

PLANNING & ZONING COMMISSION RECOMMENDATION
TO THE BOARD OF COUNTY COMMISSIONERS

RECEIVED
MAY 16 2008

BY:

Planning & Zoning Minutes dated 04/28/2008

Members Present: on 04/28/2008:

Vice-Chair Doug Suter, Jay Henley, Larrey Anderson, Roger Morley, Heber Toral, Cathy Roemer, Lynette Bartholomew and Trish Heath.

Chairman Jack Nelsen was recused.

Planning & Zoning Minutes dated 05/05/2008

Members Present: on 05/05/2008:

Vice-Chair Doug Suter, Jay Henley, Larrey Anderson, Roger Morley, Cathy Roemer, Lynette Bartholomew and Sam Harris.

Chairman Jack Nelsen was recused.

Appeared: Alan Hansten and Daniel Lloyd

Requested Action: Approve the Preliminary Plat for Canyon Crest Subdivision

To the Board of County Commissioners:

We, the Planning & Zoning Commission, recommend the above request be approved by a vote of 3 aye and 1 no with the following conditions:

1. All conditions set forth within the Special Use Permit.
2. The RV & boat parking and clubhouse parking shall provide screening and/or landscaping before the Planning and Zoning Commission review the final development plan/final plat.
3. 7' setback is approved for side setback for building structures.
4. No street name shall conflict with any other street name.
5. Provide a trail use system diagram that shows conductivity to the residential lots within the PUD before the Planning and Zoning Commission approves the final development plan/final plat.
6. Final Plat will meet all DEQ requirements on wastewater plant and sanitation per phase or no certificate of occupancy permits will be issued.

Attest: [Signature]
Administrative Assistant

By: [Signature]
Chairman

Date: 5-16-08

FINDING OF FACTS AND CONCLUSIONS OF LAW OF JEROME COUNTY
PLANNING AND ZONING COMMISSION OF JEROME COUNTY, IDAHO,
REGARDING the request of Daniel Lloyd for a Special Use Permit for a Planned Unit
Development (PUD) on approximately 350 acres and an open parking lot for storage of
recreational vehicles and a clubhouse. Location in "A2" Agricultural Residential Zone is
Parcel 7340, Tax 39 of NESE and Parcel 4826, Tax 27 of NESW, Tax 28 of N1/2SE,
S1/2 of SE, SESW, both in Section 20, Township 9 South, Range 17, EBM, Jerome
County, Idaho, more commonly known as approximately 750 Golf Course Road, Jerome,
Idaho.

THE JEROME COUNTY PLANNING AND ZONING COMMISSION OF JEROME
COUNTY, STATE OF IDAHO, after due deliberation and consideration HEREBY
FINDS AS FOLLOWS:

1. The provisions of Chapter 7 of the Jerome County Zoning Ordinance (JCZO)
and title 67, Chapter 65 of the Idaho Code have been complied with, to wit:
 - A. All due and legal application/petitions have been made.
 - B. All due and legal notices have been given.
 - C. All due and legal hearings have been held.
2. After holding public hearings in accordance with all legal requirements of the
Planning and Zoning Commission for the County of Jerome, State of Idaho,
the Planning and Zoning Commission has made a recommendation
incorporated herein by this reference.
3. In public hearings held in accordance with all legal requirements on April 28,
2008 and May 5, 2008, before the Planning and Zoning Commission at the

Jerome County Courthouse, located in Jerome, Idaho, an opportunity was given to interested parties to express their views concerning the above named application.

THE JEROME COUNTY PLANNING AND ZONING COMMISSION DECISION:

- WHEREAS: Daniel Lloyd, Alan Hansten, Steven Paulsen, Terri Lloyd, Travis Compton, Carolyn Allen, Rob Williams, Lisa Belmonte and Brett Thompson were all sworn in at once and,
- WHEREAS: Mr. Nelsen stepped down from the Commission and Doug Suter took over as chair and,
- WHEREAS: Mr. Hansten handed out exhibit H-11, a water use comparison worksheet and discussed it with the Commission Members and,
- WHEREAS: Each home will have an individual well and have water rights up to 13,000 gallons per day and,
- WHEREAS: Storm water will be contained in barrow ditch and directed to the ponds, this water will be used in the summer to irrigate and,
- WHEREAS: The owner of each lot will be responsible of irrigating, using their well water; legally they are allowed to utilize well water to irrigate and,
- WHEREAS: 80 shares of water is available to be used on the 119 acres of open space and will be distributed through a pressurized irrigation system and,
- WHEREAS: 10,000 square feet of native turf will be allowed for lawn area and,
- WHEREAS: Complete looks of homes are not finalized and,
- WHEREAS: The same technology as the City of Jerome will be used for their waste treatment plan and,

- WHEREAS: His proposal is compatible with surrounding areas and,
- WHEREAS: He also spoke about waste water will be cleaner than ditch water and the distribution throughout the open space as irrigation water and,
- WHEREAS: Daniel Lloyd handed out exhibit H-12, facts supporting approval of Canyon Crest Subdivision and,
- WHEREAS: Mr. Lloyd expressed his concerns with Staff Conditions #10, #20 and #26 and,
- WHEREAS: The proposed property for this PUD is zoned "A-2" Agricultural Residential; ideal for this proposal and,
- WHEREAS: The proposed development will have strict CC&R's, Conditions and Restrictions. The Home Owners Association will enforce regulations and,
- WHEREAS: Very hard work has been put into this project for the past 1 ½ years and,
- WHEREAS: He does not foresee any problems with the Jerome Highway District; a traffic impact study has been completed and,
- WHEREAS: About 50 homes are going into phase 1; moving from the South to the North and,
- WHEREAS: Steven Paulsen in support of the application stated that low water use plants and mix of grasses would be used for this proposal (native plants to Idaho) and,
- WHEREAS: The grass will only need to be watered once every other week for a duration of 15 minutes and,
- WHEREAS: He demonstrated pictures of how the grass would appear to be at different seasons of the year and,

WHEREAS: Attorney Rob Williams in support of the Application stated that for the record there was no group registered through the State of Idaho named, "Magic Valley Concerned Citizens Association". Therefore he asked that the Commissioners consider disregarding the letters received in opposition of the application and,

WHEREAS: Terri Lloyd in support of the Application stated that for the record she is not related to Mr. Lloyd and,

WHEREAS: She attended a planning meeting at the Jerome Public Library and Mr. Lloyd's proposal will be a positive impact in the area and,

WHEREAS: Carolyn Allen in support of the Application stated that she will be a neighbor to the proposed PUD and,

WHEREAS: She welcomes the PUD since it was carefully planned out and,

WHEREAS: Justin Johnson was sworn in and testified in support of the application; Mr. Brown was also sworn in at the same time and,

WHEREAS: Mr. Johnson stated that this PUD has been planned out very well and Mr. Lloyd always contacted the Jerome Highway District for questions and suggestions and,

WHEREAS: He indicated that a stop light would go in this year or next year at the intersection of Golf Course Road and Highway 93 and,

WHEREAS: Brett Thompson in support of the Application stated that he owns 1 ½ acres west of the proposed pond; he has developed two subdivisions in the County and one in the City and,

- WHEREAS: He attended the meeting held at the Jerome Public Library and the water usage is great and,
- WHEREAS: 1 acre lots are tough to maintain; ½ acre lots will be easier for homeowner to maintain especially with the proposed grasses and plants and,
- WHEREAS: Lisa Belmonte in support of the Application stated that this proposed project will add value to the area and,
- WHEREAS: The 119 acres of open space will be great and safe for children to play and run and,
- WHEREAS: Mr. Brown stated that if there were to be issues with dust, the Department of Environmental Quality would go out there to investigate and,
- WHEREAS: Mr. Brown stated that Idaho Transportation has reported there is a stop light programmed to be installed next year and,
- WHEREAS: Mr. Brown testified in relation to his Staff Report and stated that the letters received from "Magic Valley Concerned Citizens Association" would not be entered into the file because the letters were received 5 days prior to meeting instead of 7 days prior to the meeting as per the ordinance, unless someone present in the audience from "Magic Valley Concerned Citizens Association" would stand up and present it and,
- WHEREAS: There was no other testimony in support of the application and,
- WHEREAS: Travis Compton in opposition of the application stated that he is concerned about blowing trash, big trucks going through constantly, dust, dynamite going on and

- WHEREAS: Speeding is already a problem there, he would like to have speeding bumps around his area for the safety of the children and,
- WHEREAS: There was no other testimony in opposition of the application and,
- WHEREAS: The Applicant Mr. Lloyd returned for final comment as stated that the Jerome Highway District has conditioned the project to widen Golf Course Road and,
- WHEREAS: He expects this to be a very high quality project; does not want to create a burden to the neighbors and,
- WHEREAS: A program is set for weed control and,
- WHEREAS: He is opened to any suggestion that the public might have to make it a better project; he has made adjustment to accommodate the neighbors and,
- WHEREAS: The Commission finds sufficient evidence to show that the request will comply with Idaho Code 67-6512 and will:
- a. Constitute a Special Use as established on the Official Schedule of District Regulations for the zoning district involved.
 - b. Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance to the existing or intended character of the general vicinity. The proposed Use will not change the essential character of the area.
 - c. Produce no hazard nor disturb the present neighboring uses.
 - d. Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, structures, refuse disposal, water, sewers and schools. If such services are not

- already available in the area, the person or agent responsible for the establishment of the proposed Use shall provide such services.
- e. Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - f. Not involve uses, activities, processes, materials, equipment, conditions, or operations that will be detrimental to any person or property, nor to the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - g. Have vehicular approaches to the property that are designed to avoid the creation of interference with traffic on surrounding public thoroughfares.
 - h. Not result in the destruction, loss of, nor damage to a natural, scenic, or historic feature.
 - i. All new land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation in accordance with Idaho Code 67-6537 USE OF SURFACE AND GROUND WATER.

NOW THEREFORE BE IT RESOLVED: That the Planning and Zoning Commission of Jerome County approves Dan Lloyd's request for a Special Use Permit for Canyon Crest PUD for 350 lots, recreation parking and open space with conditions of the Staff Report dated 04/14/2008 marked exhibits S-17 through 27, 1 through 32, stated as follows:

1. Canyon Crest Subdivision and Final Development Plan shall complete all requirements of Chapter 8 & 9 before they are placed on the agenda to be heard by the Planning & Zoning Commission.
2. Parcel 7340 of Section 17, Township 9 South Range 17 EBM shall be included as part of Canyon Crest Subdivision.
3. On the southeast corner of lot 25 & the southern property line of lot 26, no structure shall be closer than 50'. This has been requested by BLM on Exhibit AG-1. These are the only two lots that would affect BLM's property.
4. All road names will be approved by SIRCOMM before the final plat is submitted to the P & Z Commission. Irrigation, Water Rights, and Water Delivery System—It is stated that "to meet the requirements of the Idaho Department of Environmental Quality, treated effluent will not be applied within 50' of any well."
5. Sewerage Facilities—Please be aware for residential irrigation with Class A effluent total nitrogen shall not exceed thirty mg/L as per Nutrient Removal Requirements.
6. Sewerage Facilities—"During the winter months, the Class A water will be stored in a separate, larger pond".
7. Please ensure that all requirements of fencing signage etc. listed under Idaho Administrative Code IDAPA 58.01.17.601.02.c (Distribution System Requirements, Storage) are followed.
8. The United States Postal Service and Jerome Highway District shall approve the locations of the mailbox turnouts before the P & Z Commission approves the final plat.
9. A left-hand turn lane shall be installed at the two proposed approaches before any building permits are issued.
10. A 12' wide west bound lane of Golf Course Road shall be constructed the full length of the subdivision before any building permits are issued.
11. N. Yellow Bell Drive shall connect to Sol Lane in Mesa Grande Subdivision.
12. Canyon Crest Drive will be constructed as a Residential Collector. The remaining roadways will be constructed as local roads.
14. All roads must meet the Jerome Highway District Standards.
15. The minimum center line radius is 150' radius.
16. All lots with the subdivision must be accessed from the interior roads with the exception of three lots. Jerome Highway District shall approve those three lots before the P & Z Commission reviews the final plat.
17. Sewer lines shall be installed following the Idaho Standards of Public Works Construction. The developer shall install the sewer line and pond (s) for each phase before any building permits shall be issued on that phase. Department of Environmental Quality shall approve the sewer line for the sewage system. All sewer lines shall be approved by Department of Environmental Quality. Any part of the sewage line is not inspected by the Department of Environmental Quality a qualified engineer shall approve the connections of any sewer connection to the municipal sewage system at the developer's or lot owners expense.
18. A sign placement plan shall be approved by the Jerome Highway District before the final plat is approved.
19. All required street signs; speed limits and stop signs shall be approved and in place before any building permits are issued.
20. All landscaping must be approved prior to being placed to verify that it will not affect the public right-of-way. Each lot owner shall submit a landscaping plan to the Jerome Highway District before issuing any building permits to individual lots.

21. A financial guarantee agreement and a letter of credit will be required for the construction of the right-hand lane on Golf Course Road since this roadway is under the jurisdiction of the Jerome Highway District.
22. A financial guarantee agreement and a annual letter of credit shall be required before the final plat is approved by the Board.
23. The developer shall provide an approved engineer that the construction meets the Jerome Highway District's standards, until the roadways are taken over by the Jerome Highway District.
24. During construction of Phase 1, Larkspur road from Buttercup Street to Huckleberry Trail may be constructed with a temporary turnaround. This portion of the road will not be accepted for maintenance by the Highway District until it meets the loop road requirement as a minimum
25. A maintenance agreement shall be in place for all infrastructure for roads, underground power to each lot, walking trails, ponds, wastewater sewage line and wastewater treatment facilities. **The developer shall provide a financial guarantee and a annual letter of credit each year for any cost increases that may be reevaluated by the Board of County Commissioners. If an annual letter of credit is not kept on file, no building permits shall be issued until it is approved by the Board of County Commissioners.**
26. If an engineer is required to evaluate road construction or any part of the waste system that Jerome Highway District or Department of Environmental Quality is not responsible for, the developer shall provide that engineer and all appropriate documentation of the road and waste water system.
27. The developer shall submit a study showing how surface water for irrigation will get to each lot and 80 shares of surface water is sufficient to irrigate 350 homes, unless the Planning & Zoning Commission approves allowing to water 10,000 square feet of lawn per lot.
28. All infrastructure that requires a maintenance by the homeowner's association shall provide a maintenance agreement. Jerome County does not have authority over Covenants, Conditions and Restrictions (CCR's). The maintenance agreements can only be change with the approval of the Board of County Commissioners.
29. The existing home site will be removed or it will become a new lot.
30. A complete storm water runoff and run on plan shall be submitted to the Planning & Zoning Commission before the final plat is recommend for approval to the Board of County Commissioners.
31. Side setbacks for all structures shall be a minimum of 7 feet from the property line.
32. The clubhouse can only hold a function in accordance with the amount of park spaces available. The clubhouse can expand there parking and they do not need to amend their Special Use Permit as long as they meet the landscaping requirements stated as a condition of the Special Use Permit and Chapter 9 of the Jerome County Zoning Ordinance.

Because the application meets the requirements of Jerome County Zoning Ordinance,

Chapter 7-3.01 a-i. Included in are Exhibits A-1 through AG-2, with H-16 through 24

being additional exhibits and the following Conclusions of Law being met:

Constitute a Special Use as established on the Official Schedule of District Regulations for the zoning district involved.

Be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance to the existing or intended character of the general vicinity. The proposed Use will not change the essential character of the area.

Produce no hazard nor disturb the present neighboring uses.

Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers, and schools. If such services are not already available in the area, the person or agent responsible for the establishment of the proposed Use shall provide such services

Not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

Not involve uses, activities, processes, materials, equipment, conditions, or operations that will be detrimental to any person or property, nor to the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, or odors.

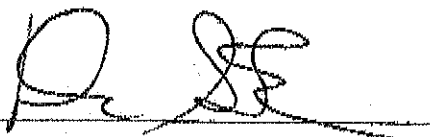
Have vehicular approaches to the property, which are designed to avoid the creation of interference with traffic on surrounding public thoroughfares.

Not result in the destruction, loss of, nor damage to a natural, scenic, or historic feature.

All new land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation in accordance with Idaho Code 67-6537 USE OF SURFACE AND GROUND WATER. (Amended 4-6-2006)

The motion was seconded and carried Unanimously. This is a final decision by the Jerome County Zoning Commission subject to the appeal process in the Jerome County Zoning Ordinance. Failure to comply with the proposed plan and description of the Special Use Permit within two (2) years of issuing the permit shall be a violation of the Special Use Permit. A Special Use Permit is not a Building or an Occupancy Permit.

DATED THIS 28th DAY OF APRIL 2008, AND SIGNED THIS 16 DAY OF MAY, 2008.

SIGNED 

DOUG SUTER, CHAIRMAN

ATTEST:

Sylvia Garcia

