

# **CITY of EMMETT ZONING COMMISSION**

## **Aug 3, 2020 Public Hearing and Meeting Minutes**

The Emmett City Zoning Commission held a Regular Meeting and Public Hearing on August 3<sup>rd</sup>, 2020 at 6:00 p.m. at 501 E. Main Street, Emmett, Idaho.

**Commissioners Present:** Jeff Wiechmann, Gwen Earls,

**Commissioners Online:** Kim Butler, Marta Henry, and City Attorney, Jake Sweeten

**Commissioners Absent:** Jeff Chapman, Jennifer Frieboes

**Staff Present:** Zoning Administrator, Brian Sullivan; Recording Clerk, Anna Marie Young

**Chair Earls:** called the meeting to order at 6:01 p.m.

**Chair Earls:** led the Pledge of Allegiance.

**Review of Agenda:**

**Commissioner Wiechmann:** made a motion to approve the Agenda.

**Commissioner Butler:** seconded the motion.

**Motion Carried.**

**Approval of Minutes:**

**Commissioner Butler:** made a motion to approve the February 3<sup>rd</sup> 2020 Minutes.

**Commissioner Wiechmann:** seconded the motion.

**Motion Carried.**

**Chair Earls:** asked to confirm whether or not any Commissioner had any exparte communication regarding VAC 20-001? All participating Commissioners responded they had not.

### **PUBLIC HEARING: VAC #20-001 Partial E 12<sup>th</sup> St.**

**Chair Earls:** opened the Public Hearing for VAC #20-001

**Zoning Administrator:** presented VAC #20-001 application and appended Staff Report. Recommended approval of the application with conditions outlined in Section 6 of the Staff Report.

**Chair Earls:** asked the Commissioners if they had any questions? There were none.

**Applicant Adam Little:** 1137 E Harcourt Dr Boise ID, explained that this is a necessary step in the development of the subdivision that was already approved.

**Chair Earls:** opened hearing to public comment

**John Evans:** 1986 Lower Bluff Road, said he's in favor of the proposed vacate, before the turn was too tight it will make for a nice looking subdivision.

**Pam Orre:** 1110 Royalty Place, said she understood that the Subdivision Plat was already approved so this was practically a done deal. She struggled with some of the application wording regarding how "the City will be receiving much more" roadway. Not in favor of removing the 90 degree because, from a fire standpoint, the new road alignment will make it harder for emergency vehicles. Said she believed this will benefit the developer but that the City is selling itself short.

**Applicant Response Adam Little:** current design has already gone through staff and multiple agency reviews. Traffic impacts were addressed in the Subdivision's Preliminary Plat application.

**Chair Earls:** asked Zoning Administrator to confirm responses from the impact agencies that were notified.

**Zoning Administrator:** replied that yes, as identified in the staff report, all impact agencies were notified and replied with "no comments".

**Commissioner Wiechmann:** asked how much of the cost of road construction will be on the City vs the developers?

**Zoning Administrator:** replied that all cost is the developers, there is no cost to the City.

**Chair Earls:** closed the Public Hearing for VAC #20-001

## **DECISION OF PUBLIC HEARING: VAC #20-001**

**Commissioner Wiechmann:** moved to recommend approval to City Council of application VAC #20-001 along with conditions outlined in Section 6 of the Staff Report.

**Commissioner Marta Henry:** seconded the motion.

**Motion Carried.**

## **PUBLIC HEARING: PP #20-001 LEGACY HEIGHTS**

**Chair Earls:** opened the Public Hearing for PP #20-001

**Zoning Administrator:** presented PP #20-001 application and appended Staff Report. Summarized previously submitted comments from Keller and Associates, the City's Engineer and T-O Engineering, the Application's Engineer; and also from members of the public including a verbal comment received from Amanda Weers (E. Sunrise Street) requesting that a fence be installed around the entire perimeter of the development.

Recommended approval of the application with conditions outlined in the Staff Report. Explained that other agencies have additional conditions of approval that are separate from this report.

**Chair Earls:** asked Commissioners if they had any questions?

**Commissioner Butler:** asked if the Emmett Independent School District had commented on the impact of this many new homes?

**Zoning Administrator:** confirmed that the EISD was sent the application packet via email and that they did not respond.

**Chair Earls:** referenced an email comment received from Rachel Cauffman, asking if all lots were at least 6,000 sq ft?

**Zoning Administrator:** responded that yes all the residential lots meet the minimum 6,000 sq ft requirement and that amount of open space exceeds the minimum required.

**Applicant, Pat Colwel, T-O Engineering: 332 Broadmore Way Nampa ID:** said he believes the development meets all zoning and Comprehensive Plan requirements, they agree with all the conditions of approval, and asked for approval.

**Chair Earls:** asked Commissioners if they had any comments or questions? There were none.

**Chair Earls:** opened hearing for public comment

**Tanya Keen:** said that she had previously submitted several questions and wasn't sure if she had to ask again or if they would be answered here. She's concerned about box "12" where the new road would meet the existing Sunrise cul-de-sac.

**Zoning Administrator:** responded that that would be chained off and would not be opened or used unless an emergency.

**Tanya Keene:** asked if the fencing around the perimeter would be wood or vinyl?

**Zoning Administrator:** responded that the City just requires that the fence be a 6 ft solid fence, its up to the developer if they want to do wood or vinyl, and up to the property owner to maintain it.

**Tanya Keene:** asked if the new street named "Sunrise" be named something different because it doesn't actually go through to the existing Sunrise St.

**Zoning Administrator:** agreed that the City will ask the Applicant and Road-Naming Committee to name the street something different.

**Tanya Keene:** asked if a Traffic Study had been done. Is concerned that this development, on top of the Littles development will have big traffic impacts.

**Applicant Pat Colwell:** responded that Gem County Road and Bridge have requested a TIS as a condition of approval, and it must be completed and submitted prior to approval of the final plat.

**Commissioner Wiechmann:** said it seems like we may be putting the cart before the horse if the applicant has 15 conditions that need to be met, there is a lot to think about.

**Commissioner Henry:** asked when can we expect the TIS?

**Applicant Pat Colwell:** TISs are in high demand and they are about 2-3 months out.

**Zoning Administrator:** the applicant has 18 months after PP approval, before they have to submit the final plat.

**Commissioner Wiechmann:** how much would it slow the process to delay the approval of the preliminary plat. Are there things the applicant can get done in the meantime?

**Zoning Administrator:** responded that the developer can't move forward on anything until the PP is approved, so delaying your vote will only delay things another month until our next Zoning Meeting. Most of the conditions are done at final plat time for example, landscaping and fencing.

**Attorney Sweeten:** explained that the preliminary plat process serves as a road map for the developer. It basically says if you guys meet these conditions you will get your final plat.

**Chair Earls:** asked if there was anymore information or deliberation needed before the public hearing is closed.

**Commissioner Butler:** still concerned that there was no response from the School District.

**Chair Earls:** responded that City staff met all notification requirements and can not force them to respond.

**Tanya Keene:** agreed with the words used “putting the cart before the horse”, asked how can you approve something before you know its impacts?

**Zoning Administrator:** responded that nothing can be built, a lot can not be sold, until a Traffic Study has been done.

**Charlene Dimmike:** 2517 Monarch, said it appears there are two ways into the subdivision, asked how might the TIS change that?

**Zoning Administrator:** responded that the TIS will not change the layout of the subdivision and or entrance, but it will address the traffic impact at the intersection of E. 12th St. and S. Substation, and the intersection of S. Substation and Hwy 16, for example it may require another traffic light or another turn lane.

**Commissioner Butler:** asked if a TIS was done for the Payette River Orchards Subdivision that was recently approved?

**Zoning Administrator:** responded that the TIS for Payette River Orchards was done by Kittelson and Associates and reminded the Commission of some of the suggested mitigations from that study such as; changing the 12<sup>th</sup> bridge to one-way Northbound, dropping the speed limit from the Hwy to the bridge entrance, adding a bike lane/path on the bridge.

**Commissioner Butler:** asked that she be send the TIS for Payette River Orchards again because she disagrees with a one-way road for a subdivision of 242 homes. Concerned that there are two new subdivisions going up side by side with access to one road.

**Attorney Sweeten:** reminded Commissioners to stick with the application that is in front of them for this hearing.

**Commissioner Butler:** wanted to state again, for the record, that she believes these two subdivisions go hand in hand, being that they share the same impact area.

**Chair Earls:** closed the public hearing for PP #20-001.

## **DECISION OF PUBLIC HEARING: PP #20-001**

**Commissioner Wiechmann:** moved to recommend approval of the application to the City Council including the list of 15 site specific conditions outlined in Section 8 of the Staff Report.

**Commissioner Henry:** Seconded Motion.

**Motion Carried.**

## **PUBLIC HEARING: SUP #20-001 201 E 12<sup>th</sup> St**

**Chair Earls:** opened the Public Hearing for Special Use Permit #20-001.

**Zoning Administrator:** presented SUP #20-001 application and appended Staff Report. Recommended approval of application.

**Chair Earls:** asked Commissioners if they had any comments.

**Applicant Mary Dinicola:** 3427 Wills Road, explained that she is requesting the entire building be used as a single-family house, as the other half of the building that was being used as a daycare, is no longer in operation.

**Commissioner Wiechmann:** asked Zoning Administrator if the property would need to be rezoned every time it changes uses.

**Zoning Administrator:** clarified that we are not rezoning, and that a Special Use Permit, itself, will allow residential use in a commercial zone.

**Chair Earls:** asked Commissioners if they had any questions? There were none. Asked if there were any public comments. There were none.

**Chair Earls:** closed the Public Hearing for SUP #20-001.

## **DECISION OF PUBLIC HEARING: SUP #20-001**

**Commissioner Butler:** motioned to approve SUP #20-001

**Commissioner Wiechmann:** seconded the Motion.

**Motion Carried.**

## **PUBLIC HEARING: CA #20-001 HEIGHT & AREA REGULATIONS**

**Chair Earls:** opened the Public Hearing for Code Amendment Application CA #20-001.

**Zoning Administrator:** stated the Application is requesting to reduce interior side set-backs from 7ft to 5ft in R-1 Zones throughout the City. Explained that he wrote a Memo to the Commissioners instead of the usual Staff Report, and that the Applicant would be presenting the Application instead of himself. Went over his Memo, outlining the

code amendment process and listed letters of support received. Recommend approval of Application.

**Applicant Bonnie Layton, WH Pacific Senior Planner:** Presented CA #20-001 Application and Powerpoint slides. Explained the benefits of reduced side-yard setbacks, and said that people want more housing design flexibility (living and/or garage/RV bay space) as opposed to a wider side yard.

**Chair Earls:** asked if there was any Public Comments.

**David Little:** 3111 Sand Hollow Rd, said he took a tour, and talked to custom home builders in town and realtors to see what is the product people are looking for. People want 3 car garages and RV bays. Longer lots provide for more usable space in the back yard. They can still keep the building 7ft back from the side property lines if they want but changing the code gives them a choice, if they want to build up to the 5ft setback they can.

**John Evans:** 1986 Lower Bluff Rd, stated support of Code Amendment

**Mike Smith, Agile homes:** [couldn't make out address], stated support of Code Amendment.

**Craig Smith:** 1740 Echo Ave, stated support of Code Amendment

**Adam Little:** 1137 E Harcourt Drive Boise stated support of Code Amendment

**Chair Earls:** asked Commissioners if they needed more information to make a decision or would like to continue the hearing to next scheduled meeting? Commissioners Wiechmann and Butler said they were ready to vote.

**Chair Earls:** closed the Public Hearing for CA#20-001.

## **DECISION OF PUBLIC HEARING: CA #20-001**

**Commissioner Wiechmann:** said he didn't see any reason to vote against this, there is a lot of support no opposition.

**Commissioner Wiechmann:** motioned to recommend approval of Application CA#20-001 to City Council.

**Commissioner Butler:** seconded the motion.

**Motion carried.**

## **PUBLIC HEARING: ANN #20-003 1877 E 12<sup>th</sup> St.**

**Chair Earls:** opened the Public Hearing for ANN #20-003.

**Zoning Administrator:** presented ANN #20-003 Application and appended Staff Report. Recommended approval of the Application to City Council.

**Zoning Administrator:** reminded the Commission that this application is just to bring the land into the City not to develop.

**Applicant Frederika Wilhelmy:** pointed out on the map where her house is located on the lot. She explained that the large property is just too much for her to take care of and that before selling she would like to be annex.

**Chair Earls:** asked the Commission if they had any questions. There were none.

**Chair Earls:** closed the hearing for ANN #20-003.

### **DECISION OF PUBLIC HEARING: ANN #20-001**

**Commissioner Wiechmann:** motioned to recommend approval of ANN# 20-003 to City Council.

**Commissioner Henry: seconded the Motion.**

**Motion Carried.**

**Unfinished Business:** there was none.

**Items from the Commission:** there were none.

**Items from the Building Official/ Zoning Administrator:** there were none.

Next Regular Meeting – Sept 14<sup>th</sup> 2020

**Commissioner Butler:** motioned to adjourn.

**Commissioner Henry:** seconded the motion.

**Motion Carried.**

**Meeting adjourned at 8:59 p.m.**