J Johnson Rezone (Wolf Creek)

On the Commissioners' level on December 7, 2016 at 11:00 a.m., a meeting was held as advertised for the purpose of a Public Hearing in relation to Horrocks Engineers on Jay and Brenda Johnson and Rockwell Development Property, for a Rezone from General Commercial C-2 to Residential R-1.5.

General Location: East of Ammon Road and South of 49th North, Bonneville County, Idaho

Present were Commissioner/Chairman Christensen, Commissioner Staker, Commissioner Radford, Zoning Administrator Steve Serr, and Administrative Assistant Betsy Hanks. No Public Works representative was present. Chairman Christensen conducted the hearing, made introductions, read the legal notice, and outlined the procedures and guidelines for the hearing.

Administrator Serr presented the application and pointed out the location of the property on the map. This proposal is approximately 500 x 500 square feet and is located south of 49th North in the northwest corner of the section. He explained the Commissioners heard a Comprehensive Land Use change proposal for this parcel in August and a Finding of Fact approving the change was issued on October 5, 2016. The developer is requesting a rezone to R-1.5 to match the zone recently approved on the adjoining parcel. This proposal is designated as Urban Residential on the Comprehensive Plan. There are services available from IBSD and Falls Water. He explained that the Zoning Commission recommended approval of this rezone request conditional upon meeting the planning requirements, the landscape requirements on the arterial road, and provided the additional right-of-way is dedicated.

Chairman Christensen called upon the applicant to present their application.

Cameron Brink, Horrocks Engineering, 901 pier View Drive, stated they had no concerns regarding the conditions set by the Zoning Commission.

Administrator Serr stated a preliminary plat has been filed. He also recommended the minutes from the Zoning Commission hearing be incorporated with this hearing.

Commissioner Radford asked if the developer has any concerns regarding the requirements for acceleration/deceleration lane, lighting, and landscaping.

Administrator Serr explained the developer had no objections to these requirements and that no traffic study was required on this proposal.

Chairman Christensen called upon the public for any testimony.

There was no one from the public to testify for or against this proposal.

Chairman Christensen called for any additional testimony. There being no additional testimony, Chairman Christensen closed the public hearing and informed those present the Commissioners will review the information and the facts submitted prior to the close of this hearing and a decision will be rendered and posted with the appropriate notice on the Commissioners' agenda. The applicants will be notified of the decision and a copy of the decision will be available through the Planning and Zoning office.
Sample/MacOmber Rezone

On the Commissioners' level on December 7, 2016 at 11:15 a.m., a meeting was held as advertised for the purpose of a Public Hearing in relation to the purpose of public hearing in relation to the application of: John W. Sample and Thomas L. MacOmber, for a Rezone from Agriculture to Limited Commercial C-1; Residential R-1.5; and Residential R-2.

General Location: East of the N. Yellowstone Hwy. (35th E.) and Northwest of the Ririe Hwy., Bonneville County, Idaho

Present were Commissioner/Chairman Christensen, Commissioner Staker, Commissioner Radford, Zoning Administrator Steve Serr, and Administrative Assistant Betsy Hanks. No Public Works representative was present. Chairman Christensen conducted the hearing, made introductions, read the legal notice, and outlined the procedures and guidelines for the hearing.

Administrator Serr presented the application and pointed out the location of the property on the map. He explained this proposal is located north of Beeches Corner. This proposal is north of a Commercial development area east of the Yellowstone Highway. The parcel would be split into three zoning areas. There would be C-1 on the front, R-2 in the middle, and R-1.5 on the rear of the property. The C-1 is a light duty Commercial zone; the R-2 allows for multi-family up to four-plexes; and R-1.5 is the twin home Zone that allows for zero lot line twin-homes on smaller lots. The proposal is designated as Mixed Use on the Comprehensive Plan. The three proposed zones are ones that would be allowed in the Mixed Use designation. He explained there is currently no water or sewer services adjacent to this property. Administrator Serr stated one of the conditions discussed at the Zoning hearing is that Mr. Murray did not have will serve letters available. The Zoning Commission recommended approval of the rezone subject to the compliance with buffering standards within the Mixed Use areas specifically addressed buffering required against roadways and they discussed the necessity of landscaping between the zones for compatibility. There were no specific plans submitted for the landscaping so those conditions would have to be complied with in the future development proposal.

Chairman Christensen stated the minutes from the Zoning hearing will be incorporated with this hearing minutes.

Chairman Christensen called upon the applicant to present their application.

Kevin Murray, 3525 Merlin Drive, representing the developers, stated he has had several conversations with Scott at Falls Water. Mr. Murray stated Mr. Scott has indicated to him that Falls Water has adequate water to serve this project. They are not willing to issue a will serve letter until the rezone is approved and there is some type of action taken on the proposal. The property may have to be sold contingent upon the proposal being able to secure water from Falls Water. Mr. Murray stated he has applied to IBSD to connect to their sewer line and this proposal is adjacent to a property already annexed into IBSD service territory. He stated IBSD has a hearing next week and he believes there will be more information available next week. Mr. Murray stated IBSD was not willing to issue a will serve letter for this property yet.

Chairman Christensen explained Bonneville County is not involved in any policies between IBSD and the City of Idaho Falls. He asked Mr. Murray to acknowledge that Bonneville County’s general approval conditions are subject to access to public services. If this is approved, the sale would

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be contingent to services.

Chairman Christensen called upon the public for any testimony.

Wayne Gardner, 363 Meppen Drive, commented his wife, Gloria, owns 5836 N. Yellowstone and he is concerned the developer will dig in front of her property to install the water and sewer lines. He is concerned the ground be packed well after the installation. He has also discussed putting up a wall because they are noisy on the weekends. Their children work on their personal cars on this site. They have a road in the back for their personal family use.

Chairman Christensen commented if construction in the right-of-way is needed, the installers are required to cover the lines to a standard where the ground will not sink.

Administrator Serr explained the road right-of-way is deeded. Normally, any improvements needed would occur within the road right-of-way. The Gardner property goes to the edge of the road right-of-way.

Chairman Christensen explained if access is needed to the Gardner property for the improvements, land would have to be purchased from the Gardners.

Wayne Gardner asked about a fence on the north side.

Administrator Serr stated a buffer fence was requested at the Zoning Hearing to protect the Gardner property from the proposed zone. The peculiar thing is the Gardner property abuts an existing commercial zone. Normally, a buffer would be required between the residential and commercial zones. The property owned by Pioneer Equipment would be adjacent to the R-1.5 zone that would not involve the Gardner property. Both the Gardner property and the property proposed for commercial rezone would be commercial.

Wayne Gardner stated he is concerned about people who may want to hop a fence into their property. If windows are broken out on their cars, it will be very expensive for them.

Chairman Christensen called for any additional testimony. There being no additional testimony, Chairman Christensen closed the public hearing and informed those present the Commissioners will review the information and the facts submitted prior to the close of this hearing and a decision will be rendered and posted with the appropriate notice on the Commissioners' agenda. The applicants will be notified of the decision and a copy of the decision will be available through the Planning and Zoning office.