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**MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING  
CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO**

October 3, 2022  
6:00 PM

**ESTABLISH A QUORUM**

Chairperson Kristopher Wallaert noted a quorum present and called the October 3, 2022, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, William Roeder, Scott Harjo, Cristina Drake, and Kristopher Wallaert.

Commission Member Roeder attended via Zoom.

Commission Member Travis Eikeness was not in attendance.

Staff members attending were Community Development Director, Brock Cherry, Assistant City Planner, Chris Curtis, Public Works Superintendent, Rich Urquidi and Legal Counsel, Geoff Schroeder.

**MINUTES**

\*September 19, 2022

\*September 29, 2022

Commission Member Cristina Drake made a motion to approve the minutes for September 19, 2022. Commission Member Scott Harjo seconded the motion. All in favor. The motion passed by a unanimous vote.

Commission Member Scott Harjo made a motion to approve the minutes for September 29, 2022. Commission Member Cristina Drake seconded the motion. All in favor. The motion passed by a unanimous vote.

**RECOGNIZING PERSONS NOT ON THE AGENDA – None**

**CONFLICT OF INTEREST DECLARATION**

Has any Commissioner received information pertaining to, or otherwise had, any contact with any person regarding any items on this Planning and Zoning agenda? If so, please set forth the nature of the contact, such as economic interest, or communications ex-parte.

**PUBLIC HEARING AND ACTION**

\* Action Item – Preliminary Plat (PPLAT) – Tim Mokwa, Hayden Homes

A request to approve the proposed Fall Creek Preliminary Plat (PPLAT) consisting of 40 acres south of Silver Stone #2 Subdivisions at the southern termination of South 5th West Street. (RPA4S06E015400). The Fall Creek subdivision will consist of 176 detached single-family homes proposed to be built in five (5) phases.

**Application: PZ-22-92**

Community Development Director, Brock Cherry introduced the staff report. This is a regular preliminary plat application on property already annexed into the City that has an R-4 zoning designation and those are the property standards that will be used to govern. This location is south of the Silverstone Subdivision. The applicant wishes to continue that development pattern of single-family homes. This parcel is near the sewage lagoons and currently there is no issue regarding odor. In the result of a lagoon fail there is a proposed 315-foot buffer from the sewage ponds and the development. This sets a standard for any other development in that area adjacent to the sewage lagoons. Within the buffer will be a future right-of-way for a future road and a landscape area with a berm, landscaped with trees. The berm also creates a barrier between the lagoons and the development in the event of a lagoon failure. The minimum lot size in an R-4 zone is 5,000 square feet. Staff has reviewed the preliminary plat and it meets and, in some areas, exceeds zoning standards. The applicant completed a traffic impact study. The study showed that at this time in that area there are no additional improvements that need to be made, such as future lights, stop signs, etcetera.

The applicant's representative, Tim Mokwa, came forward to speak. This is Hayden Homes first entry into Mountain Home. They showed exhibits of the product types to be built in Fall Creek. The customer selects the plan they want built. Hayden provides affordable quality construction on detached single-family housing. The Comprehensive Plan identifies this location as residential. They are proposing thirty-seven lots that exceed 5700 square feet, fifteen lots that will exceed 6400 square feet, the smallest lot is just over 5100 square feet, for the most they are at 5400 square feet on the interior lots. The western boundary has the larger size lots and should be more compatible with the undeveloped ground. The open space is eighteen percent of the gross land area in most part due to the buffer on the south side. They are proposing five phases which should allow for one phase per year to develop. They are proposing a .45-acre lot to be dedicated to the city after recording the plat for Fire Department Use. They also agree to extend a water line main to the south boundary to be used by the city. The berm will be twelve feet high, and densely planted with evergreen trees. The landscaping will be minimized for water conservation. The most opportunity for odor is when the sewage ponds turn over, which happens a couple times a year. We have agreed to incorporate into our closing documents is that new buyers will have to acknowledge they are next to a sewage lagoon and there is a potential for periodic odor intrusion. The berm will mitigate the odor as well as high standards on the building controls as far as caulking and windows. They feel the product meets the city's goals and Comprehensive Plan.

Chairperson Wallaert explained how EDUs for water are administered. When new wells go in additional EDUs can be added. Currently there are one thousand five hundred and eighty-six EDUs available.

### **Public Hearing Opened**

An unnamed citizen wanted clarification when the EDUs were calculated. They were calculated using the current state and not taking into effect climate change and the declining aquifer.

Jason Greca came forward to speak. This adds one hundred and seventy-six families to our education and feels the schools are already struggling. How will we address that and how will it affect our education system? In additions Jason had concerns regarding the ingress/egress from South 5<sup>th</sup> West Street. There are no turn lanes, and there are blind spots everywhere with the current amount of traffic. Also, Jason inquired about parks on that side of town and what action plan there is for parks on that side of town. Currently there is no place to play so the children play in the streets.

Will Runyon came forward to speak. In the past there has been an issue with construction trash. They have picked up truckloads of building debris. Will would like to know what the trash plan is. South 5<sup>th</sup> West is beat up and there will be more heavy equipment as well. That road is going to need to be rebuilt and the city needs to take that into account.

Terre Pearson-Ramirez came forward to speak. Terre states the sewer lagoon does smell and feels there is an environmental justice issue by placing the smaller houses, which are lower income housing, next to a sewer pond. The property values will degrade and trash out quicker. There is a noise issue with the railroad, and five years of construction. There needs to be limits on when they can construct, or when

they must do quiet construction. The strip next to the sewer lagoons would be better serviced as a park. It will take twenty years for trees to grow to any size and density, you are using a twelve-foot berm to try mitigating smell. Police response time is also a concern. Another of the concerns was if the planning documents are keeping up with the growth and the projected needs for schools, and emergency services.

Bryan Freer came forward to speak. Mr. Freer grew up out there by the sewer lagoons and is right beside the lagoons and has never had a problem with the smell or trains.

Misty Pierce came forward to speak. Misty inquired if the ponds would be blocked off with a fence. Another concern was regarding whether these homes would even sell being that close to the lagoons due to the smell.

### **Public Hearing Closed**

The School District is always notified regarding any Public Hearing. There is currently a fence around the ponds. The City Code requires builders to keep a trash container on site to accommodate construction debris and a stop work order can be issued if this becomes an issue. There is a City Code regarding sound levels that must be adhered to. Code Enforcement can address any issues regarding trash. Per code the development is required to build half of the roadway adjacent to South 5<sup>th</sup> West Street. The Master Transportation Plan will address the infrastructure issues about the roadways. The Comprehensive Plan was last revised in 2020. It does not address the new developments that have been made since then. The Comp Plan can be amended a certain number of times a year. We can do an annual audit. The Master Transportation Plan was last done in 2009 and we will be updating it. There has been discussion with future developers about locations for parks on the south side of town. It was guessed that the South 5<sup>th</sup> West level of service rating is above a C at full build out. There will not be a degradation of Emergency services response due to this development.

The applicant came back to rebut any issues. He pointed out that their north boundary is the south boundary of Silverstone, and if this project gets any odor, Silverstone would as well. The twelve-foot berm and the eight-foot evergreens will be roughly twenty feet at planting. It should not take twenty years for solid vegetative mitigation. It is unacceptable to pick up other people's trash and they do their best to avoid those circumstances. They do direct the trades to clean up daily upon leaving. This development provides opportunities for home ownership. The ponds are fenced with six-foot chain link with three strand barbed wire at the top. It will be two years plus before the first home is sold if they get approval this year.

Commission Member Scott Harjo made a motion to approve the request for the Fall Creek Subdivision Preliminary Plat, consisting of forty acres south of Silverstone No. 2 Subdivision currently zoned as R-4, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Public Works, Fire, and Zoning Officials to comply with applicable City Codes and standards.
2. The Final Plat and all future development will comply with the uses, and bulk & coverage controls.
3. Before a Final Plat is recorded, the applicant shall receive all necessary approvals regarding water and sewer infrastructure from the Central Health District.

Commission Member Cristina Drake seconded the motion. The vote is as follows: Commission Member Harjo; aye, Commission Member Drake; aye, Commission Member Roeder; aye, and Commission Member Wallaert; aye. The motion passed by a unanimous vote.

\* Action item – Conditional Use Permit (CUP) - Mobile Food Truck Yard

Applicant - The Yard Idaho, LLC, William Hodges

A request for A Conditional Use Permit to allow a Food truck court and community center at 2010 American Legion Boulevard. (RPA3S07E303982) The proposed Mobile food concession yard (Johnny-Behind-The-Rocks) would be designed for moveable objects such as food and beverage trucks, mobile seating, portable containers, tables and chairs, temporary shade, toilets, and transportable trash containers.

**Application – PZ-22-93**

Community Development Director, Brock Cherry explained that the current property has been utilized as a mobile food concessions yard for about two years. The initial approval for this site was a Temporary Use Permit which has a life span of six months. They would have to apply every year to continue operations. This property has a floodway that runs through it. To build permanent structures is difficult. Since the Yards inception there has been a zoning title amendment to make a mobile food concession yard a permanent land use. Because of zoning amendment, the Land Use Chart allows a Mobile Food Concession Yard in a C-3 Zone, with a Conditional Use Permit which allows deviation from certain property development standards. There are specific design standards for a mobile food concession yard which is outlined in the staff report. The applicant knows he is in the floodway. The applicant would like to pursue this use without making any permanent improvements, notably paving the property, permanent light fixtures, permanent parking lot, which are customary for the C-3 district. These are normally expected with development for site improvements, however, as a portion of his conditional use permit, he would like to be allowed deviations to operate on the property without making permanent improvements.

Mr. Hodges came forward to speak. He has owned the property for 27 years. Because of floodway issues he has not been able to develop it. There are elevated portions of the property that could be built on. The popularity of food truck courts has increased and the concept of food trucks with entertainment has been positive. The temporary permit has not allowed him to gain traction with the project. Now that the new ordinance is in place, he would like to make this location more permanent. About the flood issues, it is within the floodway and the maps go back to 1993, since the reservoir and Rattlesnake Creek spilled into the property. Since then, Rattlesnake Creek has been diverted and from a practical standpoint there really is no floodway issue with the property because conditions have changed with the diversion of that creek. FEMA defines a floodway as a stream channel in the areas adjacent to that stream channel, there is no stream channel that goes through the property. He believes this to be a good use for property that has been vacant for several years. By adding music events, beverage services, games, and family type activities he believes it could be successful and would be a vast improvement to the vacant property.

#### **Public Hearing Opened.**

Gail Groefsema came forward to speak. At the back side of his property is a mortuary, and they have services all the time. The only access to his parcel is from American Legion Boulevard. The notification she received mentioned a future bike park and there is one already in Mountain Home. Included on the flyer it mentions a trailer stage and is concerned with the noise times. Gail also inquired about the community center.

Cletus Warner came forward to speak. Cletus is not in favor of the music venue. The dirt is tremendous there and the food truck kicks it up racing into the lot. The plan shows a substantial increase in parking spaces which backs right up to this. The dirt, dust, and garbage are already a problem. He would like to know how they will build a community center without building it up with gravel. Mr. Warner has had to address a few issues already and believes it will only get worse with the expansion and live music.

Misty Pierce came forward to speak. Having been to the food court she has concerns about the narrowness of a space she pointed to on a map. She feels the dip and trees are also a hazard as they block visibility. More traffic there will create more danger.

#### **Public Hearing Closed.**

Mr. Hodges came back up to speak to the comments from the citizens. He agrees with the concerns regarding the last comment especially the tree if it impedes visibility and agrees he should take it out if that is the case. He could put a barrier up by the dip, but due to the floodway issues it is a problem. The entrance was put in with approval from ITD, it is hoped to move the entrance later, when the FEMA maps are redone. He will try to put some buckets of dirt or something there and try to improve it. The potential noise issue was brought up in the original hearing and the mortuary was the most concerned about it. It is not intended to be a venue for rock concerts. The intention for the stage is a flatbed trailer with a max of three acoustic type entertainers. There would be some amplification and they would be faced toward American Legion Boulevard. It is important for the success of Johnny Behind the Rocks for people to enjoy the venue we can create there regarding the bike park concept. We have never proposed a building community center. When we entered that into the site plan, the thought was a place for the community to

gather for entertainment and not a built-up community center. The intent is to create something that is fun to go to for a family, with horseshoes, cornhole, and the bike pump park.

Mr. Cherry mentioned that the bike park is considered outdoor recreation and is an outright permitted use in the C-3 District. Some of the original conditions could continue with the actual conditional use permit. He believes that it would be acceptable to condition this approval on whatever is acceptable per ITD. Another mechanism he could utilize is a Special Event Permit, where there could be larger events with stricter conditions.

This venue is going from temporary use to permanent use with a few additional components that are permitted in that zone.

Commission Member Scott Harjo made a motion to approve the Conditional Use Permit to allow a Mobile Food Truck Yard at 2010 American Legion Boulevard, in accordance with the applicable regulation or codes, City Code 4-11-2, Mobile Food Concession Definition: Peddling, vending, selling, displaying, or offering a consumable item for sale from a portable vehicle. Mobile food concessions can operate in various forms, including, but not limited to, food trucks, food trailers, food vending carts, and the like. Temporary buildings and children's vending stands are excluded from this definition. City Code 9-9-16 (B) A mobile food concession yard requires a conditional use permit. City Code 9-17 Regulations, standards, and processes concerning Conditional Use Permits. City Code 9-9-29 Mobile Food Concessions Yard Development Standards, and subject to the following conditions:

1. Subject to site plan amendments as required by Building, Public Works, Fire, and Zoning Officials to comply with applicable City Codes and standards.
2. The Applicant shall meet the performance, and design standards of Mountain Home City Code Title 9, Section 9-9 "Unique Land Uses And Performance Standards," including 9-9-29 Mobile Food Concessions Yard.
3. The Applicant shall comply with and receive all required approvals from the Idaho Transportation Department.
4. To waive the improvement standards that cannot be made because of State and Federal floodplain rules.

Commission Member William Roeder seconded the motion. The vote is as follows: Commission Member Harjo; aye, Commission Member Drake; aye, Commission Member Roeder; aye, Commission Member Eikeness; aye, and Commission Member Wallaert; aye. The motion passed by a unanimous vote.

## **NEW BUSINESS**

\*None

## **OLD BUSINESS**

\* Action Item – Approve Findings of Fact

Conditional Use Permit (CUP) – Walmart - Drive thru

Applicant – Wal-Mart Stores, Inc, C/O Ben Datiano, WD Partners

A request for a Conditional Use Permit to allow a drive-in (drive-thru) establishment as an expansion to the property located at 2745 American Legion Blvd. (RPA3S07E301310) The proposed Drive-in Establishment will allow for curbside pick-up of online orders.

**Application: PZ-22-77**

Commission Member Cristina Drake made a motion to approve the Findings of Fact for a request for a request for a Conditional Use Permit to allow a drive-in (drive-thru) establishment as an expansion to the property located at 2745 American Legion Blvd. (RPA3S07E301310) The proposed Drive-in Establishment will allow for curbside pick-up of online orders, application PZ-22-77. Commission Member Scott Harjo seconded the motion. The vote is as follows: Commission Member Harjo; aye, Commission Member Drake; aye, Commission Member Roeder; aye, and Commission Member Wallaert. The motion passed by a unanimous vote.

\*Action Item – Approve Findings of Fact

Preliminary Plat (PPLAT) - Jennifer Loveday c/o Mark Taylor

A request to approve the West 8<sup>th</sup> South Townhomes Preliminary Plat consisting of 3.56 acres located between West 7<sup>th</sup> South Street and West 9<sup>th</sup> South Street and between South 5<sup>th</sup> West Street and South 3<sup>rd</sup> West B Street (RPA3S06E363200) The West 8<sup>th</sup> South Townhomes will be an attached-townhome community that will include forty-two (42) single family attached townhomes with 1 and 2 car garages and 5 common lots.

**Application: PZ-22-87**

Commission Member Cristina Drake made a motion to approve the Findings of Fact for application PZ-22-87. Commission Member Scott Harjo seconded the motion. The vote is as follows: Commission Member Roeder; aye, Commission Member Drake; aye, Commission Member Harjo; aye, and Commission Member Wallaert. The motion passed by a unanimous vote.

\* Action Item – Approve Findings of Fact

Annexation (ANX) –Mountainbound Custom Storage & RV Park

Applicant – Mountainbound Custom Storage & RV Park

A request for annexation and zone to Light Industrial (I-1) allow for the development of an RV park and storage facility on approximately 46.63 acres located South of Northeast Foothills Avenue, East of Highway 20, and North of Interstate 84. (RP03S07E300200)

**Application: PZ-22-89**

Commission Member Cristina Drake made a motion to approve the Findings of Fact for application PZ-22-89. Commission Member Scott Harjo seconded the motion. The vote is as follows: Commission Member Harjo; aye, Commission Member Drake; aye, Commission Member Roeder; aye, and Commission Member Wallaert. The motion passed by a unanimous vote.

\* Action Item – Approve Findings of Fact

Planned Unit Development (PUD) –Mountainbound Custom Storage & RV Park

Applicant – Mountainbound Custom Storage & RV Park

A request for a Planned Unit Development to allow for the development of an RV park and storage facility that will provide 234 RV parking and storage pads on approximately 46.63 acres located South of Northeast Foothills Avenue, East of Highway 20, and North of Interstate 84. (RP03S07E300200)

**Application: PZ-22-88**

Commission Member Cristina Drake made a motion to approve the Findings of Fact for application PZ-22-88. Commission Member Scott Harjo seconded the motion. The vote is as follows: Commission Member Roeder; aye, Commission Member Drake; aye, Commission Member Harjo; aye, and Commission Member Wallaert. The motion passed by a unanimous vote.

#### **DEPARTMENT HEAD ITEMS**

\* Monthly Building Permit Report – August 2022 (revised)-None

#### **ITEMS REQUESTED BY COMMISSIONERS/STAFF**

\* None

#### **ADJOURN**

Chairperson Wallaert adjourned the meeting at 7:50 p.m.

Vke-Chair   
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