

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, February 16, 2011 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, Sue Fish, Jeff Blanksma, Betty Van Gheluwe and Jim Martin. Also present were Attorney Phil Miller, Director Alan Christy and staff members Beth Bresnahan and Kacey Hulthenius.

Osborn established a quorum.

Pledge of Allegiance

PUBLIC HEARING

OLD BUSINESS

Continuation of Public Hearing for Mayfield Townsite Planned Community Application. Application from Mayfield Townsite, LLC. 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-2009-02. The site is located in Sections 7,8,17-21, Township 1 North, Range 5 East, B.M. and Sections 12-15, 22-27, Township 1 North, Range 4 East B.M. A common way of locating the property is from I-84 exit 71 (Orchard Exit) proceed west on E. Indian Creek Road (also known as Mayfield Road) to the intersection of S. Regina Road, South Prong Horn Road and Indian Creek Road. Turn northeast on Indian Creek Road and proceed approximately 1.2 miles to the southern portion of property located on the east side of Indian Creek Road. Portions are located on both sides of Indian Creek Road to Mayfield Road.

Christy introduced the newest member of the Planning and Zoning Commission Jeff Blanksma who was appointed on 2-14-11 by the Board of County Commissioners.

Christy asked for clarification from Miller regarding Blanksma's participation in tonight's hearing.

Miller stated that they would need to get something on the record stating that he has not had any conversations or communication outside the public hearing about this application otherwise than what he heard at the last public hearing that he attended or what he will hear tonight.

Blanksma stated that he has not.

Christy stated that Commission member Lord has recused herself from these public hearings.

Christy stated that the applicant has requested some time to present some additional information. He stated that he feels this would be appropriate prior to receiving public testimony so that the public can testify after receiving all of the facts. He asked Chairperson Osborn is there would be a time limit that she would like to set.

Osborn asked if 20 minutes would be adequate.

Marty Goldsmith is the applicant. He stated that would be an appropriate amount of time.

Christy stated that individuals would be limited to 3 minutes of testimony. He stated that those representing groups or agencies would be allotted 10 minutes. He stated that the hearing will be limited to

3 hours and if they need to continue the hearing for a later date it will be determined and re-noticed for future hearings.

Van Gheluwe recused herself as her employer has a financial interest in this project.

Marty Goldsmith is the applicant. He stated that at the last meeting there were a few unfinished items that they wanted to talk about; the proposed Mayfield Planned Community Ordinance and the Development and Financial Plan. He stated that there are documents that the applicant, his representative, Miller and Christy have gone over and made changes too and everyone is comfortable with those changes.

Goldsmith stated that he wanted to go over some of the history of this project. He stated that there have been a total of 3 Planning and Zoning Directors and a turnover in staff as well as new public officials. He stated that he first approached the Growth and Development Office in 2006. He held off on this project with the understanding that the County Officials, including the Director would work together to get the project entitlement and take into account that the current PC ordinance would be more restrictive and better clarify all requirements. He stated that when this ordinance was going through the approval process there was extensive deliberation and testimony regarding open space and it was agreed that there was plenty of land for the deer and elk. He stated that the conditions were not going to require the PC to give land or open space. He stated in section B.3-4 titled Work Session Requirements it requires that the applicant pay a \$20,000 fee up front to cover pre-application meetings. He stated that the purpose for these meetings is to develop a common understanding between staff, identified agencies, neighboring landowners and the applicant regarding project design and mitigation measures and what is required. He stated that this common understanding was confirmed by the manual that is required for the PC ordinance that was drafted by the county through work sessions and revisions. He stated that this manual was given to the applicants to clearly define the requirements of the wildlife mitigation plan. He stated that there was a letter stating that after reviewing the application it seemed to be in order with what Elmore County PC ordinance calls for. He stated that that there was a second letter stating that the Mayfield Townsite was deemed initially complete, which per ordinance defines that the application is substantially compliant with all requirements. He stated that the items just mentioned best summarize the decisions that were reached by the previous Director. He asked for confirmation from Christy and Miller that the 2007-7 ordinance is the one that governs this application.

Miller stated that they concluded that the 2007-7 ordinance was adopted and codified into the later one.

Christy stated that this is the applicable ordinance but there has been some confusion on that due to the project being put on hold and staff turnover but the correct standards were used in the previous staff reports.

Goldsmith stated that the PC application manual reads that the date of Elmore County's letter to the applicant indicating that all required elements are substantially compliant shall be the date of the initial application acceptance. He stated that the wildlife mitigation plan is compliant with the Elmore County assessment and mitigation outline requirements. He stated that by law the only animals that they are required to mitigate are animals on the Federal Endangered Species list. He stated that non listed wildlife such as deer and elk require no mitigation. He stated that the approval letters state that they had what the ordinance requires for acceptance and this has been confirmed with Charlie Bond who is a wildlife biologist.

Christy entered the binder in to the record as applicant exhibit # 7 and the maps provided as applicant exhibit # 8.

Christy gave staff report and background. He stated the qualified economist Bill Reid sent a letter stating that he was unable to attend this evening but he provided a summary report.

The Commission moved on to public testimony.

John Starr is in support of this application. He stated that he has been involved in land development in the valley since 1999. He stated that he wants to encourage the approval of this project. He stated that the applicant has a history of building projects in Ada County that are unparalleled in their success. He stated

that his quality has been proven during the downturn by the solid re-sale value of those homes that are built in those communities. He stated that the success of those communities depends on a combination of planning and execution and the applicant has proven himself successful on both of those counts and the Mayfield Townsite Planned Community should be another example of this. He stated that there is a need for continued planning for growth in our region. He submitted some information to the commission regarding the amount of growth projected in the next 20 years.

Christy entered the letter and graphs as Public Exhibit # 1.

Courtney Ireland signed up as support and asked to defer her testimony to the very end.

John Bowling signed up as neutral but did not wish to testify.

Rick Ward with the Idaho Department of Fish and Game signed in as neutral but did not wish to testify but stated that he was available to answer questions.

Pam Golden is with the Idaho Department of Transportation (ITD). She stated that they did review the Traffic Impact Study (TIS). She stated that they are looking for detail that would be required if they were doing this same PC in Ada County. She stated that they need more detail to really understand what the impacts would be. She stated that she reviewed the recommend conditions of approval and they should still apply even if they get the detailed analysis that they are seeking. She stated that they are neutral on this project. She stated that they would like to add an additional condition of approval that a detailed analysis and financial agreement with the affected agencies be completed before a grading permit is issued.

Miller stated that the construction phase on this project may not begin for decades so do they want the agreement now for something that may not happen for 20 or 30 years.

Golden stated that they do because if a city the size of Caldwell springs up they are not left to make sure I-84 is widened. She stated that they just want an agreement that as those impacts occur that they are mitigated and not at the taxpayers' expense.

Scott Bodle is with the US Forest Service. He stated that they are neutral on this project but they are concerned about ornamental and other noxious weeds that could be associated with this and how that will affect the range lands out there through the Danskin Mountains. He stated that they are concerned with recreation sites and how they will be able to adequately maintain them.

Ken Johnson signed in as neutral but did not wish to testify.

Mary Brethour signed in as opposed but did not wish to testify.

Marla Bateman signed in as opposed but did not wish to testify.

Wendy Tippets signed in as opposed. She stated that her first question for the applicant is why they won't be improving North Slater Creek Road. She stated that she is concerned with water and the property value of her home decreasing because of a lack of water. She wants to know what the applicant will do to ensure that their water is protected.

Christy entered this public testimony into the record as Public Exhibit # 2.

Lori Atkins is opposed. She stated that she has been a member of the Danskin Property Owners Association for 15 years. She stated that she is concerned about wildlife in the area and what kind of an impact this will have on the large wildlife such as elk and that it will push elk towards the freeway. She stated that the Wildlife Mitigation Plan is inadequate.

Christy entered this public testimony, pictures and maps in to the record as Pubic Exhibit #3.

Michael Wilson is opposed. He stated that he is concerned with wildlife mitigation and what will happen to the deer and elk and where they will have to move to during the winter months and that there will be more winter starvation. He stated that he is concerned with the trail systems being over used in the areas and there will be more accidents and there could be issued getting emergency vehicles to the area. He stated that he is also concerned with illegal dumping with the increased number of people.

Gene Wilson is opposed. He lives in the area and he is concerned with Indian Creek Road. He stated that it is more than the County can keep up with now and he can't imagine what it would be like if it were

paved with the increased traffic. He stated that a condition of approval should be that the road be paved and finished so that it is not an issue. He stated that there are 2 creeks that run through this development and he doesn't know how they will address diverting or changing the flow of the creeks and occasionally it does flood. He stated that he has heard nothing mentioned about endangered species at all. He stated that the applicant stated "Build it and they will come" and he finds it offensive. He stated that he might as well say "Build it and we will make lots and lots of money".

Mary Frisch is in opposition. She stated that she is representing other Danskin property owners in the area. She stated that a major concern is water. She stated that there is a concern about water in the area and how this new development will affect the current residents' water levels. She stated that it would be risky to approve this development without enough data to show what affect this will have on the aquifer as there is no certainty regarding available water recourses. She stated that a resident in the area had to drop the pump in their well as the water levels had declined. She stated that if it is approved than a written agreement must be obtained to compensate and protect existing homeowners if their individual or community wells need to be modified in the future due to a lack of water. Frisch stated that the Danskin residents are concerned about wildlife in the area; especially the elk. She stated that this development will block the movement of big game animals as well as put a huge strain on County services and water. She stated that most of these planned communities cannot support themselves as a community and the burden falls on the County as most of these become subdivisions. She stated that there are little commercial businesses or jobs to support this proposed community.

Brandon Isaacs is a property owner in the Danskin area. He stated that in the state of the current economy the cost to build this development will exceed the benefit. He asked how a new residential development will solve the current foreclosure problem. He stated there are presently 7,476 homes for sale as of February 13, 2011 in the Boise Valley. He stated all this community would be is a bedroom community to the industry that already is failing and having difficulty in the Elmore and Ada County areas. He stated that he is greatly opposed to this.

Christy entered the public testimony into the record as Public Exhibit #4.

Dave Terrell is with the Rocky Mountain Elk Foundation. He stated that this is a very crucial area for wintering wildlife. He stated that elk travel from 4 different hunting districts as far away as Salmon Idaho. He stated that there are a significant number of animals coming from a large area from a severity of winter conditions to the Danskin Flats area. He stated that this is crucial for the sustaining of the elk. He stated there is an active population of sage grouse that inhabit this area as well and they need to look at ways to mitigate the negative impacts to all the wildlife in the area.

Peter Humm is opposed to this development. He stated that he is asking the Commission to look at unintended consequences and to think about what they want this County to look like in 20 years. He stated that people will go to Boise for work and entertainment; they will not come to Mountain Home. He stated that they will be closer to Boise than to Mountain Home and will consider themselves Boise residents. He stated that the residents of this community will not understand why their tax dollars go to maintaining roads in Pine and Prairie and they will be annoyed at the sounds of the Air Force jets flying overhead. He stated that our current small town values and lifestyles will be swallowed up in the greater metropolitan Boise area.

Dr. Tim Brininger is opposed to this. He stated that there is not enough water in that area. He stated that he is concerned about the wildlife in the area as well. He stated that he is the ambulance medical director for all of Elmore County he says that the ambulance crew will be very busy taking care of injured people on the freeway from the elk crossing over it when this development pushes them out. He stated that it's fascinating to him that the person that wrote the ordinance that the County has to follow now works for the developer of this project and perhaps created the loopholes that they are now trying to use saying that they do not have to have a mitigation plan at all. He stated that this really hasn't been planned out very well.

Courtney Ireland is in support of this project. She stated that she is a former Planning and Zoning Commission member who was part of writing the new ordinance. She stated that she feels very confident that they spent the time to make this ordinance very strict to make these PCs work. She stated that these PC's are very well put together and maintained. She stated that this area will be developed either way. She stated that PC's are much better than subdivision. She stated that this will be great for the tax base for Elmore County.

Jonathan Craft is opposed to this. He stated that he is concerned about his water. He stated that he has lived almost his entire life in this area. He stated that there will be a major increase in traffic and will travel at a high rate of speed.

Martin asked how deep his well is.

Craft stated that the well is at 500 feet and the pump is set at 400 feet.

There was no further testimony.

The applicant asked for 10 minutes to discuss the rebuttal to the public testimony and 35 minutes for rebuttal.

Scott King is with SPF Water Engineering. He stated that both the applicant and IDWR are aware the water resources in this area are limited and that they are very cautious about approving new applications in the area. He stated that the applicant understands and is concerned with the lack of data out there. He stated that it is not in the applicant's best interest to invest significant resources in a project without first securing adequate water supplies either from groundwater or a larger regional type of supply. He stated that the applicant is cooperating with IDWR and US Geological Survey in collecting more data and doing continuous water level monitoring. He stated that the application for a new water permit is pending and has not been approved.

Mark Pecchenino is the applicant's representative. He stated that many of the roads will be improved out there. He stated that Slater Creek road will be paved and widened around 30% build out. He stated that all of these improvements will be re-evaluated with every plat. He stated that Indian Creek will be paved on day 1 according to the application. He stated that the concept of a PC is to propose healthy active lifestyles and that is why they are proposing over a 100 miles of trails on the site and 1000's of miles of trails offsite if the other agencies are willing to cooperate. He stated that the Wildlife Mitigation Plan is nearly 200 pages and all of the issues brought up tonight are discussed in it. He stated that they are not proposing any development in the flood plain. He stated that garbage service is already provided to the area and they have signed an agreement with Snake River Rubbish and they have agreed to provide dumpsters for construction. He stated that dumping is illegal in Elmore County so he does not think there will be any illegal dumping. He stated that they ordinance requires a team of economists to develop the plan and it's financially sound. He stated that the economy is showing signs of improvement and they are not planning on developing on this for 5 years after receiving approval because there are other approvals that they have to obtain. He stated that the applicant has agreed to pay additional fees for sheriff service and provide school sites. He stated that all essential services will be provided prior to the issuance of any building permits. He stated that the applicant went above and beyond what was required of them for wildlife mitigation. He stated that there are all types of strategies for dealing with wildlife. He stated that they are encouraging wildlife to come there because that is what people buy into. He said that there is a yearly review submitted to the Director of the Growth and Development office and a biennial review of the entire project and the entire project is looked over with a complete analysis.

Miller stated that in the Elmore County Planned Community Wildlife Mitigation Plan outline requirements binder that the wildlife mitigation only refers to endangered species but does the section that refers to wildlife corridors include elk?

Pecchenino stated that if you look at the plan you can see that the county never imposed this requirement before and they did not want to impede development but they felt something needed to be done. He stated that since there weren't any methods and they County couldn't come up with any that's why require the

wildlife biologist to do the plan and he would determine what methods or procedures to use and those would then be adopted by the County for each particular PC as far as habitat and improvement. He stated that it states in the manual that they are not going to require the developer to mitigate deer and animals and they will not be required to do all these studies because there is going to be an onsite Wildlife Conservation Director for managing this and to conduct ongoing studies. The applicants have done more than was required. He stated that this would be an ongoing thing and that is why they did not conduct any specific studies.

Miller asked why that was in the plan format outline.

Pecchenino stated that this outline is to provide guidance as to how the plan might be formatted in a logical manner.

Osborn stated that the book that he referred to is now referring to as a guideline rather than a requirement. She asked if it was the rule or is it a guideline.

Pecchenino stated that the plan is something separate that just got put in there. He stated that the wildlife mitigation plan is referenced in the ordinance. He stated that he does not know how this was given to his applicant. He stated that the PC guide was developed separate from the wildlife mitigation plan but it got stuck in this binder so he does not know if the County stuck it in there or if the applicant stuck it in there. He stated that he was not working for the County or the applicant at the time it was put in the binder.

Charlie Bond is with Environmental Conservation Services. He stated that there are no identified wildlife corridors.

Marty Goldsmith stated that the Commission may still have some confusion. He stated that the PC ordinance requires the Director to hand an outline out that shows the requirements that the wildlife mitigation plan will comply to. He stated that they would agree with a condition requiring them to enter into an agreement with ITD prior to grading at the site. He stated that they are making immediate improvements to Indian Creek Road.

Goldsmith stated that if there were an outstanding issue with regards to roads or wildlife mitigation that they move this forward to the Board of County Commissioners with a condition that they show a better plan in a certain area they would appreciate that.

Osborn stated that they have received a fair amount of information and asked what the Commission would like to do now.

Duerig suggested that they take up deliberations at a later date.

Jim Martin I agree with Duerig for the most part as far as the conditions have been met. I can move forward but I can wait if that is the consensus of the group.

The Commission concurred.

The Commission moved deliberations to March 9, 2011 at 7:00 pm with a location a location in the courthouse to be determined.

Osborn closed this public hearing.

Van Gheluwe rejoined the meeting.

MINUTES

Minutes from 2-2-2011

Martin moved to approve.

Oppedyk seconded.

Motion carried unanimously.

INFORMATION ITEMS

Approved

Approved

MEETING ADJOURNED

Patti Osborn

Patti Osborn, Chairperson

Date:

Alan Christy

Attest: _____
Alan Christy, Director

3-2-11

Date: