

MINUTES
JOINT CITY AND COUNTY PLANNING AND ZONING COMMISSION
PUBLIC HEARING- AMENDED
July 22, 2015
7:00pm

MEMBERS PRESENT: Jim Earl, Gina Knudson, Barbara Miller & Kathleen Brown

STAFF PRESENT: Gary Goodman & Teresa Morton

GUEST PRESENT:

ELECTION OF OFFICERS: Roy Barrett, Chairperson (1 year term)
Jim Earl, Vice Chairperson (1 year term)
Kathleen Brown, Secretary (1 year term)

MEETING CALLED TO ORDER: Jim Earl called the meeting to order.

MINUTES OF PREVIOUS MEETING: Gina Knudson motions and Kathleen Brown seconds that the minutes from April 30, 2014 be approved as written.

PUBLIC HEARING:

Jim Earl starts the meeting by asking if any board member has a conflict of interest with the application in front of them. Members indicate none. He then asks Gary to explain the hearing procedures.

Tom Taylor (applicant representative): My name is not Mr. Gott, my name is Tom Taylor, no problem, understandable, I have been hired as a representative for Steve and Sandra Gott. I own Taylor Mountain Surveying and you know this is a huge part of my business doing development of land so that is why they hired me to represent them, so I am representing them, obviously I have gone full circle with those people with everything we are giving to you tonight and I will just be the representative. I gave you a packet, excuse me, a picture of the area, you have an aerial here that we will talk over and then the subdivision itself. This I will pass, you guys can pass around, it is just a clear picture of the area, maybe Gary can point out the lot is right here, just a nice picture of it. This is Lemhi County large scale development proposed 3 Sisters Subdivision. First of all I would like to thank you for volunteering your time, I understand all about volunteering believe me. My clients Steve and Sandy Gott are applying to have a two lot subdivision in Section 6 21N, Range 22E Boise, Meridian, Lemhi County Idaho. On the plat we have them designated as Lot A, it is going to be renumbered as Lot 1, it is a 9.12 acre parcel, this is the parcel of land that the Gott's have a house on and you can see it in this picture, maybe you can point that out Teresa, it's over on the left side right there, that is 9.12 acres. The other parcel, I named it Lot C, I renumbered it as Lot 2 is 5.12 acre parcel, this would be quote the new parcel. The reason for that is actually Idaho Code, after I looked at it you can't label them as Lot A and Lot B they have to be numbered, so they will be numbered 1 & 2 that is just a mistake on my part. This parcel is in a well developed area, as you can see from the aerials that I passed around those are all the lots in the area, there is approximately 70 homes in existence up there at this time. The subdivision will use existing roads as access, the parcel A, the parcel that the Gott's are living on currently it will be on 9th extension which it already is. Parcel C will use an easement through lot 11 of Peak of View Subdivision. Parcel does touch the Salmon River but the development area is many, many feet above the Salmon River and no development is expected to impact the river. There has been some concerns shown that parcel C does not have enough land to be developed. Parcel C has 1.37 acres on the flat and consists of 5.12 acres. If you look at the aerial and you can see across the room, but this is the area of the new lot and this area that is up on the flat, this is a flat bench, is 1.37 acres. The whole lot is 5.12 acres, the lots directly north of it that are approved and built on two of them out of the three are 1.17 acres, this is 1.17 acres and 1.17 and 1.17, so the lot we are proposing is even larger, the building area is larger than the ones already approved and it is actually 5.12 acres.

Barbara (P&Z Member): So how are you referring to the lots again? What numbers or letters are you referring to the lots again?

Tom Taylor (applicant representative): 1 is on the left 2 is on the right

Barbara (P&Z Member): So what is the "C" mentioned?

Tom Taylor (applicant representative): I by mistakenly A and C from an old lot split and they need to be corrected to 1 & 2

Barbara (P&Z Member): Okay so we are going to use 1 & 2

Tom Taylor (applicant representative): We are going to use 1 & 2, I will try and keep it straight, I apologize, that is a mistake on my part. So it has 1.37 acres on the flat, it consists of 5.12 acres. Code states that this lot only needs to be 1 acre as it is not ground water vulnerable; even if it was ground water vulnerable we would only need 2.5 acres as per code. The existing lots as mention are 1.17 acres. Syringa Lodge is immediately in the area and consists of 6 bedrooms with private bathrooms, two suites with one bath in each and at least one bathroom in addition. In a letter written to the P&Z it was stated that they are having some difficulty with the water supply from one of the wells in existence. With 9 bathrooms and a cooking facility, it is not surprising to me that they may have to have additional resources. Please don't take this as an attack on the Syringa Lodge, my friends and family that stay there all love it, my point is that I think if you look at their well, supplying this many bathrooms and bedrooms compared to a single family house that we are proposing. We are proposing a two lot subdivision with one of the lots having a well already installed it gets 14 gallons per minute. The restrictive covenants to be placed on these parcels will be very similar that Gott placed on Peak of View Subdivision and they are in the P&Z packet attached to a letter from an adjoining property owner. The additional lot that is proposed by the Gott's will be one of the most impressive lots in the area. As the unobstructed view of the Salmon River for at least a mile and a great view of the mountain range around. As far as performance standards, I will go through those for 3 Sisters Subdivision. Chapter 6, Performance Standards; Water Quality; development will comply with the federal water quality regulations. Run off and Erosion Control; as per code, run off and erosion control plan is not required. Wetlands; there are no wetlands in the area of development, this subdivision, due to terrain, it is pretty obvious that the only development area that can be impacted is up there, this is a large gully through here, a really large gully. However there are wetlands along the Salmon River and along the intermittent stream at the base of the gully, so there are wetlands in the area but we are not developing any of those. Stream Corridors; the project will meet code. Floodplain; the area of development does not fall in the floodplain, however the parcels do touch along the Salmon River and there is floodplain along the Salmon River, but we are not proposing any development there. Expansive Soils; do not apply. Wildfire Hazards; the area to be developed is not in a forested area or an area of brushy vegetation. There are areas of brush down in the gully but the development may have a benefit as there may be better access to this gully. Air Quality; air quality will not be adversely effected except the existing 70 houses up there. Nuisances; all applicable requirements will be addressed by the restrictive covenants and by code, Lemhi County. Hazardous Substances; no hazardous substances will be used or stored on site, other than standard household use. Livestock on Residential Area; there is, this is addressed in the restrictive covenants. Protecting of Irrigation Systems; no irrigation ditched or systems exist on this project, the parcel is not in the Arrowhead Water District Irrigation. Land Use Compatibility Factors; the area consists of a mixed residential and open agricultural lands, most of it to the north and to the west is residential lots as you can see, there is many, many subdivisions in the area. Connections; the existing roads or the access to these points are 9th Street and Gott Lane, no new roads will be constructed. However, a driveway will be installed along the Eastern line of Lot 11 Peak of View Subdivision; the easement was in place on this lot before Steve Gott sold it, specifically for that purpose. As far as I know, driveway standards are not addressed in Lemhi County Code, please note this access is not a road as defined by code it is simply a single access driveway. Again I will point that out, you can see better on this map. 9th Street which you come up 9th Street and turn on Gott Lane.

Gina (P&Z Member): Tom we can't see that at all

Tom Taylor (applicant representative): We need to fix that; I will bring two next time. Anyhow, you come up Fulton Street and turn down 9th Street, if you went down Gott Lane you would run into the Syringa Lodge, which is right here. 9th Street comes downs right here and kind of dead ends on Gott's parcel, and is that your parcel next door, yes so it dead ends right here. The access for this parcel 2 which is the 5.12 acre parcel, which is a new one, go down Gott Lane there is an easement that has been in existence for a very long time along the easterly lot side of lot 11. It is 30 foot wide ingress and egress easement and a driveway would have to be built for 233 feet it looks like.

Kathleen (P&Z Member): Who currently owns lot 11?

Member of the Audience: I do

Kathleen (P&Z Member): And your name is?

Member of the Audience: My name is Wayne Burnell

Kathleen (P&Z Member): Burnell, thank you.

Tom Taylor (applicant representative): Signs; will comply with detailed performance standards of Appendix A. Salvage and Junk Yards; do not apply and will be addressed in the restrictive covenants. I know there were some concerns with cars Steve Gott had on his property, a 57' Chevy, 70' Nova, a Firebird that he was working on changing the rear end, I believe there are pictures of said cars in the letters to P&Z, some have been moved and the remainder are to be moved in the future. Safe Access; as described above, will meet application requirements. Along 9th Street extension and by private drive to Gott Lane. Access to Arterials; shall conform. Alternate Points of Access; do not apply. Roads; as stated above, roads are in place for this project and a new driveway will have to be built. Off-Street Parking and Loading Areas; will meet code. Utilities; will meet code, easements were added at Idaho Powers requests on the 3 Sisters Subdivision to provide power. Onsite Sewage Disposal; private septic systems, there are many systems in the area with no difficulty. There area will meet the setback of 100 feet from any existing wells which is code and 75 feet from the bank, the bank which is on the south side of the property, that is code, Idaho Code by District 7 Health. Private Utilities; adequate easements are provided. Construction in Utility Easements; no building will be allowed in utility easements or irrigation easements other than driveways and parking. Public Access; does not apply. Fire Protection; protection is in the Lemhi County Fire Protection District. Additional Facility Needs; no additional studies required as per code. Performance Standards of Chapter 7, Protecting Irrigation Systems; there are no irrigation ditches in use on this property. Fencing Stock Driveways; shall conform with code. Protecting Productive Lands; does not apply. Limiting Conflict of Mining Operation; does not apply. Limiting Conflict with Logging Operations; does not apply. Farm Roads and Riparian Areas; does not apply as the terrain dictates that no development will take place anywhere near the riparian areas that we discussed before. Large Scale Development Locations; does not apply as this is in an area that has been many large scale developments and as you can see, it met the zoning requirements. Airport Zoning District; does not apply. Area of City Impact; shall conform, that is why we are having a joint meeting tonight. Additional performance standards, a plat is required for all land divisions, the plat shall conform to code. Additional Platting Requirements; shall conform as necessary, I don't believe on this plat. Subdivision and Manufactured Home Park Design; does not apply as we are not proposing a manufactured home park. Steve Gott did place a manufactured home with 2x6 walls on a permanent foundation, a four car garage attached, as well as a deck that costs \$10,000 at the time to install on his lot which is lot 1. Solar Access in Subdivisions; shall conform. Subdivision of Irrigated Lands; does not apply. Subdivision of Mineral Lands; does not apply. Subdivision Improvements; this subdivision will comply with the performance standards of Lemhi County Code. Manufactured Home Park Operations; does not apply. Manufactured Home Recreational Park Improvements; do not apply. One of the questions I had, the Gott's and some history of the land. Obviously everyone can see that there is a pretty big impact above the what I have been calling the ravine in here, right here. Some history on that is, this whole area did not have any homes on it, maybe one or two I shouldn't say any. It was flood irrigated, massive hay operation and all of the flood irrigation constantly went downhill and went off the bank and down into the ditch. Since, for I don't know how many years I would guess the last 10 or 15 years this is all been developed and there is no longer any flood irrigation up there as far as I know, there is sprinkler irrigation and obviously homeowners have irrigation up there. As far as flood irrigation causing this kind of disturbance is no longer in existence.

Gina (P&Z Member): Mr. Taylor do know when the most landslide was?

Tom Taylor (applicant representative): I do not know that

Kathleen (P&Z Member): It was, my memory just a few years ago.

Gina (P&Z Member): It was just a couple of years ago

Tom Taylor (applicant representative): One of the other concerns that I hope that the other aerial showed up a little better was the surrounding homes having enough water to irrigate, maybe that picture is the best. You look at the site, there is three to four homes there that have green yards around it and certainly there are some that can irrigate with it and are doing that. Some of them aren't and I am not sure of that reason but there is certainly homes up there with grass right next to this property. As far as I know, is there any questions that you have for me?

Gary (staff): I have a question Tom, you have talked about the ravine, there is riparian down by the river, there is brush down in there, is that going to be labeled as a no build zone area.

Tom Taylor (applicant representative): I assure you that it will be labeled as wetlands area which is what you guys want, and by mistake the layer was just turned off. Like on the last subdivision I did, we have an area marked as a wetlands and there is no building in wetlands and that is what is going to happen on there. I apologize that it is off.

Gary (staff): But what about the rest of that steep ravine, will that be marked as a no build zone, below that

Tom Taylor (applicant representative): It wasn't planned on it, if this board requires it we certainly would. I think you know that the terrain dictates it, it is pretty obviously that it would be very difficult to build on. If the board dictates it that they want it on there, I don't think my clients will be opposed to that and wetlands, I apologize, that is a layer that is turned off and it is along the Salmon River and basically follows that little creek.

Barbara (P&Z Member): Mr. Taylor could you give us a history of the timeline of the development up above and how long the Gott's have lived there?

Tom Taylor (applicant representative): You know these guys probably can tell you better than I can. I know that, I can tell you when Peak of View Subdivision was in, that is the subdivision that is directly north.

Barbara (P&Z Member): The three lots

Tom Taylor (applicant representative): There is more than three, there is 13 lots

Barbara (P&Z Member): Okay where do they go?

Tom Taylor (applicant representative): They go directly north of it

Barbara (P&Z Member): Okay so on here they are over here

Tom Taylor (applicant representative): No they are directly north, straight up, here is a picture of it, these are the three that you see in our picture, over here is Syringa Lodge and that is a subdivision also, and I should have brought that subdivision plat in here, that one I can tell you was developed in the last 15 years, Peak of View was, I can't find the date on here.

Barbara (P&Z Member): I mean approximately

Tom Taylor (applicant representative): 97', it was 96'

Barbara (P&Z Member): And the Gott's can tell us how long they lived there when they come up.

Tom Taylor (applicant representative): Yes the neighbors can tell you that. The rest of the subdivision as you well know have been there all along to the west of it. The Peak of View Subdivision which is directly west of it and runs parallel or excuse me the Bitterroot View Subdivision which runs directly parallel with Steve Gott's Peak of View Subdivision, it is called Bitterroot View, it is on the west side of 9th Street, there are many lots up there and it was done in the last 15 years or so too. I did that for McFarland's quite awhile ago.

Barbara (P&Z Member): Thank you I appreciate that.

Tom Taylor (applicant representative): I am sorry there is one thing I wanted to add here, I forgot about, well logs. We did look up some several well logs in the area and I will turn these into Teresa. Steve Gott has a well log in here when it was produced 14 gallons per minute. Robert Roth, lot 12 of Peak of View Subdivision has 15 gallons per minute and there was apparently one that was not good at that same lot, there was a second one drilled at 15 gallons a minute. Lot 11 Bitterroot View has 25 gallons per minute. Lots 7 & 8 of Bitterroot View has 15 gallons per minute. Lot 6 Bitterroot View has 18 gallons per minute. Lot 21 of Bitterroot View has 18 gallons per minute. And the last one is Lot 10 Peak of View has 15 gallons per minute, excuse me there is one more, there is Lot 2 of Peak of View Subdivision that has 20 gallons per minute. I will turn these in.

Teresa (staff): Tom where did you get those? Were they from IDWR?

Tom Taylor (applicant representative): Yes, can you explain who that is?

Teresa (staff): The Idaho Department of Water Resources, all well are required by filled with them.

Jim (P&Z Member): Thank you Mr. Taylor, next on the agenda is written correspondence and I have one written correspondence who is in objection to so do we go out of order and read the objection first.

Gary (staff): Sure, certainly

Jim (P&Z Member): This is dated July 15 of this year, it says, it references the objection to the Steve Gott Subdivision. Number 1 water, number 2 drainage, number 3 was additional travel, 4 was covenants and 5 general.

Gina (P&Z Member): Mr. Chairman is it possible that we can just acknowledge that we have received this and read it.

Jim (P&Z Member): That was my next question, is there anyone in the audience that hasn't had a chance to read this, the committee has all read this. This is the letter objection.

Member of the Audience: We haven't read it

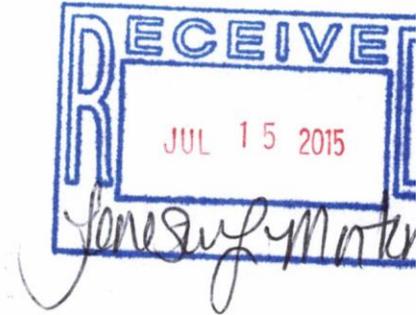
Jim (P&Z Member): Okay well I probably should read it to make sure that the public is aware of this then.

July 15, 2015

Members of the County and City Joint Planning Commission

Re: Objection to the Steve Gott Subdivision

1. **Water**
2. **Drainage**
3. **Additional Traffic**
4. **Covenants**
5. **General**



Water

Several of the lots in or near the Peak –A–View subdivision and other nearby parcels have minimal water available for domestic use, and hardly any at all for landscaping and fire protection. The Burnell owned lot 12 (adjacent to the proposed subdivision) has had three wells drilled on it. One of the wells was dry and plugged, one of the wells (not in service) is of marginal output with limited recovery and the well that is in use has an output of 4 gpm and will last for approximately 30 minutes before the available groundwater is pulled down to the pump level. Little water is available for landscaping and hazardous fire abatement. Because of this, the Burnells have an extensive amount of noncombustible rock around their house at 5 Gott Road to aide in fire suppression. Personal conversation with Dave Thomlinson, owner of the Syringa Lodge, has indicated that his domestic use well is also marginal for consistent use and with a quick drawn down and slow recharge. His well will also not support landscaping. These two properties, along with the Burnell owned lot Peak-A-View lot 11 directly adjoin the northerly and easterly boundaries of the proposed subdivision. Also, the wells in use at each property are in close proximity to the adjoining property line. Major concerns – fire suppression and additional demand on a limited water aquifer. The combined outputs of the Burnell well and the Syringa well would afford little if any support in grass fire suppression. An additional well in the area for any proposed new home, would only further exacerbate that very real potential problem.

Drainage

The gully that runs the entire length of the Gott property that is shared fence line with the Griffins at 3 Gott Road, and both the Burnell lots is of concern because of rain and spring snow melt. IF there is to be any egress across Peak-A-View lot 11, something must be done to prevent water back up on the lots of the Griffins, the Burnells and the Syringa Lodge. Also, from the area near the Burnell well on Peak-A-View lot 12, there is an old irrigation ditch that runs diagonal across Peak-A-View lot 11 down the slope

towards the Syringa Lodge. Any road bed across that area will have to contend with the rain and snowmelt runoff in that area.

Additional Traffic

The owners of the lots of the Peak=A=View subdivision are responsible for the maintenance and care of the roadwork within the subdivision. This includes the grading, surface maintenance and noxious weed suppression. If the proposed subdivision goes thru, there will be further demands on existing road network during any proposed construction phase and afterwards. The new property owner will have the access and no legal responsibility for continual maintenance. Would it be the new owners responsibility to build an engineered raised roadbed for ingress to the new property, or would it be a two track trail thru the brush?

Covenants

It is interesting, yet absurd and comical that Steven Gott was the author of the covenants of the Peak-A-View subdivision, which adjoins his property and the proposed subdivision.

These covenants restrict:

- The minimum square footage of the homes
- The color or tone of the homes
- The height of the homes
- Roof type and material
- Trailer homes and mobile homes are specifically prohibited
- No disabled vehicles allowed
- No burning of trash or house garbage in particular
- Among other restrictions.....

A copy of the Covenants are attached. Are there going to be any similar covenants for the new property? Will those covenants include the remaining property where Steve Gott's double wide trailer is now? We would like direct and specific answers to these two question from the county, regardless of the outcome.

General

Steve Gott is not legally required to abide by the covenants that he authored for the Peak –A-View subdivision. However, as an adjoining property owner, a citizen of the county, a neighbor, we believe he has a moral responsibility to abide by the intent of the those covenants and not live by the credence that he can do whatever he pleases, because the county will allow it. He is not, as stated in the covenants in question, a good steward of the environment or mindful of the potential fire hazard he has created by the fact he has no green landscape on his property. He has created eyesores and nuisances

that directly affect the property value and quality of life of his neighbors. As protestants to the proposed subdivision, we can only wonder if the prospective new property owner will be someone exactly like Steven Gott and accumulate junk on the property, and also have a ritual around the burn barrel on some Sunday mornings.

In personal conversation with Steve Gott, whenever I expressed concern about the lack available water in the area, he told me that he has a great well of 20 gallons per minute output. In the six years we have lived here, our neighbor Steve Gott has not planted a tree, shrubs or planted a lawn. It is doubtful he has a 20 gpm well. If so, where is all the landscaping or he just must liketo live in a double wide trailer in the middle of a weed patch.

Actually, if the proposal is approved, as protestants we can only hope that any proposed buyer will look at the limitations of available water and the lack of ease of ingress, and the fact that he will have Steve Gott for a neighbor, disabled vehicles in the yard and all.

We, William and Joann Burnell, as adjoining property owners, are opposed to the subdivision of the Gott property in question.

During the deliberation period, the Burnells encourage the members of the Commission to visit and view the proposed subdivision with the eye of a potential buyer and then make the determination that the property is an unbuildable lot, all things considered.

Respectfully,


William C Burnell


Joann C Burnell

PO Box 86

5 Gott Road

Salmon, Id 83467

756-1227

Photos attached.

Jim (P&Z Member): That is the only written correspondence we have

Teresa (staff): Jim, there should have been also an email from Road and Bridge indicating on the Steve and Sandy Gott, no issues.

Kathleen (P&Z Member): Yes that was in the packet

Jim (P&Z Member): This was an email received, it was addressed to the County, Steve and Sandy Gott, it just says, who is it from here? Jay Davis, County, he is the access specialist office manager Lemhi County Road and Bridge Department, Jay Davis. It says; Steve and Sandy Gott, no issues. So the County Road Department has no

issues with what they are doing with that statement. At this time I would ask if those that would like to testify or give testimony in support of the applicant.

Tom Taylor (member of the audience): My name is Tom Taylor I live at 315 Neyman Street. I am for the applicant as a landowner in Salmon and Lemhi County, I can't tell you how many P&Z subdivision meetings I have been at. I consistently hear, depending on where the subdivision is, oh, we need all the subdivisions in the City, or if the subdivision is in the County or rich in ranch land. If it proposed in the City, no we need to move it out of the city we need to move out to ranch land, I am extremely frustrated with that and how we go back and forth. I am all for building to code, believe me I live in Salmon, I think 100% we should answer whether the subdivisions meet code, if they meet code then by all means a person has a right to sell their land. This is the United States and I fully back that as long as it meets code. Thank you

Jim (P&Z Member): Do we have anyone else in support of? Do we have anyone who is uncommitted that would like to give testimony or who is neutral? If not then we would go to those who are opposed to this application that would like to give testimony.

William Christopher Burnell: My name is William Christopher Burnell I live at 5 Gott Rd in Salmon. My wife and I have lived here approximately 6 years, or 7 years we moved here in 2008 when we purchased our property from Bob and Susan Roth, we also purchased the lot between the house at 5 Gott Rd and the Syringa Lodge. My main concern obviously about the proposed subdivision is the water. There is not enough water in that corner of property I don't think for more development. My well as you read is not 15 gallons a minute. I assume you are all familiar on how a well driller determines how many gallons a minute a well makes, are you all familiar with how that works?

Barbara (P&Z Member): I would like to be further educated.

William Burnell: My understanding and I have a little bit of experience having worked in the drilling industry for many years. As I understand it, when a well driller drills a well and he hits water and he cries and says the landowner cries uncle, we are out of money this is where the well is going to be. The well driller then develops the well and you will, if you look at those well reports you will see that it was developed at 15 gallons a minute for X amount of hours, two or three hours. Now in this area, the wells are drilled with generally an air drilling rig, and the air is used to lift the water out of the well with the drill pipe still in the bore hole. Now they generally do it for a specific amount of time, if it doesn't get any better they okay it is 15 gallons a minute, if it gets worse I don't think the well driller tells the landowners, it's not making a lot. Anyway, that is how the procedure is done, it has nothing to do with six years from now what my well is doing with the pumping. I have a well that has a 15 gallon a minute pump in it, just last spring I had to have Alan Harber put another new pump in it simply because the wells are not producing enough clean, clear water to maintain. I will be very honest with you if I had known that before I bought the property I wouldn't have bought it because of that. I have another couple of concerns. Mr. Taylor has dis-stated if I may, Mr. Taylor has stated that there is no erosion control required, he also says that there is only one point of the 5 acres there is 1.37 is buildable. If the rest is not buildable it is obviously is because the majority of it slopes down to the river, the other majority of it is in the gully. There is a gully that runs the whole length of the property. At the deepest the gully is about 30 feet wide and 8 feet deep. In the spring time there is tremendous amount of snow melt and rain water that goes through. If there is no concerns for erosion control how are you going to build on that, there has to be something done, whether it is a big culvert or fill dirt or something has to be hauled in to maintain what I would consider a buildable lot. I don't know think there is one, I am not a contractor, I am not an engineer but I just don't think that is possible. Mr. Taylor also said that there is not concern about fire control because of brushy vegetation, the whole thing is brushy vegetation, I encourage you to look at it, it is sage brush it is cheat grass, it is rabbit brush is what we would call brushy vegetation in all common terms, that is simply not correct. There is, he also stated there will be covenants on the property that are similar to the covenants that are enforced for the Peak of View Subdivision. I don't think that is personally good enough for me as an adjoining property owner, similar, that leaves a wide variation of what can and cannot be done and I think that whatever you all decide, I think that should be laid in stone, what the covenants are exactly going to be an we as property owner, adjoining properties would like to know what those are going to be beforehand. There is one other concern about road maintenance. Dave Tomlinson has a small tractor, he does a majority of the road maintenance in Peak of View Subdivision and he is not a landowner in Peak of View Subdivision. Is the new property owner going to be come on board with us, obviously that is probably not a fair question, we don't know who that property owner is going to be but it is a concern as you probably understand. One last thing is in fact is the double wide going to be removed? If in fact there is going to be a new subdivision and the current place where Steve Gott's home is, is a "A" subdivision and going to be "A" lot excuse me the 1 lot, it's going to be the 1 lot and the covenants are going to be similar when then I suppose that leave Steve Gott an out for not removing the double wide. My concern is that if in fact you are going to make a new subdivision and it is going to adjoin a subdivision

that we all are heavily invested in that in fact it should be. Thank you very much, I appreciate your time.

Barbara (P&Z Member): I have a question, when you bought your two lots there, the Gott home was behind there, so what did you think was going to happen.

William Burnell: I didn't know Steve Gott was the property owner

Barbara (P&Z Member): Okay I am confused, we don't know how long Mr. Gott has been there

William Burnell: Let me help you with that, my wife and I first bought the lot that is between our home and the lodge, the empty lot. The Peak of View lot 11 I think it is, is that right?

Tom Taylor (applicant representative): Yes your house is on 12

William Burnell: We bought that first, six months after we bought that we contacted, or Bob and Susan Roth contacted us about buying the home as well. I had the opportunity to sell that lot back to them to Bob and Susan Roth, I wish I would have. I did not know the Gott's owned that property, when I bought the place from Susan and Bob Roth, I didn't do my homework well enough, I assumed that was BLM ground, I didn't know it was theirs, I didn't know there was going to be a double wide on it.

Barbara (P&Z Member): So it wasn't on it six years ago when he did the subdivision

William Burnell: I think that it may have been there six years ago. Increasingly amount of junk has accumulated since then and that is another problem.

Barbara (P&Z Member): We understand your letter sir, thank you.

Jim (P&Z Member): Anyone else want to give testimony?

Ron Griffin: First of all is anybody interested in looking at this pictures, all the junk pictures behind my property?

Kathleen (P&Z Member): Would you state your name and address please.

Ron Griffin: Okay, Ron Griffin 3 Gott Ln Salmon, Idaho

Gina (P&Z Member): Did you get that Teresa

Teresa (staff): I can't hear you?

Gina (P&Z Member): You need to speak into the microphone please

Ron Griffin: Ron Griffin, 3 Gott Lane Salmon, Idaho. Is anybody interested in looking at all the junk pictures?

Gina (P&Z Member): I doubt it, no thank you

Ron Griffin: You don't want to look at it? I have to look at it every day on the back of my yard.

Gina (P&Z Member): We would like to hear your testimony.

Ron Griffin: When I moved there about 9 ½ years ago, we had all kinds of covenants, we paid top dollar for our subdivision property rights so we paid top dollar for a nice place. There was nothing behind us but a bare lot which are in the pictures nobody is interested in looking at which is amazing, that shocks me right off the bat that nobody really cares about our concerns or you certainly would look at it. There is a pile of rock behind there, multiple, multiple piles brought in dump truck loads several years probably 30 yards behind my property lines, multiple right in the middle of this drainage thing that roars like a river not a creek when we have bad runoff. All the stuff about the wells is bologna, I don't care, just like what he said, what your well thing said when it was built has no bearing now. I just put new pump in 9 days ago, the thing still sucks air and runs out of water so now I am going to have Harbor this week when he shows to try and lower the well because the water level in this area has dropped. I have been watering my yard for about nine years with my well and I can't do that anymore without a new pump because the other one is burnt up and the water level has dropped. So there is a water concern, I don't care what all of these things said, the water levels change in the ground because Mother Nature is the boss, not us, not the well

log. When I bought this place I would have never bought in the first place if I knew there was going to be a trailer put behind there. It gripes me to no end when I came back from vacation after living there a year or two, there is a double wide sitting back there, put there by Gott, who put all kinds of regulations on us but he could care less about the regulations bordering our property.

Barbara (P&Z Member): So am I correct, you said you have lived there about 9 ½ years? And the Gott's

Ron Griffin: I am just guessing they have been there, maybe, I don't know, they put it there a couple years after we lived there, you would have to ask them or their representative how long they have lived there. I don't think it is right. Here is another thing, just like he said, are they going to have the same covenants, is this a real subdivision where they have real covenants, are they going to be the same as ours, are they going to be upheld, does Gott have to move, is Gott part of the new subdivision, does he have to abide by subdivision codes that he put on us and take his trailer off? Are we going to still have a trailer there or maybe two with two piles of junk and more water problems? I don't think it is right. The codes he put on us he should put on himself, I complained to the County when he moved in and they told me in a very nice way that he was in the County, he is not in a subdivision, he can put anything he wants on there, which he can legally do or he wouldn't have gotten the permit, but does that give him the right to border my property with cars, junk cars and piles of dirt, no lawn. He told me right in the middle of the street by my house when I moved it, "I am going to make this a real nice showcase home, I am going to be a proud neighbor for you because I am going to landscape this place and make it beautiful". He has done nothing, it is a dirt pile with weeds, when the wind blows all the dust comes in our yard. I don't like it, you can tell that. It is not right with the water problem, there is a fire problem there is a junk problem. The devaluation of my home problem which I paid top dollar for, so if you have no rights in a subdivision why buy in a subdivision. I am done.

Jim (P&Z Member): Thank you, do we have any other testimony that would like to be given?

David Tomlinson: My name is David Tomlinson, I live at 13 Gott Ln, I guess I am the owner of the infamous Syringa Lodge that has been mentioned. I was told that you folks cannot come out to the property so I thought I might bring the property to you. I worked for the National Park Service for 43 years and all kinds of jobs including recreational planning and land development a gamut of things. One of the first things that bothered me about this whole proposal when I looked at it, if you will look at the map, first of all the Gott property and the elevation. There is some colored lines there, first of all the black line going down to the bottom of the creek is the elevation line and that grade is, averages between 95 and 100 % elevation grade. That means for every drop of a foot, there is a foot out. It is 205 feet from the top of that bluff to the bottom of the creek bed there. According to, I didn't quite understand all the setback things, but as I understand it a minimum there has to be a 40 foot setback between the edges of the top of that cliff before they can build. So if you look at the yellow lines, I have drawn in, this is just rough, I have sketched 40 feet back from the edge and up from the yellow line at the north end of the top is 20 feet from the property line is there. When you get finished with that there is an effected acreage, again this is approximate, I am not a surveyor of .98 acres within that yellow line. Then the red line is the extent of the drainage that runs through there, you can see on this page there is a grayish area that goes down to my property and then from the top of the bottom there is about 40 feet, my property takes a real dip and ends up in the Salmon River. This is not a year round drainage but when we get drains it is serious drainage. At the road top

Gary (staff): Can I interrupt you for a minute. Can you help me understand where you are talking about here? Are you saying that drainage is here or are you talking here?

David Tomlinson: No, it goes right through the middle of the, you see that red polygon there?

Gary (staff): You know I am a little color blind, so are you saying it is here?

David Tomlinson: Yes sir, the drainage is going through down here and goes down here on my property and drops down.

Barbara (P&Z Member): Can we get that information

David Tomlinson: I am sorry

Barbara (P&Z Member): You may have to go down the whole line, we could be here awhile. Okay where do you say the drainage, here is one of the piles of rubble I am talking about, the drainage runs down here, down here, down here and goes on **the** property and goes like that.

Barbara (P&Z Member): So the darker thing is where you think the water drains when the water runs off the hill

David Tomlinson: Yes this is the extent of the swale or whatever that it runs in, within the red line, so all of that is subject to pretty heavy water flow during different times of the year. As I say ?????? Drainage you can actually hear the water run in the creek, after a good thunder storm or whatever and it drains quite a number of acres north in Smedley. In the 9th Ave crossing right there by Gott's there is an 18 inch culvert in order to allow the water from the west side of that road from 9th over and onto the Gott property, 18 inch culvert that the county has put in, that is how much water passes through

Barbara (P&Z Member): Okay is there here

Jim (P&Z Member): Where is the culvert

David Tomlinson: You see that white dot, there is a white dot, wish I had the facilities to make a bigger map but the culvert through 9th, the culvert is right there, it's an 18 inch culvert that the county has put in. There is a lot of water that passes through there when the water passes through. I really don't see, I went ahead and I blocked off the red area where the swale is. Probably wouldn't want to put anything of value because it might, depending on the water level come and go. When you take that away from the equation they have .46 roughly buildable space somewhere in that area. Septic and wells and everything else, I really don't believe there is enough room to build anything, that is my personal opinion from experience. My biggest concern, if you will look at the second page, we talked about the erosion, if you notice there is a big piece of erosion. Now the property that he is dividing is 5.2 acres, most of that is from the edge of the cliff down to the creek. As you can see there is a big piece of erosion in there, I am afraid if they fiddle with much of anything and any water starts draining over there, it is only going to get worse. If that fails, it will also dam up the creek that is at the bottom of that 205 foot drop, the drainage that goes to the swale and across my property flows into the Salmon River further downstream, this little stream flows also into the Salmon River several hundred feet over there, there are a couple of streams along there that flow into the Salmon River. From just an erosion situation this could be a real disaster if the land gets altered or screwed up any, it is very fragile now if you look further upstream, the big swale is taken out, it is a huge erosion problem and I am afraid that this is asking for, if you look there below Gott's trailer, it looks like there is another one started. The third page is just a bigger view of the same thing. You will notice that I very proudly do have some green around my building. That is because I got the waste water rights from the Arrowhead Water District, the state, ran a half mile of two inch polypipe down to the property, notice I have a pond there, the pond I am using to irrigate with. That is not any strain on my well at all I could not have a yard and use the well, my grass would have water or my guests would have water, one of the two but not both. That is why I have green grass I have alternate source of water and I am not sorry to say it I cannot share it with my neighbors because the rules and regulations of that permit I got are very specific where I can move that water. Like I said I feel bad about it but there is nothing I can do. The road, Gott Lane that runs down, was developed by the Duncan's that built the Syringa Lodge and was supposed to have been turned over to the county and the county has refused it and will not take it therefore I am maintaining it. Let's say there is a 50 foot, 60 foot reservation going down there after that road built to standard but the county doesn't want to have anything to do with it. That upsets me a little bit but I can understand that is just more expense. I don't know what with more homes are built there if it will be different or not, I just don't know. That is the story on the road. The well problem, it is quite troubling and I think we are like California, I think we have just about exhausted our water supply. My well, I have had to replaced it and serviced twice this year, again I have 11 bathrooms I will say that, we use water conservation, I don't think a new single family dwelling will be much different. I do not have any reserve if a commode sticks open for 40-50 minutes, I have to shut everything down and try so we can't do that. As far as the Gott residence and the Peak of View things I am sorry but they have a tar paper shack, and that is about the best I can say. It was put in after Mr. Roth built the homes because when I talked to him and talked to other, he would have not built those homes, or the people that bought those homes would not have bought them if they had known that was going to be there. That was rolled in one night, as I understand it, it was down at the City, the City refused to let them install it somewhere, so he rolled it up there and installed. Everybody I talked to said if they knew that was going to happen they would have not bought the property. I don't know whether I am in same position but it is ugly, it does not have exterior of all buildings should be of complete neutral color, earth tones, I am not sure that black construction siding is in that category. It has been that way since the way it was done, they only allowed three vehicle garages, he has got four, he just wags his noise at everything. I talked to Mr. Gott last spring about it and he came over and was looking at his access and I talked to him and he said his eventual goal was to divide that piece of property and make two lots, not one but two, sell them both for \$100,000 a piece and sell them on eBay, those his exact words. I said "Steve", I said, "I don't think you can do that, he said "I have enough friends, or knows enough people that he can do anything he wants to his property". So this may not be the final time that you hear about this. I am not going to say, I am not sure but that is a discussion ?????????? So to say I have got some problems with the whole thing. If he does try and culvert some of that land to make some buildable area ?????????????????? Right now if you will notice because of the contour of the land the way it dips and slopes it pretty well takes care of itself. After it crosses onto

my land it gets serious there is a ??? 40 or 50 feet deep and that goes right down to the river. If they disturb that soil I think that it will be a problem with Fish and Wildlife Service, septic problems, that piece of land could be the next disaster. I think its highest and best use is what it is scenic. I hate to tell him that and I realize all he is asking for is a division to divide into two lots, I think there is more to but I know what you can base your decision on. ??????? property ?????? the side effects I spoke about ??????not very long ago, it's a pretty big gap now ?????? the soil is very fragile ?????? that is my ????? Thank you

Gary (staff): David before you leave I have a question for you. On this last page I can see this red line because it is bigger and brighter and longer, that is quite wide, how deep did you say that was?

David Tomlinson: Where it hits mine, I didn't go onto his property, where it hits my property it is about 8 feet, the swale is about 8 feet to the bottom.

Gary (staff): 8 feet deep and the width of that is probably what 50 feet?

David Tomlinson: Yes sir, I didn't survey it

Member of the Audience: I would say it is at least 30

Gary (staff): Thank you

David Tomlinson: It is not water all the time but when you are in water you are in serious water and it does drain a lot of the south end of Smedley also.

Jim (P&Z Member): Anyone else for testimony that is opposed or in opposition, go ahead.

Grace Morgan: Grace Morgan, 29 S. 9th Rd, I live just across the street from Sandy and Steve Gott. Of course we have to look at that trailer everyday and if we had known that was going to happen, I doubt we would have also purchased our property. I think that the only thing to say is water. Steve and Sandy have to have water brought in, drinking water because there water is not drinkable. He asked my husband one time to go ahead and hook up the hose to his well to see if the water would be okay or maybe clean out his well and my husband did and it ended up ruining his hose or the sprinkler because there was so much dirt and clay and all that and they are having lots of problems with their well now. As for all of the stuff that was there, it was there, he has had it cleaned up somewhat, cars and trucks and snowmobiles, I think he has had cleaned up because of this meeting. If it wasn't for this we would probably still be looking at his collection. I guess that is all I have to say.

Jim (P&Z Member): Anyone else that would like to give testimony? We would ask Mr. Taylor if he would like to do a rebuttal on any of these, this testimony.

Tom Taylor (applicant representative): I would like to give a rebuttal to a couple of statements. Certainly I was incorrect on saying about the brush, your right, what I should have said is that this development will not increase the chances of fire. By moving the sage and the cheat grass in a buildable area it will actually lessen the fire area, so I was in corrected on that and that needs to be corrected on my application. There is brush area right in here. Again, going with the wells, all we can do is look around the area, there is houses, there is a house directly in front of Steve Gott's that has a nice green lawn and I would assume they have nice water, there is 70 homes up there that water and wells and there is a subdivision, Dahl Subdivision out there on Thomas Estates that all five wells are down on the bottom of the hill and they are getting all of their wells from one spot. ??????? It certainly can be done. As far as the covenants, I can only state that the covenants are going to be similar, that is not planning and zoning issue, covenants are not enforceable by county code. Again I want to state that we need to look at the code, I understand there may be some personal issues there with Steve's home and I understand that certainly don't get me wrong. The one thing that bothers me a little bit is that every time I hear of a double wide trailer, I am thinking of out by Ray's Heating behind there, that is a double wide trailer to me. This is a manufactured home with 2x6 walls, it is not a trailer that you pull up on wheels and hop back in there, this is on a completed foundation, a permanent foundation. The one statement about buildable area, I can't state enough, I am a land surveyor, I did do the topo there, from the fence to the major drop off which is on the south side of their property is 1.37 acres. This is what I do for a living, I measure land and that is a fact. The property line on the north boundary is approximately 313 feet wide, on the east boundary we have a pin that is shown on the subdivision plat that we have set that is 225 feet south of the north boundary, so in other words from here to here, so we are not producing new evidence is 225 feet so we are 300 feet wide by 220 feet on one side and certainly it goes in a triangular shape if you would. The gentleman's calculations from the Syringa Lodge, you brought in the flat buildable acreage, 100% no problem that .48 acres, an acre is 209x209 feet, 0.48 acres is approximately 104x104 feet, I don't know any homes that are

that big. The septic are, there are code and laws demanding what septic fields can be built on. They have all met up there, we don't foresee any procedural problems with the septic up there and as far as the wells all we can do is turn to the logs, that is the only not hearsay that we can present and we presented the well logs that are at Idaho Department of Water Resources, so as far as meeting code that was my job to do and hopefully presented ????? Thank you very much for your time.

Kathleen (P&Z Member): Tom I have a question about the septic system, given that there is a swale in the middle of the property, how big of a leach field and where would you put it?

Tom Taylor (applicant representative): The code that I know of that I have to deal with, you have to be 100 foot from any existing well or proposed well, so there is a 100 foot circle radius from those, so we have to locate the one on Steve Gott's property and Burnell property and also the neighbor that is in the northwest corner, so we have to locate those wells

Kathleen (P&Z Member): It shows a well right here

Tom Taylor (applicant representative): Right along the property line and there is 300 foot width from that and actually it is probably, I am just guessing here, I should have put a distance on that well I would think it is 325 feet east, west from the well to the fence line that runs north, south. As far as....

Member of the Audience: You are saying the leach fields runs????????

Tom Taylor (applicant representative): No I am saying the septic, the leach field

Member of the Audience: The leach field has to be 100 feet from a well

Tom Taylor (applicant representative): That is correct, the leach field has to be. As far as the District 7 calls them scarps or we call them steep slope or a cliff, you have to be 75 feet from that. As far as the septic field itself I don't know the distances, it depends on how many bathrooms you are going to have in the house, then it is a calculation from there. So in my estimation, which is simply that, that is all I can provide is my estimation, there is plenty of room for another well and another septic as far as land there. There is certainly setbacks of 75 feet from the south side, that is approximately, you are 225 feet on the right, say it is a 100 on the left or the west side, you bring it back 75 feet so you are 180 feet from the north boundary and then you have 350 foot of width, east and west from Steve Gott's well, take away 100 there, you have 250 feet, from the wells that are north, I don't know I didn't shoot them but there is plenty of room. I hope I can answer the questions, all I can do is estimate, I am not an expert on septic fields. This is the one well, I did locate that. This is approximately 350 feet, that is all I can do is approximate. This is 225 feet, I don't know where the well is on your property, maybe you can point to that, okay the back corner, so this is 113 feet, so there is still all this ground in there for a septic field and a house.

Kathleen (P&Z Member): But you have also got a big swale right through the middle of that

Tom Taylor (applicant representative): This property this is not a big swale, on this property to this, this is not on our property, the big swale on here, 225 feet from the north boundary line.

Kathleen (P&Z Member): I know but I am talking about the one that runs right where your finger is.

Tom Taylor (applicant representative): So we only have to be 75 feet from that as per District 7 code. Again, I will state that the times I have laid out septic fields and the ones that were shared that we actually had to put boundary pins on there is a ton of room up there for a septic field, a well and a house, buildable flat, quote on quote flat there is no flat piece up on that hill but it is gently sloping, thank you for your time.

Jim (P&Z Member): Barbara thinks we brought in some new information

Barbara (P&Z Member): It is my opinion anyways that people get to speak again

Jim (P&Z Member): What was that?

Barbara (P&Z Member): About the wells

Jim (P&Z Member): About the well or the septic

Barbara (P&Z Member): The whole discussion

Jim (P&Z Member): We did the testimony by those in opposition, testified on the wells and you think Mr. Taylor brought in introduced new evidence?

Barbara (P&Z Member): It seems to me that he did, that is just my opinion, you will have to ask Gary

Jim (P&Z Member): I didn't think there was any new testimony, we had discussion

Gina (P&Z Member): It was rebuttal

Barbara (P&Z Member): You didn't think there was anything new on that?

Kathleen (P&Z Member): No

Jim (P&Z Member): With that I will ask that we have motion to close this hearing at this time and then go into deliberation.

Kathleen moves the hearing be closed and Gina seconds the motion. Hearing Closed.

DISCUSSION:

The board discusses the application brought before them. Gina indicates that she believes a lot of what was brought up in regards to the application had to do with covenants and wants to make it clear that enforcing covenants is not a role of the Planning & Zoning, the board and staff agree. The board discusses the fact that there was concern on the driveway access and that it appears the access is legal. They also discuss the water concerns brought up as well as slopes and reoccurrence of landslides. Kathy has concerns about erosion and whether or not there is enough space to safely build and put in a septic system, however it appears there is enough room to as per code. She also shows concern on the easement and if there is enough room for emergency services. Gary explains that road width standards are wider then driveways. Barbara has concerns on the water runoff and erosion. Jim has concerns on the culvert and the drainage field as well as the landslide possibility and would like to have an engineer look at the site to see if the land is disturbed and the water is diverted, what the impact would be.

After discusses the matters brought up by the public as well and the members themselves it is determined that the board would like to see an engineering report to better understand impact of development on this parcel as it pertains to runoff and erosion, therefore the application brought before them is continued until a runoff and erosion control plan from an engineer and a new public hearing will be held when and if this requested report is provided.

Gina Knudson motions to require the applicant to provide an engineer's report on the runoff and drainage that would occur as a result of the development of the property in question and how that will affect the placement of well and septic. Barbara seconds that motion. All members are in favor no members opposed.

ADJOURNMENT:

Adjournment: Gina Knudson makes a motion to adjourn and Kathleen Brown seconds it.

Meeting Adjourned.

Respectfully Submitted
Teresa Morton, Assistant