

September 18, 2012

7:00 p.m.

Planning Division
Council Chambers

MEMBERS PRESENT: Commissioners Natalie Black, Doug Branson, Jake Cordova, Donna Cosgrove, Brent Dixon, David Hodder, Kurt Karst, George Morrison, Leslie Polson, George Swaney, Dee Whittier, and Margaret Wimborne.

MEMBERS ABSENT:

ALSO PRESENT: Planning Director Renée Magee, Assistant Director Brad Cramer, Recording Secretary Debra Petty, and three interested citizens.

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

CALL TO ORDER:

MINUTES: Commissioner Morrison moved to approve the minutes of June 5, 2012, as presented. Motion seconded by Commissioner Cosgrove. Aye: 12, Nay: 0, Abstain: 0.

Commissioner Karst moved to approve the minutes of July 10, 2012, as presented. Motion seconded by Commissioner Morrison. Aye: 12, Nay: 0, Abstain: 0.

PUBLIC HEARINGS:

Annexation, Initial Zoning of R-1 (Residential Single-family), and Final Plat: Goose Lake, Division No. 1. Magee reviewed the staff report, a part of the record. The application is a two-lot plat which includes a replat of Lot 3, Block 3, York Subdivision and an additional parcel of ground to the south. The existing barn, if it includes a dwelling, is the principle building on the property and requires a 25' rear yard. In order to meet this rear yard requirement, a portion of the lake is included in the lots. Zoning or subdivision provisions do not prohibit the inclusion of a body of water in a parcel. The final plat shows each parcel being just over one acre in size allowing the developer to extend 9th West south as a rural street section. Although the slide in the presentation shows the dedication of only one-half a street, the final plat has been modified to include the full right-of-way width of sixty feet.

Magee said a similar request was presented in 2007 but withdrawn by the applicant prior to Council consideration. The original request was for the southern lot only. The inclusion of Lot 1, Block 1, an undeveloped parcel, creates utility issues not present originally. The developer is required to bring Idaho Falls Power from York Road to serve Lot 1, Block 1. Water and sewer services are beyond the 300 foot distance requiring connection to city services. The developer needs to confirm a permit for a septic system will be granted on Lot 1, Block 1. With exception of utilities, staff finds the plat in compliance with the subdivision ordinance.

Cordova said the district has not issued septic permits due to close proximity to city services. Magee said this is one reason the applicant needs to assure a permit will be granted. She told Wimborne the parcel must be served by Idaho Falls Power due to an agreement with Rocky Mountain Power. She confirmed for Dixon if Rocky Mountain served the parcel prior to annexation, it could continue to be served by Rocky Mountain. Staff confirmed the applicant does not have to meet the requirements for curb and gutter because each lot is over one acre. The well is on the southern lot. Dixon is concerned including a body of water in the plat will permit the building to be close to the water and set a precedence to limit public access. Magee said the zoning ordinance requires a seventy-five foot setback from the high water mark.

Chair Wimborne opened the hearing to public comment.

Rod Ellsworth, Ellsworth and Associates, 253 1st Street, Idaho Falls, ID. Mr. Ellsworth told Karst the owner is crafting an agreement for both lots to access the existing well and there is adequate separation for a septic system on each lot. The owner informed him District 7 is allowing a septic system but an application has not been filed.

Chair Wimborne closed the hearing to public comment.

Magee told Karst 9th West is a dedicated right-of-way and utilities could be located in the right-of-way. Water may ultimately come from York Road and the subdivision to the south creating a loop system which is preferable. In response to a question, Magee gave examples of city utilities in county rights-of-way.

Chair Wimborne re-opened the public hearing.

Rod Ellsworth, Ellsworth and Associates, 253 1st Street, Idaho Falls, ID. Mr. Ellsworth said, if a building permit is requested for the northern lot, city power must be supplied.

Chair Wimborne closed the hearing to public comment.

Commissioner Karst moved to recommend to the Mayor and City Council approval of the annexation, initial zoning of R-1, and final plat for Goose Lake, Division No. 1, as presented. Motion seconded by Commissioner Cosgrove. Motion passed. Aye: 12, Nay: 0, Abstain: 0.

BUSINESS:

Final Plat: Edgemont Elementary, Division No. 1. Chair Wimborne and Commissioner Black, both employees of District 91, recused themselves from the hearing. Wimborne turned the meeting over to Commissioner Cosgrove. Magee said the plat is in response to a request of the City. The purpose is to dedicate the public right-of-way for Azalea Drive and 21st Street. The City had ownership of the southern 102 feet of the school site and a portion of 21st Street through a Land and Water Conservation grant. The City deeded the land to the school district. Platting will ensure dedication of the easements and public streets. Staff recommends approval.

Rod Ellsworth, Ellsworth and Associates, 253 1st Street, Idaho Falls. Mr. Ellsworth said the request came through the City to clarify boundaries.

Dixon moved to recommend to the Mayor and Council approval of the final plat named Edgemont Elementary, Division No. 1, as presented. Motion seconded by Polson. Aye: 10, Nay: 0, Abstain: 0. Wimborne and Black returned to the meeting. Commissioner Cosgrove turned the meeting over to Chair Wimborne.

Final Plat: First Amended Plat of J. Earl West, Division No. 1. Cramer said the proposed plat is to divide an existing lot into two lots for the construction of two single-family attached dwellings. For single-family attached homes, the lots do not have to meet the minimum size and width requirements of the zone. He said the developer made changes to the site plan after the staff report was written: the sidewalks leading to the doorways are clearly separated and not held in common; the landscaping and grassed areas are identified; and the applicant submitted a draft version of the common party wall agreement. The statement in the staff report that a buffer from the adjacent R-1 zone must include a minimum of two trees and a fence or wall is incorrect. The ordinance does not define a buffer. Staff recommends approval.

Cosgrove noted the extent of landscaping on this parcel. Cramer said the owner of the home to the west previously owned this parcel. In response to a question from Dixon, Cramer responded the site plan does not illustrate the swales for retention but he believes there is a slight dip between the house and side property line. Regarding a buffer in the R-2 zone, a ten-foot wide landscape buffer is required.

Larry Wilde, 1605 Teakwood, Idaho Falls. Mr. Wilde told Dixon the water retention area is a grassy swale to prevent storm-water flow to the neighboring property. He said the previous owner is aware of the change in property line.

Cosgrove moved to recommend to the Mayor and Council approval of the First Amended Plat of J. Earl West, Division No. 1, as presented. Motion seconded by Branson. Motion passed. Aye: 12, Nay: 0, Abstain: 0.

Final Plat: Fairway Estates, Division No. 19. Cramer said a preliminary plat was approved in 2003 for the construction of single-family attached dwellings. The plat consists of property annexed in 2008. The subdivision plan is consistent with the preliminary plat with two exceptions: the lots are now designed for single-family detached homes and the amenities proposed (i.e. walkway, landscaping, and buffering on the north and northeast) are no longer part of the revised plat. There will be three fewer lots. An easement for public utilities is needed in Lot 21, Block 9.

Cramer said lots adjacent to an arterial street must have a minimum lot depth of 150 feet with reverse frontage or a combination of lot depth and buffer. The lots along Tower exceed the 150 foot lot depth requirement with reverse frontage, but staff recommends a fence along Tower in order to be consistent with neighboring development. This can be accomplished on the plat or through the development agreement. Staff recommends approval with the conditions a fence is constructed along Tower Road and of a public utility easement is dedicated on Lot 21, Block 9.

Cramer confirmed for Cosgrove there will be a sidewalk on Tower Road; the walking path did not replace a sidewalk. The common area also provides a storm-water retention area. He told Karst the walking path does not appear to be a consistent amenity throughout the subdivision and may not be expected.

Kevin Alcott, Box 3082, Idaho Falls. Mr. Alcott said most residents prefer a larger lot over a walking path. He said he does not know if the contractor will construct a fence along Tower. However, fencing

materials will be addressed in the covenants and the materials will be consistent. The berm mentioned earlier is material remaining from excavation of the retention pond. Some of the material may be used as a berm along Tower but not to the extent it currently appears. The easement requested by Public Works will be granted.

Morrison moved to recommend to the Mayor and Council approval of the final plat for Fairway Estates, Division No. 19, as presented. Motion seconded by Cordova. Karst requested an amendment to include a public utility easement on Lot 21, Block 9. Motion amended by Morrison. Motion passed. Aye: 12, Nay: 0, Abstain: 0.

Comprehensive Plan Exercise: Magee postponed the comprehensive plan exercise with the Commission to October 2, 2012.

The meeting adjourned at 8:15 p.m.

Debra Petty, Recording Secretary