

December 10, 2013

7:00 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners Natalie Black, Jake Cordova, Donna Cosgrove, George Swaney, Leslie Polson, Kurt Karst, Brent Dixon, and George Morrison.

MEMBERS ABSENT: Doug Branson, David Hodder, Dee Whittier, and Margaret Wimborne.

ALSO PRESENT: Planning Director Brad Cramer, Assistant Planning Director Kerry Beutler, Recording Secretary Cynthia Likes, and interested citizens.

CALL TO ORDER: Chair Cordova called the meeting to order at 7:00 p.m. and reviewed the public hearing process.

MINUTES: Swaney moved to approve the minutes of September 17, 2013, Dixon seconded the motion and it passed unanimously. Cosgrove pointed out that Whittier was not on the list as either present or absent. Cosgrove moved to approve the minutes of October 1, 2013, with the amendment of including Whittier as present or absent. Polson seconded the motion and it passed unanimously. Cosgrove moved to approve the minutes of November 12, 2013. Black seconded the motion and it passed unanimously.

PUBLIC HEARINGS:

Annexation with initial zoning of R-1 (residential single family), and final plat: Bristol Heights, Division No. 5. Cramer presented the staff report, a part of the record. Karst asked if the common landscape lot, which is south of Leesburg can be referenced as Lot 1, Block 4. Cramer said yes. Dixon asked if Poconos is a north/south street, and Cramer said yes. Cosgrove asked if an adjacent lot comes in, does the applicant have the option to make that part of a new lot or will it always have to be a common area. Cramer said the applicant could leave the lot commonly owned or combine it with another lot. This option was discussed in the preliminary plat hearing.

Cordova opened the public hearing.

Fred Wallin, 645 Lincoln Drive, Idaho Falls. Mr. Wallin appeared for the applicant, Lee Gagner. Wallin said the legal descriptions for the lots would be corrected. Dixon asked if the property to the south was owned by the same owner, and Wallin said no. Cosgrove asked if the owner had any objections with making Lot 1 a common area, and Wallin confirmed that not only would it not be a problem but also that it was the owner's wish.

Darwin Mecham, 291 Leesburg Lane, Idaho Falls. Mr. Mecham lives next to Lot 1, Block 4 as shown on the plat, and is concerned that the common area next to his property and the area next to any stub roads will become a dumping ground, a neighborhood eyesore, and a fire hazard. The stub to Leesburg had, until this year, become overgrown with weeds and a dumping ground for concrete, old logs, and other garbage. He provided examples of other dead-end stub roads in the area where dumping has occurred. He requested that Pocono Street be modified to be a curved roadway, connecting with Leesburg Lane instead of a stub street. The remaining portion of the street could be maintained as landscaping. Mecham also proposed that the signage

on Leesburg east/west stop signs be placed on Cumberland instead as many people do not stop. He feels it is a real traffic hazard.

Karst wanted to know if fencing would be an appropriate way to mitigate the dumping. Mecham said he did put up steel fence posts, a single rope, and a sign saying, No Dumping, by the lot near him and it did help some possibly because people knew someone was taking care of the lot. Karst thought maybe a 6 foot high fence might help.

Cosgrove was concerned the annexation creates a county island to the north. She wondered why the annexation and final plat of the parcel to the north is not being annexed. Cramer said it has not been annexed but it is part of the development plan and will be the final phase of Bristol Heights. Polson asked if the homeowners are responsible for the common lot but it is not maintained what recourse was available. Cramer said if the City receives a complaint code enforcement officers can send a letter to the homeowners association. Polson then asked if the storm ponds in Waterford are maintained by the homeowners or by the City. Cramer confirmed it is the City that maintains the storm ponds.

Dixon asked if the City maintains water retention basins but the homeowners association is responsible to maintain the other piece and the road is curved, what's the dividing line for who is responsible for what? Cramer said it is something that can be decided between the City and the applicant and be a part of the development agreement. Karst asked about the current condition of the storm water retention pond. Cramer said it is un-landscaped and is a small pit.

Cramer stated that the police can be contacted if dumping does occur. He clarified the right-of-way for the stub road is necessary for future connectivity to the south if development occurs. He said the plat should not be modified for a curved road. As an alternative, the right-of-way could remain, but a portion of it could be required to be landscaped and maintained by the homeowners association. One of the issues with landscaping the right-of-way instead of providing pavement is that the City does not currently have a good method for requiring a developer to finish the improvements later on. The City may then be responsible to fund the completion of the road. The City's policy is to require the developer to pay for all roadway improvements. In regards to the request for additional street signage on Leesburg, Cramer and Karst clarified that the Planning Department does not have traffic control authority and Mecham could contact Public Works for more information.

Fred Wallin, 645 Lincoln Drive, Idaho Falls. Swaney asked if the owner would be amenable to change the plat to show that there will be a curve in the road and eliminate the stub road which would become an easement right-of-way and will stipulate in the development agreement that the homeowners association would be responsible for everything on the easement and the common area lot to the east.

Wallin said he can't speak for the owner, Mr. Gagner, but he doesn't believe the plat can be changed. According to the preliminary plat and the rules that are put forth by the City, the right-of-way must be shown touching the south end of the property. As far as building the road differently, he is currently working on the improvement drawings for the streets to be submitted to the Public Works department that will propose that the streets stop improvements 20 ft north of the property line in order to provide for utility stubs to the south. The City will be taking

ownership of the pond and they could maintain the 20-foot strip of right-of-way if that is acceptable to them.

Wallin said the entrance to the subdivision and the landscaping along Park Road is maintained by the homeowner association maintained and looks nice, and hopefully that alleviates any fears that that lot will be maintained.

Cosgrove asked why a county island is being created and why is development south to north. Wallin said it has to do with marketability of lots. The applicant is focusing on finishing the storm pond since a lot of the subdivision is built, and it is not sensible to complete the street improvements and get lots ready to sell in that area until the storm pond is completed.

Swaney mentioned that the applicant felt there were prohibitions to him amending the plat but the 20-foot strip could be planted in grass; the City could still have the road curved as Mechem mentioned, which would alleviate having the road become a dumping ground. Cramer said the plat should not be modified. If an easement is created then the right-of-way is eliminated and the City wants the right-of-way where it is for future connections. Cosgrove expressed concern that approval of the annexation may create two long-term problems for the City; a stub road to the south and the island to the north. Cramer stated that he did not view the annexation as creating an island. It is common for a preliminary plat to be a large piece of county land and then with each division the City land becomes larger and the county land smaller. Cordova agreed that the Commission has been approving certain portions of a plat or subdivisions with the intent that it will all be developed. The reason why a developer doesn't annex it all is because he pays higher taxes on vacant land. Cosgrove countered that the commission also has annexed portions greater than is platted. Cramer confirmed for Polson that if the plat can't be changed it can become part of the development agreement to require that any undeveloped portion is landscaped.

Cordova closed the public hearing.

Dixon stated that he is not concerned about the county island to the north because developers lose money on the first part of a new development and make money on the last, so the developer will want to continue to develop the last lots at some point. There was discussion about requiring a fence or landscaping at the south end of Pocono. Cramer suggested a recommendation could be based on the improvement drawings; that if a section of the road is not completed it could be landscaped.

Dixon moved to recommend to the Mayor and City Council approval of the annexation with initial zoning of R-1, and final plat for Bristol Heights, Division No. 5. be approved with the following condition: that Lot 1, Block 4 in the southeast part of the plat be identified as a commonly-owned landscape lot to be maintained by the homeowners association and that any undeveloped portion of the southern end of Pocono be landscaped until such time that road is extended to the south. Polson seconded the motion, and it passed unanimously.

Annexation prior to platting with initial zoning of R-1 (residential single family): 2.512 Acres, NE ¼, Section 36, T 2N R 37E. Cramer presented the staff report, a part of the record. He clarified for Dixon that the parcel is along a wide canal and is undevelopable. He said

typically canals include a 25-foot easement on either side for maintenance by the canal company. He then clarified for Karst that the annexation only included to the center of the canal.

Cordova opened the public hearing. No one appeared to offer comment.

Cordova closed the hearing.

Cosgrove said that she felt this issue was an oversight and is just a housekeeping item.

Cosgrove moved to recommend to the Mayor and City Council annexation prior to platting of the area with initial zoning of R-1. Polson seconded the motion and it passed unanimously.

Polson then asked Cramer what can be done to stop people from creating a spite strip, which essentially is what this was. She said it is the second time in the past six months that this issue has come up in front of the commission and essentially the City becomes landlocked. Cramer this case was unusual because of the question of ownership of the canal.

MISCELLANEOUS:

Volunteer for County Planning Commission: Cramer asked if any of the commissioners would volunteer for the County Planning Commission. Swaney said from his understanding we have a volunteer and then submit their name to the Bonneville Planning Commission and then they accept or reject that person. They can sit on it indefinitely before making the decision. There were no volunteers and the commissioners asked Cramer to meet with the County and ask about the expectations and role of serving on the County commission.

Introduction: Kerry Beutler was introduced as the new Assistant Planning Director, replacing Brad Cramer.

Presentation to Jake Cordova: Cordova has served for 37 years on the Planning Commission and this is his last meeting. The Planning Department gave him a plaque in appreciation of his many years of service.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Cynthia Likes