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

**Tuesday, September 19th, 2023, at 5:30 PM**

**ESTABLISH A QUORUM**

Commission Member Cristina Drake noted a quorum present and called the September 19, 2023, Regular Meeting of the Planning and Zoning Commission to order. Attending were Planning and Zoning Commission Members, Travis Eikeness, Cristina Drake, and Scott Harjo.

Commission Members Kristopher Wallaert and Commission Member William Roeder were not in attendance.

Staff members attending were Assistant City Planner, Chris Curtis, Public Works Director, Rich Urquidi, Legal Counsel, Geoff Schroeder, and Betsy Hiddleston recorded the meeting.

**MINUTES**

\*Action Item – Minutes, September 5th, 2023

Commission Member Travis Eikeness made a motion to approve the minutes for September 5th, 2023. Commission Member Scott Harjo seconded the motion. All in favor. The motion passed by a unanimous vote.

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

**CONFLICT OF INTEREST DECLARATION**

\* Does any Commissioner, Commissioner's employer, or Commissioner's family member have an economic interest in any matter on the agenda? (Idaho Code 67-6506) - None

\* Have any Commissioners received communications or engaged in discussions regarding matters on this agenda outside of this meeting? – None.

**PUBLIC HEARING AND ACTION**

\*Action Item – Conditional Use Permit (CUP) – Teran Mitchell, TKM Architecture

A conditional Use permit to allow for construction of an RV park in a C4 zoning district at the Corner of NW Jerome and NW Smith Road.

PZ-23-64

Assistant Planner Chris Curtis gave the Staff Report. An RV Park in a C-4 Zone requires a CUP. The request is compliant with the Comprehensive Plan. Notification and posting were completed as required by City Code.

Teran Mitchell came forward to speak on behalf of the applicant. The property owner spoke regarding the project, her testimony was translated by Cristina Drake. The request is for an RV park to be located at the corner of NW Jerome and Smith Street. Teran Mitchell gave the presentation. The site is directly adjacent to their home. The site is currently vacant. They are zoned C-4 and inside the City Limits. The lot size is zero point seven, one, two acres. The plan is for eleven camp sites, with a concrete pad and buffer areas

for separation. There will be two stalls per camping site. NW Jerome allows for some on-street parking. There will be eleven thousand square feet of open space. There is a street side setback and a front setback. There is currently a curb, gutter, and sidewalk on the east side of the site. The street right of way on Smith Street shall be improved. There will be a single drive lane for ingress and egress of twelve feet wide, this has been reviewed by the Fire Marshal for adequacy. This will allow for a twenty-five-foot RV to park. Not all sites are the same size. There is some grass, with water-wise landscaping. There will be one central garbage receptacle. There is a thirty-foot prescriptive setback for C-4 zoning. The City and the Fire Marshal have both said, because of the use a twenty-five foot setback on the side and the front would be amenable. This plan allows for lodging type uses in a commercial district. There is a limitation of the size of RV that would fit on the site.

#### Public Hearing Opened.

Clarice Hamman came forward to speak. Clarice had concerns about the size of the paper size and print of the flier being to small. The address is stated to be 77 Jerome Street and wanted to know why they would drive in and out of Smith Street. Clarice did not feel that Smith Street was wide enough. There are cars parked on the street, she would like a traffic count on that street. She is concerned about where she lives.

Don Gust, of West Side Sewer District came forward to speak. Don stated that West Side Sewer District will not give up any more boundaries of the district. Half of the street. You should not be able to tie on without our permission. Will there be a sidewalk around the perimeter? He feels that it is a narrow street. He feels the West Side Sewer District should get something for tying into their lines. There has already been a line taken up the street and it will not happen again. You guys pulled a shenanigan on a friend, and he does not appreciate it. You are not taking over the infrastructure and they want some reimbursement for the rest of it on their side of the highway, and they want some of it back.

John Ligon, of West Side Sewer, came forward to speak. We are in negotiations with the City regarding EDU's. They have hired a lawyer. If this project goes through, they want some of the EDU money since it will be hooked into their infrastructure. We will collect the fees and turn the remainder of the fees to the City. They pay us and we pay you. That is what is going to happen on this project or else we will decline. We picked up our mail, and it was supposedly mailed out on September 2<sup>nd</sup>, and they just received the notice on Monday. If it is allowed to go through, you are hooking into our infrastructure, we will collect the fees and pay the City.

Aubree Hart came forward to speak. She is speaking on behalf of herself and her son. As a realtor there are concerns about the groundwater there, because of the prior situation with the dogs. She feels if she were the listing agent, she would have requested an environmental study be done. She also has concerns with the infrastructure with the sewer district, with the proposed sixty-seven townhouses on Jerome which will tie up a lot of that infrastructure and eleven more is just an added tax as they are already reaching capacity in that area. There are concerns about parking and the traffic going in and out of there being so close to Airbase Road. Smith street is narrow and probably barely meets the criteria. If there are cars parked on both sides of the street, there is only enough room for one car to go down it. Cottonwood RV Park is a disaster and there are concerns that within a few years this will attract the same sort of people. She strongly feels this will devalue the homes in the area. She does not feel that this is the best use of this property.

Misty Pierce came forward to speak. She has no beef with development and knows that we need housing but doesn't think this location is a good place with the roads being so narrow and being unmaintained County roads. This is not harmonious with the area. With the traffic of the coffee shop, the car dealership, and Colthorp Commons, it will be tight in the area with the roads. Smith Street is very narrow, and it will be hard to pull an RV. She does not feel it is the right fit in this area.

Public Hearing Closed.

The tie in with West Side Sewer will be between West Side Sewer and the Developer. The developer has spoken with West Side Sewer District to make sure they were aware of what is being proposed to air any grievances or concerns at that time. The only concern or question of capacity is on NW Jerome. It is believed that 160 units could use that one line. Colthorp has sixty-four units, not sixty-seven. Colthorp is not attaching all sixty-four units onto NW Jerome at most it would be twenty-nine units attached to NW Jerome. Westside Sewer District has a contract with the City, and there is a certain cost that is passed to the City. The EDU would be counted to the city system. Every camp site would have a sewer connection to an interior line, and that interior line would connect to NW Jerome. Public Works Director Rich Urquidi guessed that Smith Street was about twenty feet, and Jerome as thirty-five feet. The notice was mailed out within the timeframe required by the code. It is difficult to determine if the values will decrease due to this development. The prior use of the property was a single-family home that was condemned and torn down due to a dog hoarding issue, and an environmental study would not have been

required. The project will utilize City Water Service for potable water and irrigation will be provided by the existing well. Commission Member Eikeness was concerned about the twenty-one feet for roadway width on Smith Street, and from the arial view it looks very narrow. Public Works Director, Rich Urquidi, stated he did not measure the right-of-way, but there could be more. This application does not appear to have conditions attached to it unless the Commission wants to attach conditions to it. There are existing curb cuts off NW Jerome Street, but with the access from Smith Street rather than Jerome Street it enables the developer to add two additional camp sites. They do not plan to take out the existing approaches. One of the top concerns of those who spoke was access from Smith Street rather than Jerome. Smith Street is a roadway that has not been improved. The County does not control the roadways but is controlled by the Mountain Home Highway District. The applicant would be offering to approve the roadways that abut the purpose subject parcel. Twenty-five feet is the maximum RVs for this location. The twelve-foot drive line inside the project is suitable, even with a twenty-five-foot RV, with the towing vehicle. Some Commission Members expressed that through their own experiences of pulling trailers that this would be snug. The Fire Marshall has no issues with their equipment getting though. The Highway District was notified. No traffic study was required as it does not meet the requirement for one, because of the small volume of traffic created. The length of stay per definition for RV Park is for temporary stay for recreation or vacation purposes, which is a temporary use is defined as use established for a fixed period of time with the intent to discontinue use upon the expiration of the time period. The applicant will have a lease agreement that will be fairly open, the occupants could stay for a day or a month in duration. They could potentially stay longer than one month, as in a month-to-month renewal. There were multiple conversations happening at the same time which made the answer regarding charging for EDUs inaudible. EDU slated for .25 per RV spot until 6 months of continuous use by one occupant at which time that spot will be billed for 1 EDU.

The reasoning behind the motion made was due to the width of Smith Road.

Commission Member Travis Eikeness made a motion to deny the Conditional Use Permit to allow the construction of an RV Park in a C4 zoning district at the Corner of NW Jerome and NW Smith Road, PZ-23-64. Commission Member Scott Harjo seconded the motion, based on the road width. The vote is as follows: Commission Member Eikeness; aye, Commission Member Harjo; aye, and Commission Member Drake; aye. The motion passed by a unanimous vote.

**\*Action Item – Conditional Use Permit (CUP) – Gary Tuller on behalf of Hiler Brothers**

A conditional Use Permit to allow for a propane storage facility in an I2 zoning district located between the 700 and 800 block of Highway 30.

PZ-23-70

Assistant Planner Chris Curtis gave the Staff Report. The intention is for a bulk distribution site that will include a 30,000-gallon bulk propane tank. The applicant plans for two paved entries off Highway 30. The applicant is requesting to defer paving and landscape requirements to the later phases of the project. They are also requesting to defer curb, gutter, and sidewalk until future development reaches them. All public hearing requirements have been met. Staff believes this application is in compliance with the Comprehensive Plan.

Gary Tuller came forward to speak on behalf of Hiler Brothers. Tomas Hiler was present at the meeting. The conditional use permit is required for the propane storage facility. All entities have been in contacted and they have no comments. There will be two paved entries to limit dirt migration. There will be adequate access to the property for trucks and large equipment. The project will also provide a card lot fuel dispensing area to allow for big trucks and farm truck fueling. That part of the project does not require a conditional use permit and is allowed in I-2 Zone. All safety requirements will be met. There will be protection for the propane tank with fence and concrete barriers. The project will be phased and eventually the entire parcel will be fenced. They wish to have the paving and landscaping deferred, because the project may vary as it progresses.

Public Hearing Opened.

James Smothers came forward to speak. James was concerned about his house being in the blast zone. He was concerned that it was being built where the train derailed this summer. He wanted to know if the concrete was going to be built high enough to buffer a train car hitting it. James believes that the tank is electric and if power is lost what issues will the loss of power create if they heat up and cool down or repressurized. Another concern was the habitat for humanity, and the parcel will be fenced 100%, but all the people are living right next to that tank as well. Another issue regarding the tank on site, it was built in the 80's and has rust bleeding through the fresh paint. Will the location be manned twenty-four hours a day so that in the event of an emergency the proper authorities can be notified? He also would like to know if there is an appropriate emergency plan in place.

Don Gust came forward to speak. The City is supposed to have a bookoo fire department, and they are supposed to be taking care of this kind of stuff. If they do their job, they can respond to that. He suggested signs out there listing contact information. He doesn't care if the tanks are old or new, they can blow up. He wanted to know if the fire trucks were bought just to look at.  
Public Hearing Closed.

The tanks are highly regulated. The facility will follow all requirements for safety. The property is eighty feet from the railroad tracks. There is a sewer easement that runs through the back of the property and there will be no development on that. The tank is quite away from the tracks. Tanks are checked annually by a state official. Federal and State law to be a minimum of fifty feet from the railroad tracks. This project exceeds the minimum requirement. There are also setback requirements from property lines for this size of a tank and they have quadrupled those in this case. There is also a requirement to how far away the tanks have to be from the center of the highway and this project exceeds that requirement. There is no habitat for humanity, there was a sign that said urban habitat because there was a lot of overgrowth there and they did not want to cut it down. All the valves are brand new, and these tanks have been freshly painted with oil-based paint that takes care of the rust. There is an ID plate on the tank as required by federal law and that plate must be maintained once a year. There is power to property, the power will run the pump on the propane tank that pumps the fuel from the tank to the trucks. If the power goes out, they utilize the PTO from truck to pump fuel from the tank, or to the tank, it doesn't require any electricity. If the tank were to ever blow up, it has a radius of about thirty feet. Propane is one the safest fuels to use. Neighbors on both sides and in the area have no issues with the project. Hiler's is the last fuel supplier in this area. In the future they would like to relocate their plant from Main Street.

Commission Member Travis Eikeness made a motion to approve the Conditional Use Permit to allow for a propane storage facility in an I2 zoning district located between the 700 and 800 block of Highway 30. PZ-23-70. Commission Member Scott Harjo seconded the motion. The vote is as follows: Commission Member Eikeness; aye, Commission Member Harjo; aye, and Commission Member Drake; aye. The motion passed by a unanimous vote.

#### **NEW BUSINESS**

\*None

#### **OLD BUSINESS**

\*None

#### **DEPARTMENT HEAD ITEMS**

\* None

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

\* August 2023 Code Enforcement Report- It was requested that Code Enforcement participate in a meeting every six months or so.

\* August 2023 Building Permit Report-None

#### **ADJOURN**

Commission member Cristina Drake adjourned the meeting at 7:05 p.m.

Chair 