

7:00 pm

February 22, 2017

**621st MEETING OF THE
HORSESHOE BEND CITY COUNCIL**

Mayor Goff called the meeting to order with Councilpersons Cooper, Green, Fisher and Riley present. Also present, City Clerk Gina Elmer and Attorney Tony Pantera.

Pledge of Allegiance

Councilwoman Cooper made a **motion** to approve the agenda. Councilwoman Green **seconded**. All ayes. **Motion carried**.

Councilwoman Green made a **motion** to approve the previous minutes for the February 15, 2017 meeting. Councilman Riley **seconded**. All ayes. **Motion carried**.

Councilwoman Cooper made a **motion** to approve and pay the City's bills. Councilman Riley **seconded**. All ayes. **Motion carried**.

Public Hearing:

Open Hearing 7:02 pm.

Councilwoman Fisher recused herself from the decision and moved to present her application, Exhibit 1, for a Planned Unit Development (PUD) with a residential Conditional Use Permit (CUP). Tony Pantera explained the Public Hearing procedure.

Acacia Fisher, 148 Dovetail, Horseshoe Bend, Idaho 83629: Acacia plans to renovate the mobile class room that has been placed at 101 Locust Ln, Horseshoe Bend to create a daycare center called Toddler Town. The building will have two classrooms one for infants and the other for older children, a kitchen area, and a bathroom. She will fence in a large outside play area for the children. David and Jennifer Osorio wrote a letter of support for her business. The letter was submitted and is included in Acacia's application. There is enough room to park an estimated five cars. The traffic on Locust Ln. will increase by about fifteen cars in the morning and fifteen cars at night as people will be dropping off and picking up their children. The daycare will be open from 7:00am until 6:00pm. Tony Pantera asks what year the building was manufactured. Jon Dufresne says that the modular was built in 1980. Acacia says there will be approximately fifteen children at the daycare each day. Tony also has a question about any limitations on the recorded easement for Locust Ln. Jon Dufresne owns the property 101 Locust Ln and his company, CJ Holdings, owns the apartments at 105 Locust Ln. He believes there are no limitations on the easement. Tony adds that City Parking Ordinance requires one paved parking space for every ten children and the required handicapped space. The business would require two parking spaces and a handicapped space. Jon Dufresne asked that Acacia be given extra time to make sure the business will be viable before paving. Acacia said she will follow the ordinances as required. There was discussion about the differences of concrete and asphalt.

Amy Woodruff, Civil Dynamics, 422 S 9th, Caldwell, Idaho: Amy is presenting the Staff Report, Exhibit 2. Amy explains that a PUD is normally used for big developments such as shopping

centers and apartment complexes. She directs Council to page 6 and reads the staff findings for section 1(A). Staff finds that the PUD does not provide benefit that cannot be achieved through compliance with the zoning code other than convenience of the applicant. Normal compliance with required zoning standards and regulation would require a lot division through subdivision (or other) and subsequent rezone for the appropriate zone. She also adds that even though, the daycare would create additional jobs, it is not fully supported by the Comprehensive Plan. She then States the staff findings for 1(B) which find the use marginally compatible, if at all compatible with the R-1 and R-2 zones that surround it. Rezoning from Residential to Commercial would create a “spot zone” or island of incompatible land use. Section 1(C) furthers compliance with the goals and policies found in the Comprehensive Plan. The Comprehensive Plan has very low support for the proposed application. Staff finds the applicant has not provided for the 10% of open space for the use of and benefit of the resident on site or the community in general required by City Code 9-16-03. The required open space would be 2919 ft. or 10% of the gross land area, designated for residential use. Staff also finds that the PUD does not include a subdivision or condominium application required by Section 9-16-04 Concurrence. Under Section 9-16-06 staff finds the applicant submitted a general sketch of the modular building layout stored on site, but it is not specific enough to fully evaluate the requirements and general principals of landscape design, streetscape, and general design features. Amy directs Council to page 11 of the staff report. Under Section 9-16-08 staff finds there have been no final plans submitted. On page 12 of Exhibit 2 staff finds a CUP has been submitted prior and is included and attached herein. Amy informs Council of the requirements of the CUP and the conditions recommended by staff. Under Analysis and Recommendation on page 13 of Exhibit 2 staff finds that the requested PUD and CUP are generally unsupported by the Comprehensive Plan. Staff finds there will be insufficient parking and circulation. There was discussion about conditions to be imposed by Council if the PUD was passed. Councilman Riley asked about a lot split. Amy said that the lot was split in 2005 so any further split would require a subdivision application. Mayor Goff questioned the amount of added traffic that will actually be using Locust Ln. Amy explained the research that had been done to obtain the circulation numbers which are more important than the parking available.

Public Testimony:

Oral Testimony:

Jon Dufresne-9 Woodpark Place, Horseshoe Bend, Idaho: Jon disagrees with the circulation research and feels it was based on cities bigger than ours. Jon says that before the building was put on the lot it was nothing but dirt and weeds. He feels Acacia’s business will provide a needed service and improve the community. He asks that the Council be flexible in bringing a new business to town and bring in new jobs. Jon also states that he will work with Acacia to help her get her business started.

Written Testimony:

A letter, in favor of the application, from Bob & Dorothy Wolsleben was read into the record and labeled as Exhibit 3.

Rebuttal:

Acacia Fisher asked if she would need to put in a new water/sewer hookup or could she tie into the other water/sewer on the property. Amy said a new hookup would be required. Acaica also had questions about why a subdivision application would be needed.

Closed Hearing 7:51 pm.

Deliberation:

Councilwoman Cooper asks if the Council is to consider both the PUD and CUP together. Tony Pantera said yes both are to be considered at this time. The PUD is required because the daycare on the lot would be both commercial and residential on the same lot. Councilwoman Green had a question about who owned the lot. Jon Dufresne is the current owner. Tony discussed the added traffic and traffic circulation. Amy Woodruff confirmed that the City ordinances require that the service drive and parking spaces be paved. Jon Dufresne says that this would be an undue burden on Acacia's business. Tony continued the deliberations with the benefits that the daycare would provide for the City. The daycare would provide two to four new jobs. The City also does not currently have a child care facility. Councilwoman Cooper states that everyone realizes that we need a daycare but the Council has to enforce the City ordinances. Tony puts the question of compatibility before the Council. Staff found that the use is compatible but they had concerns about parking, circulation, and paving is required. Tony also said that the Comprehensive Plan does support mixed uses with a PUD. Councilwoman Cooper made a **motion** to adopt staffs findings based on 9-16-02(A) that the PUD provides internal and external benefits that include the provision of additional jobs and provision of additional services for the residents of the community. Councilman Riley **seconded**. All ayes. **Motion carried**. Councilman Riley made a **motion** to adopt staffs findings based on 9-16-02(B) that the proposed commercial uses (daycare) is a conditional use in the R-1 zone and given the site location and configuration, traffic generated, on site circulation and parking needs, the use is marginally compatible. Councilwoman Cooper **seconded**. All ayes. **Motion carried**. Councilman Riley made a **motion** to adopt staff findings based on 9-16-02(C) that based on the application submitted, the Comprehensive Plan has very low support for the proposed application. Councilwoman Cooper **seconded**. All ayes. **Motion carried**. Tony said that the application did not show specific open space in the design. Amy added that if Council were to approve this application the mandatory open space would have to be designated in the final plan. Councilwoman Cooper made a **motion** to adopt staff findings pursuant to 9-16-03 that the applicant has not provided for 10% of open space for the use and benefit of the resident on site or the community in general. Councilwoman Green **seconded**. All ayes. **Motion carried**. Tony says that the application did not consider the needed traffic signs for circulation, but Acacia agrees to provide the needed signage. There was discussion of the existing structures. Acacia also added that there is a grassy area between the existing mobile home and the proposed daycare building. Councilman Riley made a motion to adopt staffs findings pursuant to 9-16-05 that the application and testimony given does not provide enough information for intent. Amy adds that this information is a must and perhaps the City should have rejected the application until a completed design was submitted. The decision

really cannot be made without the information needed. Tony suggests that Acacia may want to ask the Council to continue the preceding to the next meeting so she could provide additional information. Councilman Riley withdraws his motion.

Council takes a five minute recess at 8:50 pm.

Council reconvenes at 8:55pm.

Councilwoman Cooper made a **motion** to continue deliberations on the application to March 15, 2017 meeting. Councilwoman Green **seconded**. All ayes. **Motion carried**.

Department Updates:

- EMS:
Director not present.
- Public Works:
Michele Brothers says she attended meeting for Emergency Preparedness. It was basically a summary of what the Emergency Departments did during the flooding of the Weiser River. There is another meeting in April. There was discussion about how to obtain funds from the Federal Government in case of Emergencies. She had questions about how we would get our reimbursement if an emergency were to happen and we had added costs.
- City Engineer:
Amy Woodruff received an email from ITD that follows up about the lights on the new bridge, copies were provided for Council to read. She says the City needs to pick the type of lights they want so that they can be installed at a later date. There was discussion about the new Weiser Bridge and the lights on it. Councilman Riley wants to look into the cost of solar lights.
- City Attorney:
Tony Pantera has nothing new at this time.

Public Comments:

- Sandy would like the decision about the Acacia Fisher application out on Hoseshoe Bend Gatherings Facebook page.

Meeting Adjourned 9:09 pm.

ATTEST: _____
City Clerk

Mayor