to be directed to him possibly at a future meeting. He asked the applicant to submit a copy of the Power Point presentation for the record. Pecchenio presented the Power Point to Christy.

Martin asked about water and how much would be used up rather than returned to the environment.

Terry Scanlin is with SPF Water Engineering in Boise. He stated that they were hired to conduct a water supply study for a planned community in Ada County. He stated that they issued a water supply assessment that there was enough water to accommodate 2500 homes. He stated that there is a limited water supply in that area. He stated that there is adequate recharge to support that level of development. He stated that groundwater levels are stable and in some places they are rising. He stated that virtually all of the water in this area will be consumed.

Duerig asked how much opposition they will run into trying to acquire bringing as water right out of the river.

Scanlin stated that there would be plenty of opposition. He stated that it depends on how and where the water right is obtained but he believes that it is completely doable. He stated that they have an approved water right permit with a 5 year extension.

Pecchenio entered a letter from the Idaho Department of Water Resources in regards to Mountain Home Groundwater Management Area.

Christy entered this as Public Hearing Exhibit # 2.

Lord stated that she is concerned with the wildlife mitigation process as far as deer and elk are concerned. She stated that they are taking 760 acres away from them and wants to know where they will go.

Approved

Approved

Charlie Bond is with Environmental Conservation Services. He stated that they need input from the County and the appropriate County Officials as to what is adequate mitigation. He stated that people move into these PC's because they like the wildlife. He stated that they want the animals to come but they want to be able to live together.

Lord stated that her concern is that there will be a higher cost to the Department of Fish and Game to take care of the elk in depredation claims.

Rick Ward is with the Idaho Department of Fish and Game. He stated that Fish and Game is a public agency and they do not advocate and they do not oppose as far as PC's go. He stated that as far as depredation is concerned they are required by State Law to provide depredation for commercial agriculture but when it comes to homeowner issues they generally provide service to the homeowners as to how to keep wildlife off of their property. He stated that he has no idea what Pecchenio is referring to when he states that Ada County requires Fish and Game approval because this is not true. Ward stated that in the 3 years that he has been with the department no meeting was ever requested of him by Pecchenio.

Commission consensus was to hold this public hearing open to November 10, 2010 at 6:00 pm to 9:00 pm to give staff further time to conduct some additional research to ensure the best interests of the County and to work with the applicant.

Osborn closed the meeting.

MEETING ADJOURNED

Approved

Approved

Patti Osborn

11-3-10

Patti Osborn, Chairperson

Date:

Alan Christy

11/3/10

Attest:
Alan Christy, Director

Date: