

Public hearings were held before the New Plymouth Planning & Zoning Commission at the New Plymouth City Hall on Tuesday, January 6, 2009 at 7:00 p.m. Commissioners Tegethoff, Williamson, Byers, Scheihing, Nay and Balcer were present.

Guests included Pat Woodcock, Mark Maillard, Tom Evers, Walt Neitz, Sylvia Zitek, Dan Cummings, Paul Melody, Derrald Waters, Joe Cook, Ben Esplin and Angela P'Pool.

**Sylvia Zitek – Subdivision Application and Development Agreement:** Chairman Tegethoff explained the public hearing process and asked for public testimony. Commissioner Nay expressed that he would be abstaining from the public hearing.

Walt Neitz (Middleton) of ALS introduced himself as the surveyor and explained that the application was for a two lot subdivision at 219 East Boulevard. Mr. Neitz further explained that the existing homes would remain and there would be a home added to the new lot created.

Mr. Neitz stated that he had discussed with Andy Gehrke of Holladay Engineering the recommendation that the sewer main be extended on the inside East Boulevard. Mr. Neitz requested that the south lot be allowed to connect to the north lot's existing sewer system with a sewer maintenance agreement between the two potential lot owners. Commissioner Williamson stated that it was against code to allow the connection as requested. Mr. Neitz believed it could be done with a variance. There was discussion regarding the location of existing sewer lines.

Commissioner Williamson verified that the development agreement included the requirement to install curb and gutter when the city deemed it necessary. Sylvia Zitek (Payette) introduced herself and explained the history of the property and the plan to sell the south lot in order for a potential buyer to place a manufactured home.

**With no further testimony, Commissioner Byers made the motion to close the public hearing at 7:21 p.m. Commissioner Balcer seconded the motion, which met with full approval.**

**Maitland Subdivision Application and Development Agreement:** Chairman Tegethoff asked for public testimony.

Dan Cummings (Ontario) explained that Maitland's representative, Sue Mio was not able to attend. Mr. Cummings introduced Pat Woodcock and explained that they were from CK3 Engineering and that Mr. Woodcock would be explaining the subdivision proposal. Mr. Woodcock presented the Commission with a written material of concerns and comments regarding the staff report and recommendations from the city engineer and Public Works Department.

Mr. Woodcock explained that they were proposing a twenty one lot subdivision with one lot being a common area. Mr. Woodcock stated that the subdivision would tie into Pine Street with a temporary cul-de-sac at the end of Plum Street for a connection to future development. Commissioner Williamson asked how wide the lots were and Mr. Woodcock stated that the average is 85' wide.

Commissioner Scheihing asked where the subdivision accesses NW 1<sup>st</sup> and Mr. Woodcock stated that there was no access to NW 1<sup>st</sup>. Commissioner Scheihing stated that the county granted a transfer of development right to the property owners east of the proposed subdivision with the condition that an ingress/egress be established.

Commissioner Byers questioned the statement that “The proposed subdivision is providing four means of access to and from the site” and stated that he could only see one access. Mr. Woodcock explained that three were proposed future accesses. Commissioner Byers emphasized that the proposed subdivision is providing one access. Mr. Woodcock stated that they are working with the property that their client owns and that the property east of the proposed subdivision is private property. There was discussion regarding the ingress/egress mentioned by Commissioner Scheihing earlier and Mr. Cummings stated that it was an issue that could be investigated.

Mr. Woodcock explained an aerial photo included in his written material and stated that his client was not hindering future development but improving it. There was discussion regarding the irrigation ditch and the client’s plan to redirect the natural course to run north and south along the west side of the proposed subdivision. Mr. Woodcock stated that it would be piped and an easement established. Mr. Woodcock stated that a well would be drilled and pressurized irrigation established to service the subdivision.

Commissioner Scheihing stated that there was serious oversight when New Plymouth Heights #1 was developed. Commissioner Scheihing stated that the irrigation ditch at that time was not tiled and that fences have been put across the ditch. Commissioner Scheihing expressed that it is not possible to maintain the ditch.

There was discussion regarding Bonzai Street being a dead end street and the potential problems. Mr. Cummings stated that it would be an issue of enforcing city code. There was discussion regarding the easements for irrigation and utilities.

Mr. Cummings stated that they needed clarification on the request from the Public Works Supervisor regarding the requirement of a flushing station on dead end water lines. Mr. Cummings stated that adding an extra easement to the north of the proposed subdivision in order to loop the water line to Colton would be no problem if the city would be willing to condemn property if the owner of the developed lot was uncooperative.

Mr. Woodcock disputed the statement from the Public Works Supervisor that the development would increase traffic on Pine Street by leaps and bounds. Commissioner Scheihing disagreed and stated that there would be the addition of twenty homes and only one access.

Mr. Cummings questioned why his client would be required to put a two inch overlay on Pine Street. Mr. Cummings explained that his client felt it’s not part of the proposed development and belongs to the city to maintain. Mr. Cummings stated that the road was sufficient to handle construction traffic. Mr. Woodcock questioned the need for speed controls on Pine Street and the responsibility of his client to take care of existing issues with speed. Mr. Cummings stated that

once again it sounded like a city code enforcement issue.

Mr. Woodcock questioned the requirement of perimeter fencing and argued that it takes away from the openness and is a big expense. Mr. Woodcock suggested that property owners put in the fences as the properties are developed. Mr. Woodcock stated that barriers would be placed at the end of Bonzai Street and the other dead ends.

There was discussion regarding the common lot for a park that includes the catch basin. There was discussion regarding the capacity for storm water and dissipation rate. Commissioner Scheihing expressed that she didn't like the drainage area being combined with the park. Commissioner Scheihing stated that the park needs to be deeded to the city and that it will serve up to sixty five houses. Commissioner Scheihing stated that New Plymouth Heights #1 was developed without a park and expected a park in New Plymouth Heights #2. Mr. Cummings questioned whether the city wants the park deeded to them and Commissioner Scheihing stated yes and asked that restrooms and water availability be included.

Mr. Woodcock questioned the requirement that the developer purchase water meters and stated that he could not locate the requirement in the city code. Mr. Woodcock also stated that he was unable to find any codes relating to a ten foot right-of-way on either side of a sewer or water line and why easements were not acceptable. Mr. Woodcock explained that utility mains would be in the street and that there was a twenty-one foot easement where the sewer line runs through Lot 14 of Block 3.

Mr. Cummings questioned the requirement of metal lighting poles and asked if Idaho Power would maintain metal poles. Mr. Cummings stated that he was unclear of the requirement that the metered lighting be the financial responsibility of the Homeowners Organization. Mr. Cummings stated that he was unable to locate city code in regards to the requirement of a central mail pick-up area. Mr. Cummings stated that they would work with the postal service and perhaps include it in the common area.

Mr. Woodcock stated that the existing Pine Street is fifty feet wide, therefore Pine Street will continue with a fifty foot width. Mr. Woodcock stated that there would be no services installed in Pine Street, that all services will be situated on Plum Street.

Mr. Cummings asked what the city had done to come into compliance with DEQ. Angela P'Pool explained that the city will be drilling a new well to come into compliance with the arsenic levels.

Commissioner Scheihing asked what time frame there was for developing. Mr. Woodcock stated development would start as soon as plans were approved. Commissioner Williamson asked if utilities would be installed by March 2010 and expressed concern that if they were not, that the bond referred to in the development agreement should extend longer. Mr. Cummings stated that his client will have to pencil out the project and see if it is feasible to continue.

Mark Maillard (612 Colton) testified that the first phase of New Plymouth Heights was incomplete in that the ditch was not tiled, no dedicated park area, no cul-de-sac terminus and no sidewalk or curb at the cul-de-sac. Mr. Maillard testified that the situation with the ditch in phase

one includes erosion and development of swamps. Mr. Maillard testified that a home was built on the lot that contains the well site for the irrigation, limiting access to maintain the pump. Mr. Maillard explained that there was a ditch along the access that needs to be tiled in order to create enough room to move machinery in. Mr. Maillard testified that the current traffic situation angers him and felt that Maitland created the road, therefore he can help fix it. Mr. Maillard testified that the first phase should be completed before further development is approved. Mr. Maillard submitted written testimony.

Tom Evers (614 Colton) testified that he agreed with Mr. Maillard's testimony. Mr. Evers inquired about the placement of the irrigation ditch and the effect on existing fences. Mr. Evers asked who would repair the fences if damaged during the relocation of the irrigation ditch. Mr. Evers stated that the houses were supposed to have a one year warranty, but that it was more time efficient to do the repairs himself. Mr. Evers was concerned about the proposed homes, if they would be two-story and the possibility of less privacy.

Derrald Waters (626 Colton) asked for clarification on the setbacks for corner lots. Mr. Waters expressed concern over the economy and that there are up to seven homes in the current subdivision that have been for sale for over a year. Mr. Waters asked what the risk was of homes being started and not finished, if there were any safeguards to prevent it. Mr. Waters testified that issues in New Plymouth Heights #1 need to be done whether the proposed subdivision is approved or not.

Tom Evers (614 Colton) testified that their experience has been that undeveloped lots were allowed to grow weeds to excessive heights and that the builders were not keeping their trash picked up.

Paul Melody (NW 1<sup>st</sup>) testified that he was in support of the perimeter fence requirement because the road is 15 feet from his house. Mr. Melody expressed his concern with privacy.

Mr. Cummings stated that he was unsure how to address what the owner did not do in the first phase. Mr. Cummings stated they would investigate the drainage for the irrigation system in phase one and asked that the city check the development agreement requirements for the tiling of the ditch in phase one. Mr. Cummings explained the difference between a temporary cul-de-sac and a permanent cul-de-sac. Mr. Cummings showed why the cul-de-sac on Colton Street is permanent and the cul-de-sac on Plum Street is temporary. Mr. Cummings asked for clarification on what speed controls the city wants and how many. Mr. Cummings suggested that four way stops may work to control traffic. Mr. Cummings stated that the issues that are agreed upon need to be included in a development agreement.

**With no further testimony, Commissioner Byers made the motion to close the public hearing at 9:11 p.m. Commissioner Nay seconded the motion, which met with full approval.**

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Rod Tegethoff, Chairman

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Beth Earles, Deputy Clerk