

**CITY OF NOTUS PUBLIC HEARING  
AND CITY COUNCIL MEETING MINUTES  
July 18, 2022 @7:00 PM  
389 1<sup>st</sup> Street, Notus, ID 83656**

**1. Meeting Called to Order**

Mayor calls meeting to order at 7:10 pm.

**2. Roll Call**

Roll call was taken with the following results: Council President, Steve Ahlborn, and Councilors Michelle DeGiorgio, Bonnie Emly, Devin Krasowski all present. Mayor, David Porterfield, City Attorney, Joe Borton, City Planner, Antonio Conti are also present.

**3. Pledge of Allegiance**

**4. Public Hearing** for the purpose of considering a request for annexation of 39.03 acres, rezone, and preliminary plat of 39.16 acres located west of 3<sup>rd</sup> Street and north of Hwy 20-26/Elgin Ave. Parcels R3859101300, R3859201000, R3859100000 Canyon County, Idaho.

**4.1 Mayor opens Public Hearing**

Mayor opens public hearing.

Mayor asks Council if there is any exparte communications to declare: DeGiorgio stated that a citizen asked her about maintenance of 3<sup>rd</sup> street as it is used by Black Canyon Irrigation District. While doing their business they have prevented the City from maintaining that street because they move their large equipment up and down the street. Mayor stated that several citizens have stopped him on the street or public building asking about the proposed development. If they were general topics like blocking sunsets, he listened but if more detailed he told them he can't listen to that and encouraged them to come to the public hearing.

**4.2 Verification by City Clerk that Public Hearing was correctly advertised**

City Clerk verified the hearing was correctly advertised and published.

**4.3 Presentation from Applicant and questions from Council**

Jane Suggs, Gem State Planning representing Southwind acres and Trilogy development. Presenting a mixed-use development with 99 single family homes, 20 duplex buildings (40 units) and commercial area along Hwy 20-26 for future development. The request tonight is to annex the property into the City with certain zoning designations that meet our comprehensive plan and subdivide the property as shown on the preliminary plat. She appreciated the City in house and contracted staff consults with back-and-forth information. We appreciate most is the recommendation of approval of both the annexation, according to the comprehensive plan, and the preliminary plat from City Staff. Approximately 5.5 acres have been designated as commercial use along the highway. ITD has accepted the proposed entrance with a condition of extending the center turn lane on the highway. There will be a buffer of duplexes built between the commercial and the single-family residential housing. There will be 4 access points to the site. One on the Hwy and 3 that connect to 3<sup>rd</sup> Street with 2 stub streets for future development. One on the west and one on the north. Landscape buffers along the Hwy, 3<sup>rd</sup> Street and new entry street. Green space has been planned that will include a park, playground, picnic shelter with pathway through block for ease of access to park. Staff requested parking lot for park but Developer thought it is not necessary. Green space is 9.34 percent of the site. Water and Wastewater is adequate. Building will be phased over the next five to ten years, starting in the SE corner first. Storm water will be collected on site with seepage beds. A traffic analysis was done for the entrance at the Hwy. One- and two-story homes with duplexes. Emly asked which would be built first. Jane responded that duplexes and single-family homes would be built. Cory Barton Homes is the builder. They will need to extend the sewer mains and build the street and homes would follow the streets. Work could start this winter. A park is planned near the higher density area with a pathway for outlying area access. This would be owned and maintained by the HOA. The benefit would be more rooftops, more opportunity for commercial development. DeGiorgio asked about owner to renter ratio. Jane responded that there will be 20 duplexes. Those are rentals. She stated that they could change those to town homes which would mean they would split the lot and share one center wall that is the property boundary, if Council prefers that. Jane respectfully requests approval of this development.

**4.4 Staff Reports**

Antonio Conti, City Planner reviews his staff report with Council. He stated that the development would be built in 3-5 stages. It follows our zoning with commercial, buffer zone of multifamily and then single family residential. If the plan is

to split the duplex lots in half, then the lots are too small. Each lot needs to have at least 65 ft. (frontage) He suggested that the park be built in the early stages of the construction and not the last. Just finished the Drinking water facility plan and there is no issue with this project, as far as compliance with the water system. Wastewater capacity is 140-150 per facility plan, which is enough for this project. Approval of a preliminary plat does not lock in the water and sewer connections. Construction drawings submitted lock in the available connections, not just this application. This application is consistent with our Comprehensive plan and future land use map. Dwelling units and density is in compliance. The ordinance with landscaping and open space states 10 percent but was passed after this application, so we can only ask for it but not require it. One concern is improvement of 3<sup>rd</sup> Street. With 3 entrances onto 3<sup>rd</sup> street, expect some improvements. Black Canyon has some concerns since they use 3<sup>rd</sup> Street to move equipment but there are solutions for that, as well as for parking on the street. Each phase will need to be approved in stages. Water lines will be looped to avoid dead ends. If approved will be within city limits and addresses will be Notus, Idaho but will have a different zip code and will be delivered to cluster mailboxes within the development.

#### **4.5 Written Correspondence Submitted for the Record**

NONE

#### **4.6 Public Testimony from those Opposed**

Carl Hayes representing Black Canyon Irrigation district was recognized by the Mayor. He stated that their employees park along the street on 3<sup>rd</sup>. There is no place else for them to park. He also stated that section of 3<sup>rd</sup> Street (from equipment yard to shop area) has always been gravel so they can move their track equipment back and forth to the shop for maintenance, without tearing up asphalt. It's been that way for almost 100 years. They maintain that part of the street as part of the use the City has allowed in the past.

Randall Taylor from 349 Elgin is recognized by the Mayor. He commented that the current residents need to be protected. He is concerned that there is no parking for the new park, Cory Barton being the builder, City having no impact fees, police coverage, animal control, impact on the School District, well not addressed, water tower, 3 accesses on 3<sup>rd</sup> Street, too many cars and snow removal.

Richard Wallace Sr from 506 3<sup>rd</sup> Street was recognized by the Mayor. He is concerned that 3<sup>rd</sup> Street is not a legal street (width), dust/noise from development, current City infrastructure can't handle it, speeding on 3<sup>rd</sup> Street increasing, need for more law enforcement. All costs money. Fixed income residents can't handle more costs.

#### **4.7 Public Testimony from those Neutral**

Randall Taylor from 349 Elgin is recognized by the Mayor. He commented he would like to see growth. People coming in need to pay their way.

Mayor recognized Chris Grooms from 694 3<sup>rd</sup> Street. He is concerned about 3<sup>rd</sup> Street width, noise and dust from development, Tuttle Lane entrance (private property), needs more access roads (Purple Sage), volume of work for building inspector, irrigation water is inconsistent, Impact fees need to be considered for transportation, fire, police. Developers pay out of pocket for this stuff.

Mayor recognizes Renee Taylor from 349 Elgin Ave. She is not opposed but is concerned about City infrastructure. Council needs to prepare and consider the costs. All want a conclusive community. Blend the old with the new. Concerned about increased traffic on Notus Road and Hwy 20-26. How will it impact current residents? Lack of impact fees and buffer costs.

#### **4.8 Public Testimony from those in Favor**

NONE

#### **4.9 Applicant Rebuttal**

Building will take place in 5 phases instead of 3, as was originally planned due the slowdown in new growth. They know that the 130 connections are not guaranteed. Mail service will be cluster boxes within the new development. Open space/park area will be maintained by the HOA but will be open to all residents as it will not be gated. State agencies/school district were notified of this hearing and request with only the fire department responded. CBH is the builder. 3<sup>rd</sup> Street will be a half street improvement, plus 12 ft, with curb on the project side of street. Only area needed for phase one, would be cleared first for construction, not entire site, to keep dust and noise down. They will need to work with irrigation company for water flow. They have set aside land for commercial use and would be supplying the rooftops needed to encourage business growth. Standard calculations for school students are .7 per household. This could also be housing for teachers.

Ahlborn asked about the green space being only 9.34 percent, as our ordinance passed after this application was accepted. Jane responded that they could add more if it is a make it or break it situation. Krasowski asked about a traffic impact study on City streets. Jane responded that 2000 cars a day is standard for local streets and this will be

much less, so usually won't apply. She also stated that if this is approved, the work would start this winter on the sewer, water and street with possible new home ready by next fall.

Mayor asks for any questions. Amelia Paz asked about widening Jasper as it will be impacted. Safety issue for walkers and bicycles. Mayor indicated that improvements to Jasper is a consideration of the City. Resident Mike Engle asked about the access for private lane, Tuttle Ln. and what that would look like. Rick Hardcastle commented that the County will take this on if the City doesn't and then we have no say in anything.

City Planner Antonio was asked about system capacity. He stated that the 2017 wastewater facility plan indicated 130-150 EDUs available. An 8" pipe can serve a 4,500 population. Water facility meets compliance. Redundancy well should be addressed for water quality. A current school bus driver stated that transporting students could be an issue as there is currently only one bus for town.

#### **4.10 Mayor closes Public Hearing**

Mayor closes public hearing at 9:15 PM.

**CLERK NOTE\*\* SEE 6.1 for reopening of public hearing**

### **5. Consent Agenda, Action Items**

#### **5.1 Disbursement List**

DeGiorgio motioned to pay the disbursements. Krasowski seconded. Roll call was taken with the following results: DeGiorgio; yes, Krasowski; yes, Ahlborn; yes, Emly; yes. Motion carried.

#### **5.2 Council Meeting Minutes**

Emly motioned to approve the meeting minutes from July 5, 2022. Ahlborn seconded. Roll call was taken with the following results: Emly; yes, Ahlborn; yes, DeGiorgio; abstain; Krasowski; yes. Motion carried.

#### **5.3 Committee Meeting Minutes: Library, Community Events**

NONE

### **6. Business**

#### **6.1 Request for annexation of 39.03 acres, rezone, and preliminary plat of 39.16 acres located west of 3rd Street and north of Hwy 20-26/Elgin Ave. Parcels R3859101300, R3859201000, R3859100000 Canyon County, Idaho. ACTION ITEM**

Mayor stated the Council may approve, approve with conditions, deny, or defer decision until a later determined meeting date. Ahlborn commented he would like to defer his decision until we get information from the School District, system capacity, and answer to impact fees. Krasowski agrees. Emly stated she is excited about it and would like to see it go through but feels she needs more information on the impact to the school. DeGiorgio commented that the last two subdivision that went in, View Drive and Kremmwood, didn't go well. She wants guarantee for citizens. What if the market tanks? She doesn't want current citizens to shoulder any costs.

Attorney stated that development disburse the tax base. If Council wants more information, then Council will need to re-open the hearing for the purpose of receiving this information and be a condition of approval. Ahlborn motioned to reopen the public hearing and continue it on August 15, 22. Krasowski seconded. Discussion. Ahlborn amends motion to change date to September 6, 22. Krasowski seconded. Discussion. Ahlborn amends motion to change date to August 1, 22 to address subjects of open space, Tuttle Lane easement access, reconsideration of parking spaces near park, HOA to maintain open space, snow removal. Motion dies for lack of second. Discussion. Krasowski motioned reopen the public hearing and continue it on August 1, 22 to compile a list of questions and conditions to be answered by the applicant. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, DeGiorgio; yes, Emly; yes, motion carried. City Attorney reminds Council of that exparte communications is still in effect. NO DISCUSSIONS on this topic outside of a public meeting.

#### **6.2 Catch Basin at City Hall Task Order Approval, ACTION ITEM**

Mayor stated that a catch basin is needed at City Hall for standing water to drain. Currently there is a 2" pipe that drains into the irrigation piping. Water backs up, it needs to be redesigned. Standing water is causing asphalt to crack. Would like a task order approved for Ackerman Estvold to engineer a catch basin and put out to bid. Ahlborn would like to table topic to have time to do more research. Topic will be tabled.

#### **6.3 Residential Accessory Dwellings Ordinance Draft, ACTION ITEM**

Topic tabled

**7. Mayor & Council Comment**

NONE

**8. Adjournment**

DeGiorgio motioned to adjourn at 9:55PM. Emly seconded. All in favor. Motion carried.

Respectfully submitted by Loretta Vollmer, City Clerk \_\_\_\_\_

Approved by David Porterfield, Mayor \_\_\_\_\_