



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

January 4, 2021
4:00 PM

ESTABLISH A QUORUM

Chairperson Topher Wallaert noted there was a quorum present and called the January 4, 2021, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, Topher Wallaert, Nancy Brletic, Mark Sauerwald, Travis Eikeness and James Eskridge.

Commission Member Deedee Devol was absent.

Staff members attending were Community Development Director Brock Cherry, Administrative Assistant Brenda Ellis, Building Official Hank Patrick and Attorney Geoff Schroeder.

MINUTES

- *December 2, 2020
- *December 7, 2020

Commission Member Nancy Brletic made a motion to approve the minutes for the Regular Planning and Zoning Commission Meeting held on December 2, 2020 and December 7, 2020. Commission Member Mark Sauerwald seconded the motion. Vote is as follows: Commission Member Sauerwald; aye, Commission Member Brletic; aye, Commission Member Eikeness; aye and Commission Member Eskridge; aye. Motion passed by a unanimous vote.

RECOGNIZING PERSONS NOT ON THE AGENDA - None

PUBLIC HEARING AND ACTION

- * None

NEW BUSINESS

- *Action Item – Election of Officers

Commission Member James Eskridge made a motion to keep the current Chairperson, Topher Wallaert and Vice-Chair Nancy Brletic as the acting officers for the new year. Commission Member Nancy Brletic seconded the motion. Vote is as follows: Commission Member Sauerwald; aye, Commission Member Brletic; aye, Commission Member Eikeness; aye and Commission Member Eskridge; aye. Motion passed by a unanimous vote.

OLD BUSINESS

* **Site visit as requested from tabled Public Hearing 12-07-2020**– A request by William Hodges, The Yard Idaho, LLC for a **Conditional Use Permit** for a Temporary Use Permit to allow a Food Truck Yard and Farmer’s Market as a temporary use on parcels RPA3S07E303982 & RPA3S07E30393. (PZ20-0014).

Attorney Geoff Schroeder gave direction to the Commission to not discuss the item amongst themselves. Left for site visit.

Recorded on site. (Some portions were inaudible do to wind)

Mr. Hodges showed the location of the food trucks, parking and cargo container. Mr. Hodges stated, “Three food trucks will be on the lower level and a trailer for entertainment, along with a courtyard and some shade structures and seating. The elevated portion outside the floodway was approved for development. We want to put in that elevated area a shipping container, used for a beverage service area, portable latrines, trash dumpster, and shed for storage. There was concern about sound issues and we are 600 feet away from the entrance to the mortuary. The trailer for the performers will be faced away from the mortuary and will have sound backing. The farmers market in the southern portion of the property will be a future addition to the project with a separate submittal for that.” Mr. Hodges showed the boundary to the three and a half acres and where the future cemetery site is. Mr. Hodges stated, “We will submit a request to FEMA for a letter of map revision to take this project out of the floodway. The floodway is blocked by the golf course, county buildings and American Legion Boulevard.”

Returned from site visit.

Commission Member, James Eskridge was concerned that 60 parking spaces was not sufficient if the farmers market was included. Mr. Hodges stated, “At this point in time we are not directly proposing the farmers market. We would like to have it if it is amenable to the City. We could easily accommodate another 30 or 40 spaces if needed.”

Community Development Director, Brock Cherry clarified that it was Mr. Hodges intent to only propose the Food Truck component and the music stage and not the Farmers Market. Mr. Hodges stated, “It is a moving target. If the City is agreeable to the Farmers Market with this application I would like to leave it in.”

Community Development Director, Brock Cherry stated, “For further context to the Commission, your decision on the requests, could condition it for only the food trucks and not the farmers market, or both. You do have that discretion.” Commission Member Eskridge inquired about the easement at the Drs. Clinic to his parcel and if it was an actual easement. Mr. Hodges confirmed it is an existing legal easement. According the Mr. Hodges there was concern from ITD regarding the access, which the access has been approved. ITD has given Mr. Hodges a letter for approval for the four food trucks proposed. There is no mention of the Farmers Market regarding ITD approval. Chairperson Topher Wallaert wanted information on the storage shed. Community Development Director, Brock Cherry, stated, “The storage shed cannot be in the Floodway. It can be in the floodplain but will need an elevation certificate.” Building Official, Hank Patrick, stated, “It will need to be built to floodplain standards. It will need to be built above or built with flood resistant construction, and elevation certificate is required.” Mr. Hodges decided he would like to modify his request and utilize a mobile enclosed trailer for the storage. Commission Member Mark Sauerwald questioned the construction of the sound barrier for the music stage and the potential for the trailer to move closer to the funeral home. Mr. Hodges stated, “We are thinking of about a 14’ to 16’ trailer which will have a backdrop built onto the trailer to direct the sound to the east. We are not going to move the trailer anyplace else. The back area will remain vacant and not be used for music or food trucks.” Commission Member Mark Sauerwald asked, “How does the noise ordinance play into this if the sound becomes an issue?” Community Development Director, Brock Cherry stated, “The City has a general noise ordinance. There is a certain decibel limit.” Attorney, Geoff Schroeder stated, “That in the noise ordinance, noise in excess of a certain decibel level is prohibited. The police department does have decibel meters. This is a commercial zone and in the elevated area there

are many uses permitted as a matter of right, so there are uses that could be more injurious, noise wise, that do not require a permit. There is an ability to prosecute violations of the noise ordinance to stop the unwanted behavior.” Community Development Director, Brock Cherry commented, “City Council has the power to revoke a Conditional Use Permit if a use violates codes. As a Temporary Use the permit is only good for six months. He will have to come to this body every year to operate.” Mr. Hodges spoke, “I understand this is a Temporary Use, but I would like to request that this Temporary Use be allowed to be reissued under an administrative review rather than a full hearing process, do to cost and time.” Community Development Director, Brock Cherry stated, “Being that it is laid out in black and white in code, I do not believe we have the discretion to move it from a hearing level to an administrative approval. We will research the request and have an answer at the January 19th meeting.”

Commission Member, James Eskridge commented, “I do not see where there couldn’t be noise mitigation to remedy the mortuary’s concern.” Community Development Director, Brock Cherry stated, “It is one thing to be next to a residential district verses being next to a residential use within a commercial district. The intent is that area the uses will slowly convert to commercial uses.” Commission Member, Nancy Brletic asked, “Can we put a decibel limit on it? And to be clear, the bike park and the future lawn section is being removed?” Attorney, Geoff Schroeder commented, “There is a decibel number that you are prohibited by law from going beyond the external boundary from which the noise emits.” Mr. Hodges stated, “That is something down the road, there are challenges and engineering.” Chairperson Tophier Wallaert stated, “Everything that I understand that you are requesting is for the food truck area, future community center (farmers market) is what you are requesting, correct? And Brock, for parcel one and three are those an additional permit use for those parcels?” Community Development Director, Brock Cherry stated, “It depends on how Mr. Hodges frames his request. He can say this is only for the food trucks and the entertainment venue. If he wishes to add anything he can ask that and you can deny that. I think what is important for this application is that Mr. Hodges clearly outlines what he is asking for by the January 19th meeting. You have the discretion to approve certain components and recommend denial of certain components.” It was determined that the decibel level in a commercial zone is 80 decibels. Between 10:00 pm and 8:00 am levels are reduced to 60 decibels at the site of complaint. Administrative Assistant, Brenda Ellis asked, “To be clear the only reason Mr. Hodges is here is the Temporary Use Permit because of the floodway issue. If he was doing this and the floodway was not an issue, would this use be outright permitted?” Community Development Director, Brock Cherry stated, “Many components perhaps would be. The food truck component would be outright permitted as far as entertainment it may be. Some research will be done and put in the staff report.” This application is tabled until the January 19th, meeting.

DEPARTMENT HEAD ITEMS

- * Monthly Building Permit Report – November-None
- *Monthly Code Enforcement Report – November-None

ITEMS REQUESTED BY COMMISSION/STAFF

- *None

ADJOURN

Chairman Tophier Wallaert adjourned the meeting at 5:06 p.m.

Chair _____

