

City of Glenns Ferry Planning & Zoning Public Hearing Meeting October 15, 2020

The Public Hearing Planning & Zoning Commission meeting was opened and called to order at 6:08 pm on Thursday, October 15, 2020.

Planning & Zoning Members Present: Kt Carpenter, Jill Hampton, Denver Price, Jennifer Baker

Staff Present: Geoff Schroeder, Lori Freeman, Johnny Hernandez,
Others: Allen Keillor, Teresa McCallum

Item 1. OPEN MEETING AND ROLL-CALL ATTENDANCE:

Carpenter: Took roll call.

<u> X </u> Denver Price	<u> X </u> Jennifer Baker
<u> X </u> Jill Hampton	<u> X </u> KT Carpenter

Item 2. MOTION TO: [Action Item] Adopt Agenda:

Baker: I make a motion to adopt the agenda.

Price: Second.

Carpenter: All in favor, all-ayes.

Item 3. MOTION: [Action Item] P&Z Minutes of September 17, 2020:

Price: I make a motion.

Baker: Second.

Carpenter: All in favor, all-ayes.

*Jill Hampton has a conflict of interest & recuses from participating in the decision-making process concerning CUP-ARK Properties, her employer. *

Item 4. BEGIN PUBLIC HEARING:

- PUBLIC HEARING FOR CONDITIONAL USE APPLICATION FOR AN RV CAMPGROUND IN A R-4 RECREATION ZONE. PROPOSING THIRTY-NINE (39) FULL-SERVICE HOOK-UPS, SEVENTEEN (17) DRY SITES POWER ONLY, SEWAGE DUMP STATION, TENTATIVE OFFICE WITH SHOWERS AND LAUNDRY FACILITIES, DEVELOPING EIGHTEEN (18) LOTS ON 7.9 ACRES:***

Schroeder: Madam Chairwoman, this is Geoff Schroeder, city attorney, I just want to clarify a couple of things for the record. Although this is a second public hearing and the commission did in fact hold a public hearing, there was not a transcribable record, therefore, this is technically the first public hearing for this. I just want to remind members of the commission, that if you want to discuss things that were brought up at the last meeting, you need to bring them up again in the same fashion that we did the last time. If there is anyone listening to this record in the future from now, there is not another prior public hearing record that we may refer to.

- Explanation of Hearing Procedures by Chair Commissioner, Kt Carpenter:

The public hearing is a very structured meeting as in a court of law. The applicant will do his/her presentation regarding his/her application and the Planning & Zoning Commissioners will then direct any

questions to the applicant regarding the presentation. At the completion of the applicant's presentation, the public will be given the floor, at which time one person will speak at a time, limiting testimony to approximately three minutes for each person. Each person will approach the microphone and state his or her name and address. Testimony will be received in this order: In favor, neutral, and opposed. The applicant will then be allowed to rebut any testimony given. Upon completion of testimony, the Planning and Zoning Chairperson will close the public hearing and proceed to deliberation. All concerned issues need to be addressed in the final discussions.

b. Presentation by ARK Properties, LLC, Represented by Teresa McCallum:

McCallum: Good Evening, my name is Teresa McCallum, 11204 N. Bar 21 Dr., Glenns Ferry. It is an intension of ARK Properties to develop an RV site across from the vineyard portion of the golf course/winery, directly adjacent to the Heath property. As stated in the record it is approximately 39 full-service hook-ups and approximately 17 dry site space. There is a little bit of change I know that we are looking at from the drawings that were presented to the P&Z, in the fact that we are looking at potentially just one entrance/exit point rather than two off of Madison Avenue in order to facilitate and keeping track of people coming in and out. That may or may not happen, we will see how that pans out as far as laying out the actual roads and stuff from the drawings and how much space we need for two-way traffic. There's attention that we will have some open areas for dog walking area, yard darts, we intend to probably be building an office in which we would probably be building some shower facilities and potentially laundromat facility, I am not sure about laundromat since there is existing laundromat in town, I don't know that it is necessary for us to have one also, but we will look into that as time goes on. I foresee that with that many units that is in the exiting 16 RV sites we will have to have a full-time summer park management space which is why we want to have the office space over there. We are intending for these to be year-round sites. There are not a lot with the State Park we are intending for the water be heated so that sites can be full hook-up year-round. It is not our intention for long term space rental because that is not conducive to the winery. It is much better for us to have turnover of guests.

Baker: About the year around, you are going to be heating all the water?

McCallum: It will be frost free hydrants. We have already installed some frost-free hydrants in the other RV park, and we are noticing people looking for year around sites more so then they use to, I believe. That is something we will be planning on doing.

Carpenter: I need to ask, do we complete all testimonies, including the applicants before we start asking questions?

Schroeder: This is the time for the applicant to make a presentation. You can ask the applicant questions during this portion. If other folks during their testimony have question, of either for you or the applicant, you just

take those down and the applicant can return during rebuttal to answer those questions.

Carpenter: I just want to make sure we are in order.

Baker: I need to ask one other question, we had Lerry and the other gentleman, I don't know the name, were here last time and stuff that they talked about, so can we not bring any of that because they are not here? We have to pretend we did not hear anything from them:

Schroeder: You do not necessarily have to pretend you did not hear it because you did. It's just that you can't rely on that exchange as part of your decision making process but if the topics that were raised still pose questions in your mind you can ask the applicant if you wish.

McCallum: Okay, so, in thinking of that, I know that Mr. Allen (Keillor) had asked if we were going to be removing the trees along Madison Avenue and our intention at this time is to not remove those trees. Mr. Hull asked me if we were going to be changing the irrigation system for the water system for Little Canyon Creek which services the other lots on that side of the road and the answer to that before was no. There was quite a bit of discussion about wind-blown sand and everybody was pretty happy about trying to get some permanent sod, so that the wind isn't blowing sand all over everybody else's houses including the winery. The other answer to question, yes, we are planning on continuing to farm the other adjacent property. Mr. Hernandez asked if we would be able to put a rock mechanism, because we were going to be having gravel roads, the city would like to have a rock mechanism would be a tire shaker to get the gravel out of the tires.

Price: In the last conversation we talked about the fee, are you going to be comparable to the fee wise with Mtn. Home? Have you looked into that more?

McCallum: Actually, no I have not looked into it more. I do believe that the fees may have to be more than the \$35 that I charge now, because we will be using 50 amp services to accommodate the bigger motor homes with double air conditioners these days. So, I am thinking we are going to be in the 40 to \$45 range, and it will be somewhat seasonal, dependent, if we are heating or if we are air conditioning, we take those things into consideration. In general, I would say, yes, we are going to be of comparable pricing, probably not as low as the State Park because I cannot compete with non-tax paying entities, like the fairgrounds.

Price: What constitutes a dry site is that just without dump, without water, without power, without anything?

McCallum: It can be my intention is it will probably have power.

Price: It may not have 50amp, but 110 or 120?

McCallum: Well, it would be 50amp service and it's all 110 but the dry site has to do with not having water and sewer and depending upon, it is possible there could be water, I don't believe it is possible to do sewer because we go over the line of the 100yr. flood plain, but if we were to do a above ground tank and have it air gapped appropriately it would be possible to put water there, but we haven't decided that yet.

Price: So, a dry spot area is that contingent on the flood plain zone.

McCallum: That is where I have put those sites. That is another thing, all of those that I have been allowing to park at the winery, I will put them at those dry sites. The Harvest Host members that is how that works, they park in our parking lot for free. The intention is they come over and spend money in town and everywhere, but they do not pay to camp in my parking lot with no utilities, they have zero utilities.

Price: But if they come over and have some food they park for free. What is that program called?

McCallum: It's called Harvest Host, people pay \$70 a year, something like that to become members and there's places all over the United States, they get an app and they go and find places that they can go park for free, they have to call in ahead and make reservations. The intention and the recommendation are they spend money with whoever is hosting them, and it has been an absolutely huge success. One time this summer we had sixteen campers in the parking lot because there was no place for people, with all of this influx of traffic to stay, and on the weekends people are begging for anywhere to stay, I'm hoping that this is going to alleviate some of that need within the community because these people are driving all the way through town to the State Park to get turned around to get all the way back out and leave Glenns Ferry with a not happy feeling, hopefully this will alleviate some of that and we'll have a lot of return customers.

Price: Yep that is great.

Carpenter: In your written statement (on application). Item D., (Item 8, D), *"Highway, street, and police/fire, or drainage structures should not be impacted. Refuse-Plan on using Snake River Rubbish for dumpster disposal. Water and Sewer-There will be a need for municipal water and sewer. We are planning on using City of Glenns Ferry infrastructure as there are mainlines adjacent to or within the property"*.

Have you confirmed that?

McCallum: Yes, that is true.

Carpenter: *"Power-Idaho Power will provide the electrical service. Telephone and Internet- The need is currently undetermined"*. I was wondering if you can comment any more on the use of Glenns Ferry water and sewer.

McCallum: I do know that the water and sewer line goes right down the street by the tree line that we do not want to move, and so, it is already within. Everything within the park is of course going to be up to code and meet whatever specifications the city requires, in order to keep everybody happy.

Carpenter: You have already verified that through the city codes and whatnot?

McCallum: I do not feel that that was necessary at this time until we have approval, to go ahead and move forward with that.

Carpenter: Okay, I just wanted to know if you would comment on that for me.

McCallum: Something else in the application that I had submitted, it had to do with harmonious use in the neighborhood, it's already recreational ground, adjacent to it, across from it and so it's completely within the existing use of the neighborhood, with the State Park and everything

- I think it is a very similar use and so I do not expect any impact, it is a minimal impact as far as that goes.
- Carpenter: You had also stated in Item E., (Item 8, E), "*Due to the transient nature of the users of this RV Park there should be no additional cost to the public. To the contrary this project will increase the revenue to the community in with additional dollars being spent in Glenns Ferry*". Which is pretty much true. Do you have any more comments on that statement?
- McCallum: No, other than the fact that, I am already seeing that pan-out to be true, as I've said with the Harvest Host, I have been talking to several businesses in town that are already seeing the impact of that, these people that are already staying in town longer then they initially intended. I feel quite confident this is true. And as I stated, due to the transit nature I don't expect any impact in the school district and so those services like that may become a drained or could have been drained, I don't foresee that happening because people don't stay here that long, they are just here for the weekend.
- Carpenter: You also stated in Item F, (Item 8, F) "*There may be some additional traffic in town. However, it will not be excessive, and will be far outweighed by the increase of revenue to the businesses in town*".
- McCallum: I still stand by that statement, I do not believe that it will be excessive because as I stated earlier, these people are already driving through town most of them, trying to find a place to stay. So, I just do not see a major impact differentiating on that, maybe there are some, but I do not think it will be that noticeable.
- Baker: I have got something, but I do not know that this would be the time to bring it out. The special set of circumstances that Glenns Ferry almost absolutely seems to fall within that can make it possible for the City of Glenns Ferry to put forth to a vote in the population here, if they want for the city to have the RV parks charge a fee per vehicle that is just added onto the things and goes to an earmarked fund in the city that they could call Commercial Street. I guess what I want to ask, and I don't know if it's alright to ask this, but I guess we will find out. If this goes through for you and it seems like a real good thing to have, would you be willing to help us make that happen through legal the channels that we have to, have to...
- Schroeder: Madam Chairman if I might, Commissioner that is a question that is not, the scope of the question that you should be asking the applicant are in the answer items A, B, C, D, F in the findings. The hypothetical about whether or not a fee cannot or will be charged is more probably the province of the council. Another thing I went back and read you have three options at the end of tonight to approve, conditionally approve or deny. That is immediately transferred to the council and they can take up other questions in terms of sourcing the revenue. That question of the applicant is not something the applicant is required to respond to. I am hesitant to have the Planning and Zoning go down that road. Questions about the decree in which you can come up with a finding, whether you have evidence in front of you about that finding is one thing but announcing a hypothetical question,

asking if they would be willing to come up with a fee is proposing there is a fee that they ought to pay and that's not correct at this stage of the proceedings.

Carpenter: If the commissioners have no other questions to communicate with the applicant at this time, we feel satisfied with the applicants presentation and have nothing further to discuss with the applicant, the public hearing may proceed on. The applicant may be seated.
c. Written Testimony Received and from Whom, Kt Carpenter, Chair Commissioner:

Carpenter: Is there any written testimony:

Freeman: There is no written testimonies or testimonies from computer.

2. TESTIMONY TAKEN:

- a. Testimony – Supporting: None
- b. Testimony – Uncommitted:

Keillor: Allen Keillor, 1495 West Madison Avenue. I am directly across from proposed development and at the corner of the vineyard. I am going to read from a written statement I put together which lists my concerns. Having moved here two years ago, my wife and I have come to appreciate life in this little town, and we, as do a number of other residents, visitors, and business owners we have met here, would like to see Glenns Ferry become more what it has the potential to become, an attractive, thriving place to live with a distinct hometown character and artisan spirit, the seeds of which already exist in the First Street and Commercial Avenue boutique and retail businesses, Opera Theater, State Park, Winery, golf course, fairgrounds, and historical homes. That being said, I would like to express our concerns relating to the proposed development under consideration, as follow:

1. Has the City done a detailed, accurate and thorough study of the impacts on the road conditions (already somewhat substandard), increased traffic negatives, utilities, etc. that the proposed development will create, and are you proactively considering means to generate additional revenue adequate to mitigate the ongoing impacts?
2. Direct impacts to our personal environment and property (which is immediately adjacent to and less than 100 feet from the subject development) will include a significant increase in noise levels, degradation of air quality due to increased vehicular activity and campfire smoke, and negative visual elements including intrusive site lighting and vehicle headlights in particular. The front of our house faces the development and the pattern of the traffic we will get a lot of headlights in our direction.
3. We would like to offer for consideration the following revisions to the applicant's proposed plan, for the purpose of reducing unnecessary impacts to Madison Avenue and Commercial Street while maintaining the initial exposure of visitors to the downtown businesses:
 - A) Consolidate the exit and entry to a single location at Madison Avenue on the easterly end of the development and remove the exit shown on the westerly end, or relocate it to the north side of the property to exit northward.

- B) Provide cross-circulation of on-site traffic at a point furthest from Madison Avenue (currently the proposed development places a significant volume of frequent and repetitive vehicular movement less than 100 feet from our residence).
 - C) Provide adequate, aesthetically acceptable visual screening to mitigate the negative impacts.
4. Has the Developer considered their civic opportunity to contribute directly to the town's welfare, to add to and enhance its character, which would be mutually beneficial?

We are in fact neutral in our response to this proposed development, contingent upon careful consideration and the appropriate accommodation of our expressed concerns by the City and the Developer. Our desire is to be good and reasonable neighbors in this community, looking always to contribute to its civic, environmental and social welfare, and would hope that the Developer's intent and actions would reflect the same care.

Schroeder: That is a statement you want to provide to the commissioners?

Keillor: Yes.

Schroeder: Madam Chairwoman, I am trying to make sure that we do not prejudice the applicant. The public notice says, "*written comments will be accepted no later than 5:00 p.m. on the day of the hearing*". I guess what I would like to do right now, Madam Chairwoman is ask the applicant, are you able to respond to the concerns that are listed in this letter? Have you seen that before tonight?"

McCallum: I have not seen this before.

Carpenter: Is this considered a written or an oral testimony?

Schroeder: Mr. Keillor is providing written comments, accepted no later than 5:00, the thing of it is it could be construed prejudice against the applicant. The applicant did not know that these concerns were going to be brought up and is not prepared. I do not want to put the applicant on the spot, but she should have an opportunity to respond to those things. I guess because the person has offered testimony regarding these things then...

Baker: He is giving oral testimony and just providing a written copy.

Keillor: Most of this, most entirely the detail of it was the stuff I brought up the last time not as in such an organized fashion when I gave testimony.

Schroeder: Okay, I just want to clarify that. You are here to do that and so that is all.

Carpenter: So, at this time we give Teresa the opportunity to rebuttal his testimony, is that correct?

Baker: Can I ask him a question?

Schroeder: Sure.

Baker: Can you go through again, a little bit, what remediation you would like to see happen as far as protecting your place from the dirt, what would you like to see happen.

Keillor: What I have already mentioned. That is the entrance/exit, that Teresa addressed this last time, that is one that is next to the Heath's, which is great, it shortens the driving on Madison and so on, and it doesn't impact us. The other is noises, people like to have fun, I get it, they have a right to, we deal with it from the State Park, but it is farther away, it's not in our

face. My biggest concern is the visual or the lights, dealing with constantly the headlights, and so a visual screen behind the trees.

Carpenter: So, at this time anyone (Commissioners) have any more questions?

Price: I do not.

c. Testimony – Opposed: None

3. REBUTTAL: Rebuttal of Testimony Taken:

Carpenter: At this time, we will give the applicant the opportunity to respond to testimony that has been given.

McCallum: This is Teresa McCallum again. Obviously, we wish to be good neighbors also. You are right we are not going to be able to police the noise level of people that are camping all the time or having fire pits or anything like that, but I think you have moved into an area that this hazard was existing already. What has me more concerned, that stuff doesn't bother me so much, we can work through most of that, my concern on a couple of different issues that I've heard come up tonight and that is, *"Has the developer considered their civic opportunity to contribute directly to the town's welfare,* I am not sure exactly and as Commission Baker had indicated earlier, a used tax or whatever a city tax, whatever, I don't know quite how they would word that, I think that the winery itself, the golf course itself, have done an awful lot for this community. It is not extremely viable business venture and the concept of adding more and requesting more bothers me. I do not think we could pass onto the consumer as an additional tax and perhaps we are responsible for collecting it, something like that, maybe but are we really going to go down a bad rabbit hole with that, I think, because if you are going to make me do that, then I would assume you would make Trail Break do that? My real question is not me or the Trail Break because I think that we are just both commercial enterprises, what bothers me more is competition with the not commercial enterprises, the State Park, the fairgrounds who do not have the same regulations on pricing, do not have to pay any city taxes, don't have to support the community. If the city were to go down that road then I would certainly hope that they would continue to investigate how they were going to collect equally from all parties which would be quite difficult.

Carpenter: It opens up a can of worms.

McCallum: It does. I think that if businesses are doing well in town, more businesses would come to town, more people will spend money. We are already seeing an influx of people moving into town, the city is going to be generating more revenue. I think that there is a lot of other aspects to this that are going to offset these additional costs of maintaining or upgrading Commercial Avenue. I do not know what Mr. Allen's intent is in that comment of Item 4., I don't know, it is just a request, I guess. I think that we do try really hard to support the community and other ventures, so I don't know what's there.

Carpenter: I might mention too, in your application your comprehensive plan designation that you are proposing 50% of this area to be designated to landscaping. I do not know if that helps you (Mr. Keillor) or not. That you are considering a lot to landscaping.

McCallum: Due to the structure of the land there is going to be, picnic areas, dog run area and stuff like that.

- Carpenter: I did not know if that would help him (Mr. Keillor) or not, to know that in your original application you are proposing 50% of this site will be developed to landscaping.
- Mr. Keillor: ***Speaking from audience, unable to hear what he is saying.***
- Schroeder: So, this is the opportunity for the applicant rebuts testimony that you gave and I guess kind of at the pleasure of the Chair if you want, we have to be careful about crossing...., because it has got to be a transcribable record.
- Carpenter: Do you want to respond any more, Teresa?
- McCallum: Other than the fact that you have the drawings you see how much land there is and how much is not developed I do not think that is really an issue.
- Baker: Can I just say that in no way was I suggesting that your park have to pay anything or anything like that. I just had been made aware there is a possible way maybe that our community can get a little bit help doing some things that need to be done and getting that whole process started, all I was wondering was....
- Carpenter: I guess that is something later down the road that the city council will have to handle.
- Baker: Yeah but.
- McCallum: I understood that, I understood that, I just wanted to make sure that the commission understood my feeling about anything that is opposed privately that is not imposed publicly on the other venues within town.
- Carpenter: Do we have any other concerns or questions that may or may not have been answered from the applicant's rebuttal?
- Keillor: You answered my questions about the dust bowl, landscaping, the lights, which were all brought up at the last meeting. Mitigating these are our concern, that is all. That is going to be a lot of intrusive light and pollution into our home and intrusion on us.
- Carpenter: You are surrounded by RV and recreational.
- Keillor: In reference to what Teresa said in us buying a home knowing the existence at the time. It is only recently the zone changed, it was ag, it is only recently that the zone changed to recreational. Another consideration is we bought a piece of property that was spun off by other predecessor from their property to benefit the funding of the museum down there. Having said that anybody, they and any other that had to do with these properties you would think that everybody moving in would have certain expectations in any type of residential situation, we are voicing concerns that are not unreasonable considerations and again you can't stop camp fires, we smell smoke from the park, I get it, the noise levels, people are having fun, we get that as long as it is reasonable. I do not expect you to police it either, it is a statement of fact. But I said the light issue that could be a tremendous intrusion.
- Carpenter: So, at this time the commissioners are free to ask any questions from the street superintendent, the city engineer, or city attorney.
- Price: Nope.
- Baker: I am trying to remember, it seemed to me there was other questions that we did not ask Johnny (street superintendent) last time.

Price: To be on the record, last time I did ask about the condition of Commercial Street. I am going to ask that question again. That is our main street to get to Madison

Hernandez: Yes.

Price: It is not in good shape? A lot of the pipe work runs underneath Commercial. At some point in time we are going to talk about putting 40, 30, pick a number estimate going down the road double, triple, 4, 5, 6 axels how is that going to affect that road.?

Hernandez: It is a possibility it could affect the road. The road to fix is up to the council. That is a big amount of money, that would be something that the council would have to guide us to do. It is not just on me; it is the funding, that's the biggest issue, and the council would have to take care of that or address it.

Price: I am just trying to make it clear that that road is in bad shape and at some point, in time it is going to have to be addressed. It is not the responsibility of the applicant here, or farmers or anybody else that use that route, but the road is bad, and I just want to make sure we are clear on the condition of that road. Does the city have the money to fix that road now?

Hernandez: I do not have the answer for that right now. I would have to talk to the council, Mayor and actually sit down with the treasurer and discuss that.

Price: If we shut down Commercial road that would be quite the...

Hernandez: Cleveland would be the route to go out or probably half the road would be closed at a time, we would have one traffic flow one way and the other flow of traffic going down Cleveland. There would probably be traffic control for emergency vehicles.

Price: Yea, we ought to be use to that around here now.

Baker: Johnny I just want to iterate so that it gets back into the record, one other question that we asked you was whether in your experience and opinion, if having this RV park come in here and its got 30 some spaces and so forth, the traffic that would come in and out of there over a years' time are we going to see a real deterioration in Commercial Street then the short run with this

Hernandez: I do not have, that would have to be a study. An engineer would probably have those numbers, they have the factual numbers or IDT would be someone we could contact because they have the resources for those numbers to give us we can try to get those, call contact IDT. Just common use anything wear and tear, the more traffic you put on it the more wear and tear, that is just logical, RV's are big, but it is part of the growth.

Carpenter: I just want to know if this is appropriate I do have a copy of some original inquiries to our city attorney and to Donn Carnahan, I do have the exchanges as far as some of the road concerns, would it be appropriate to read those now?

Schroeder: If we do not have Donn here, which ones are you...

Carpenter: They are the ones that you responded to him; this was on September 23, 2020. Lori initiated some questions, and we got some information as far as traffic estimates and that type of thing. Do you see what I am talking about?

Schroeder: Let me see if I can find that.

- Carpenter: Because that might help, as far as some of those traffic studies we tried to initiate. Two of them were on September 22nd and one on September 23rd. They were concerning about the roads and the traffic, and I am wondering if we could put those in the records. Because that might help clarify some of these questions about the roads, the peak hour traffic. I have one that was from you Geoff and then I have one that was from Mr. Carnahan.
- Schroeder: I remember trying to clarify something.
- Carpenter: I am wondering if I should just go ahead and read those, because that was something that we (commission) had asked for. Was some kind of a study.
- Schroeder: I do not think, because he (Carnahan) is not here to address this, I think reading this into the record, what we can do is forward this stuff to the applicant and then have that present for the city council to address. So, he has not replied back to me on that, I still have not gotten an answer. So, it was at that point it was discovered that we had to do it over again and so it became kind of pointless. We can certainly forward that stuff to the applicant and have it part of the record prior to the city council public hearing.
- Carpenter: Okay so we will have to make sure we get that forwarded to the applicant. It was just some answers...
- Schroeder: It should be part of the record for this proceeding because that was essentially me offering evidence. Where, as I am simply asking of the engineer to supply information to the city.
- Carpenter: So, do we have any more for the city attorney or the street superintendent?
- Price: No
- Carpenter: If there are no more questions or comments to the applicant or to the public that have gave testimony we may consider continuing with our deliberation. I just need to ask the applicant and the public to know that you are welcome to stay but the commissioners will continue deliberations without further input from either one of you.
- 4. CLOSE PUBLIC HEARING: (No Motion Needed)**
- Carpenter: We will now close the public hearing.
- 5. DELIBERTATIONS:**
- Baker: Feel pretty good where we are sitting. Having that road/traffic impact study, recommending that the city council...
- Price: Did the traffic impact study revel anything.
- Baker: No, it has not because our discussion from last time never made it to city council.
- Price: But the information that we got back did it really revel anything?
- Baker: Those were just questions.
- Carpenter: There were two emails there is information in there but at this point because our two attorneys, (attorney & engineer) were conferring with each other through email, Geoff felt that all the proper responses have not been received.
- Schroeder: Now that we are not considered testimony or deliberating, this is what happened, Lori forwarded or sent an email to Donn, the city engineer, her question to the city engineer was, "*Commissioners are requesting a road*

traffic impact study for Commercial Street. The condition of that street is poor, and the city has no funds to fix it...” There are two assumptions made there and I think one, now that I look back on how that deliberation, the assumption that the city do no funds money to fix it, may or may not be correct, we do not know because the city council is the body that decides whether there are adequate funds. But it was pretty clear you did not have enough information, the question you have to answer in this deliberation and I appreciate Teresa staying because she can see now what we are bound by, you have to make finding A-I and E and F are the two, D) *Will be served adequately by essential public facilities* E) *Will not create excessive additional requirements at public cost*” Those were the two things that you were hung up on last time. There was an assumption that was based possibly on a flawed assumption. As far as your recommendation, you have three options; approve, conditionally approve, or deny.

Back to the emails, the city engineer said, “Sounds like there are two questions 1) traffic capacity impacts, do we have a problem with a bunch of people at stop signs, or a problem with the road crumbling? so, I attempted to clarify with Donn in my email to him, I said “The particular question is: what kind of additional impact upon the roadway itself might the proposed development have? In other words there are books they have if you have this many RV spots how many trips per day and then somebody and this is what I was trying to get out of Donn, there is somebody that knows how thick a road is, how many axels, but the entity that decides whether or not they have enough money whether that’s an impact or not is the city council and not you folks and so if you want to send a recommendation to the city council that says green light lets do it or you can send one that says we want somebody to look at a traffic impact then you can do that as well, and that was my response to Donn I said “What specific impact upon the life of the road will the proposed development have, i.e. shorten re-paving, I think I made it very clear the city does not have the mechanism fees but may be able to provide or negotiate some sort of mitigation. The applicant in her testimony raised an extremely important point. Your recommendation is pretty straight forward I think to the council and then the meat of the decision would fall to them, about the validity of the road impact. Does that help clarify. You just have to say it with a straight face to the council I recommend you approve it , I recommend that you approve it if the following things are met or I recommend that you deny it. And throw the ball in their lap and we go from there.

Carpenter: Once we are through with our process and we submit a recommendation of this application and it goes to the city council, but the council does not see any of our deliberation, is that correct?

Schroeder: No, they do, it is either in the minutes, they can listen to the transcribable record, they can see the written materials that are produced.

Carpenter: Do they do this before they have their public hearing

Schroeder: They can.

Carpenter: Do they have this information when this comes to them?

Schroeder: They should yes. In other words, prior to their public hearing they will have the record, the applicants application, they will have a transcribable record, they will have a staff report, or what we will put together is a sample finding of facts and conclusion of law from this body to them and then any other information such as testimony that was provided by the person who showed up with it in writing (Allen Keillor) as well. So, they will have all of that.

Carpenter: I was just wondering when they see what we have done

Schroeder: Yes, as soon as, there is a timeline here in the code, "*Within fifteen (15) days after the public hearing the commission shall transmit it's recommendation of its approval or denial to the council. Within forty-five days after the receipt of the recommendation the council will approve or deny the application*". It cuts kind of a tight timeline. They (council) have to schedule a public hearing as well and that provides the applicant an opportunity to again present public to testify and the applicant to rebut. And then that is the body who can ultimately solve the question of the road impact because they have the checkbook.

Baker: So if we have fifteen (15) days from this date to make a finding on it can we say we want to get some information on this and then make a decision or make a consensus that we pass on to the city council or we just do it right now.

Schroeder: You have fifteen (15) days, you have to decided

Baker: There is no benefit in doing that way.

Carpenter: Denver do you have any questions or comments?

Price: I do not.

Carpenter: So going through the different parts of this application as regards the comprehensive plan, where we have talked about property rights and we have had some input there, and we have talked about the economic developments and the desirable goals which are all included in the applicants application plus any comments we had from the public. As far as the use of the land and the conditions. Just need to know if we feel comfortable with all the criteria being met and we are asked to look at being met that we are asked to look at.

Baker: In this criterion, the concern that was made about the headlights coming through and there needed to be some sort of a fence all the way across it. Are we going to say okay let's pass this onto the city council, maybe okay with it if after the traffic impact study is done but knowing that this person has concerns about the light traffic, the headlights? Is that something that needs to be put into our consideration right now that somebody has got an issue with that?

Carpenter: That was part of that person's testimony, so it is in the record, and it's been addressed. These testimonies will also be given at the city councils public hearing.

Baker: Right, yes, yes, yes.

Freeman: Jennifer what you do as a commissioner, you recommend to the council either an approval, denial or approve with conditions to the city council and then they also have a public hearing.

Baker: My question about it and this in itself might not be a big enough or really cause a big mess but say somebody comes here and they say their

piece, I have concerns about this, I'm really not happy about this aspect about this, and so the plan gets to go any way and a couple of years later that person comes back and wants to like sue the city because they can make this...

Freeman: That is what public hearings are for.

Schroeder: There is a time a person has a right to appeal or seek judicial review of a decision. If you have a claim by a person giving testimony that it will have an adverse impact on them, and so you go through your criteria, you're a recommending body and you say it appears on our review of the record that the applicant is mitigating that so you should have something in the applicants plan that shows it's mitigating concern that the person given testimony said.

Baker: She does not have that in here.

Schroeder: That opportunity can also be presented at the council level. She did not know about this particular concern until this evening. You can also seek more information from the applicant, which I think you were eluded to earlier but back to your lawsuit concern that will have to be addressed if there is evidence A and no evidence on the contrary then it would subject the city to do judicial review to possibly overturn the decision if there wasn't evidence maybe rebutting it. There is still an opportunity for the applicant to rebut it or to provide mitigation. So, you are not at any risk getting anybody in trouble. We have two people to protect, well three, the city, the neighbors, the applicant. The applicant has substantial rights under the code for conditional use permit, if they meet the conditions then we have got to grant it. If the conditions are not met, where there isn't evidence in the record to allow you to grant it, then you kind of have to say, no because we don't have it. The final ship isn't sailing tonight and that is what this process is about, it could be painful, I appreciate the applicant staying and taking the time to go through this but your concern is right but you could send a recommendation whichever way you want as long as you lay the rationale for it out.

Item 5. **MOTION:** [Action Item] Planning & Zoning Recommendation for ARK Properties, LLC Conditional Use for the Proposed RV Campground in R-4 Recreational Zone to the City Council (C): (Roll Call Vote)

Carpenter: We are at this point where we need to find out if we are ready to accept or deny this applicants application for an RV campground in a R-4 Recreational zone. Do I have a motion to either except or deny?

Price: I am ready when we have a vote.

Baker: Yeah, I make motion that we recommend acceptance to this to the city council with the condition of a traffic use study is done. Am I not understanding, okay I'm on a different page then you guys?

Price: I understand what you are talking about I would recommend it to the city council with our concerns, not about the traffic, but the road conditions, yep, and I am sure they will look at our testimony and see our concerns, there you go, but if I want to approve it I want to approve it for the same thing with the road, then it is on them and they take it from there.

Carpenter: So that would be the wording for this motion? That we are going to move to accept this applicant's application for a conditional use for an RV

campground in an R-4 Recreation zone proposing 39 full hook-ups and 17 dry sites power only, sewage dump station, tentative office, with shower and laundry facilities. Developing eighteen (18) lots on 7.9 acres

Freeman: You want to recommend your approval/denial to the city council.
Carpenter: With a condition we have concerns with the road.
Baker: Recommend with condition that the city council ask for a traffic impact study to determine the wear...
Schroeder: I guess I can help. It sounds to me that you recommend approval of the conditional use permit on the condition that a traffic impact study be done, road, I guess I would call it road impact not a traffic, a road impact study. Donn is an engineer that speaks engineering language, so a road impact is different than a traffic impact study.
Carpenter: Are we agreed on that wording?
Baker: Yes.
Carpenter: I need a motion
Schroeder: Simply a motion to recommend to the council to approve the conditional use permit subject to a road impact study.
Baker: A motion to recommend to the council to approve the conditional use permit subject to a road impact study.
Carpenter: Do I have a second?
Price: Yes.
Carpenter: All in favor, roll call vote, Price-aye, Baker-aye, Carpenter-aye
That recommendation has been passed.

Item 6. **DISCUSSION/MOTION:** (Action Item) Scheduled Regular P&Z Meeting
November 4, 2020 @ 6:00 pm:

Item 7. **COMMISSIONERS COMMENTS:**

Item 8. **MOTION: [Action Item] Adjourn:**
Price: I make motion that we adjourn the meeting.
Baker: Second.
Carpenter: All in favor, all-ayes.

Meeting adjourned at 7:28 pm

Approved by the P & Z Commission: _____ / _____ / _____

Chairperson, Kt Carpenter

Attest: _____
Lori V. Freeman, P&Z Admin.