

# MINUTES–CITY OF ASHTON

## SPECIAL COUNCIL–P&Z MEETING

Wednesday, April 27, 2022

6:00 p.m.

714 Main Street

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*The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of **Public Hearings**. The Mayor will not normally allow audience participation at any other time. Idaho Law prohibits council action on items brought under this section except in an emergency circumstance.*

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**Due to the COVID-19 pandemic: Please do not attend the meeting if you feel sick or have been around those who have been sick.**

**PRAYER OFFERED BY: Teresa Hansen**  
**CALL TO ORDER & WELCOME**  
**PLEDGE LED BY: Jerry Funke**

**In Attendance:** Tom Mattingly, Teresa Hansen, John Scafe, Jerry Funke and John Kaelberer.

**Also, in attendance:** City Clerk Stegelmeier, Detective Owens, P&Z Administrator Bowersox, Deputy Clerk Warnke, Todd Martindale, Brett Griffel, Wade Rumsey, Luke Bloxham, McCall Stronks, Erin Hill, Susan Richardson, Lon Atchley, Kathy Atchley, Susan Baker, Dick Baker, Shannon Hill, Stacey Wynn, Sam Wynn, Andrew Rogers, Kim Ragotzki, Rachel Hatton and Sheryl Hill.

Mayor Mattingly welcomed everyone and opened the meeting at 6:03 pm

**1. PUBLIC HEARING:** *Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the Mayor/Council*  
**Variance Lots E & F AND Class II Permit Lots E & F – P&Z Administrator Bowersox, Wade Rumsey **ACTION ITEM****

Mayor Mattingly turned the meeting over to City Attorney Angell who then opened the public hearing at 6:04 pm. Called the meeting to order. City Attorney Angell then asked City Clerk Stegelmeier if proper notice was given. City Clerk Stegelmeier replied that the property was posted and a copy of the proof of publication was provided to the council in the meeting packet. City Attorney Angell then asked the Council and Mayor by roll call if any had a conflict of interest in the matter. They all replied did not have a conflict of interest.

City Attorney Angell then asked P&Z Administrator Bowersox to give her report on the proposed development.

Administrator Bowersox said before and since she was hired as the P&Z Administrator she had heard or seen on social media that there was a need for more housing in the area. As one of the roles of administrator, she gets calls asking what can be done with properties in the City. Mr. Rumsey had contacted Administrator Bowersox in January 2021 inquiring about possibilities for this property. She had had others call on this property and the property had come up in meetings about the comprehensive plan as a place for a housing development. Mr. Rumsey and Mr. Vance have been in contact throughout their process of performing their due diligence and doing their research about purchasing this property. They asked questions about what was allowed, about what this community needed so they have been working on this together with Administrator Bowersox for a very long time. Late last year, early this year they contacted Administrator Bowersox and explained that they were putting together a proposal. In March they brought the sketch plan to the council showing his proposed development. At that time the council instructed Administrator Bowersox to initiate a large-scale development study. Marvin Fielding of Keller Associates has completed the study and will give a review of the study following Administrator Bowersox's report. As a recap of what is

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being heard tonight – this Class II permit is being paired with an application for a variance. As part of the developer's research and investigation on the property they commissioned an environmental study as they had found that the property had been a landfill in the past. They are asking for variance to do something different on the part of the property that has the most debris from the landfill. Then the Class II permit is for the proposal on the development. In the City Code, 17.16.B020 is the code on variances. Administrator Bowersox read the code into the record: *Variances are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would have no beneficial use of the property if this title is strictly enforced. Applications for variances shall follow the procedure described herein. Applications for variances may be combined and processed simultaneously with applications for class II permits.* She then explained that there are then six (6) items that must be met for a property to qualify for a variance. In addition to considering the variance, the council is considering the Class II permit for this property. Administrator Bowersox went over the code differences between Class I and Class II by reading definitions from the code. She went on to explain that in the previous meeting it was classified as a large development and thus the project is big enough for a Class II permit. It has to meet certain conditions by code for approval. She reminded everyone that a zoning permit is not the final step in the process. It is, in fact, the first step. Even on a Class I permit which is an administrative task, that does not need commission or council approval. For example: a single-family dwelling (house) the building inspector will not review the building plans until the P&Z Administrator has approved the zoning (i.e., setbacks, etc.). It is established that this permit process today is simply the kickoff, it makes it so they can take the next step. Developer will not spend the money necessary to have the blueprints drawn up, etc. until he knows that it is a project that can move forward. The next steps that would follow would be the negotiation of a development agreement which is covered by ACC17.68 of code. In a development like this where a developer has to put in the infrastructure such as sewer, water and roads – all of those have standards, they have to adhere to state standards as well as be inspected and approved by the city and other agencies such as the Idaho Department of Environmental quality. The City Council have to approve of them before the project can move forward. The final plat has to be approved by the Council also before moving forward. This is a beginning step, not an ending step to this process.

In Administrator Bowersox's review of the developer's proposal, she likes what they have brought forward, she believes it will meet housing needs in the community. Their goal and desire is to provide multiple price points those who want to own homes and live and work in this community. In the variance application they have asked for storage units. Personally, Administrator Bowersox thinks that storage units are necessary, she believes we have quite a need for storage units. Also, looking at the renderings and talking with Mr. Rumsey and Mr. Vance she believes that they will do a nice, attractive, high scale, high quality development. This is not about her personal opinion; this is about whether the applications meet the code. In terms of the variance, she agrees that there is a physical limitation due to the old landfill and that the landfill was not caused by the developer. Administrator Bowersox does not, however, agree that building storage units is the only solution on the property. In addition, by our code and other municipal codes storage units are not allowed in residential areas. Based on her reading of the code and her obligation to adhere to this code, she would recommend to not approve the variance. Mr. Rumsey is going to give his presentation and she reserves the right to be swayed if he has addressed the concerns. She does recommend approval of the Class II permit for the remainder of the project, for the development of the townhomes and the single-family lots. There is still a lot of negotiation and discussion to be had between the city staff and the developers about how to connect to the water and sewer, about how to build the roads, etc. The negotiation will be ongoing through development process and managed by a development agreement if the permit is approved. If you deny the variance and approve the Class II permit, Mr. Rumsey and Vance will let the city know what they want to do on that portion of the development. It will also go through the processes, meet the requirements and appropriate permits to be included in the project. Administrator Bowersox explained that Mr. Fielding is going to go over the large-scale development study with them. There were four sections to

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the study. Some of what he is going to explain is that the amount of housing, etc. does not trigger a full-scale traffic study or changes to the current road system. The city's current drinking water system will be sufficient to handle this development. The sewer treatment will handle the development but the capacity will need to be improved. The developer is required to make any improvements to the systems that are necessary to handle the new development. Part of the development agreement will be to outline what will need to be improved and what the developers will be required to complete in order to provide those improvements. Again, Administrator Bowersox's recommendation, in adhering to the code, is to not approve the variance and to approve the Class II permit for the remainder of the development. She then asked if there were any questions. Councilman Kaelberer asked whether a lift station will be necessary. Administrator Bowersox said that that will be part of the next step in the developer's planning. It will fall under the improvement to the system that developer has to do.

City Attorney Angell explained that Marvin Fielding will present the large-scale development study. Marvin Fielding introduced himself and explained that he was hired by the developers to prepare the large-scale development study. This study was to focus primarily on water, wastewater and streets impacts to the city infrastructure by this proposed development. He began by discussing the wastewater system impact which consists of two sections: capacity and treatment capability. The capacity consists of the hydraulic capacity of the current system and how the amount of wastewater generated from this proposed development would affect this system. The City's Wastewater Supervisor, Brett Griffel, provided the record of flows for the past two years and Keller Associates compared the design of the development against the current system. What they found is that the plant is operating near capacity. Marvin went over some number on capacity and explained that right now the plant is operating near capacity. What that means for this development is that they need to do improvements in order to accommodate new wastewater flows out at the plant. Marvin went through the calculations and explained that the developers will need to buy an evaporator for the large pond. The opinion of cost of an evaporator is \$60,000. The second part of wastewater impact is the treatment capability or the ability of the wastewater treatment lagoons to handle the biological demand on the system. Marvin went over the loading of the plant and capacity numbers. The conclusion is that the current plant can handle the loading and no other improvements are needed to accommodate the proposed development. In the wastewater system, the developer is responsible for purchasing and constructing improvements and then the operation and maintenance would become the responsibility of the City. Marvin went on to the impact on the City's drinking water system. He studied the last two years of meter records and found that this project would use about 12.5% of the current unused capacity of the City's system. Thus, there is no additional drinking water capacity needed for this development. Again, the developer will purchase and construct the new services which would then be turned over to the City. The last portion of the study was to assess the street impact of the development. Keller Associates did a trip generation assessment. They used an industry standard trip generation manual table from the Institute of Transportation Engineers. In the end there is a total daily trip total of 498 generated. The streets in Ashton have a capacity of 2,000 trips per day so based on this assessment there is no need for off-site street improvements. Neighbors to the site will notice an increase in traffic but there are no other new improvements needed. The developer is required to build the streets on site to the City's standards and then they will become City infrastructure. There were no questions for Marvin.

City Attorney Angell asked the applicant's representative, Wade Rumsey, to give a presentation of the application.

Wade Rumsey is going to present the variance first to the Council. He checked to make sure that the Council had the information he had submitted. He has applied for a variance and he would like to provide more information for them to consider the reasons for the application and some of the benefits they think it could offer the city and community. When looked at the property there were a lot of questions about why it

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was still vacant. They discovered through a lot of research that a landfill may have been located on the property in the 1930's-1950's. They then engaged Rocky Mountain Environmental to evaluate the property. A phase I environmental review was completed and it was concluded that a phase II review was required. Through that process they dug test pits and discover more physically what is on the property. He then went over the map and explained that the first number was the depth to debris, the second number was the depth to bedrock. In the north west corner, there was more debris. The developer then looked to build something that was less load bearing. In other developments that they were aware of, there have been storage units that were nearby which were a real benefit to those developments. They also considered a mobile home or tiny home area which are less load bearing. These structures are allowed in the zone but they felt that the storage units were better suited. He explained that when there are storage units nearby, it encourages cleanliness. It discourages residents from making make-shift type storage sheds. It is his and his partner's vision as developers to provide not only great opportunities for housing but also for cleanliness. They feel that storage units are a great opportunity to encourage cleanliness both in the development property but also the community in general. They feel that the increased cleanliness addresses number one in the code section that P&Z Administrator Bowersox was citing earlier. Mr. Rumsey heard for Mr. Fielding on the traffic but found through the study that the storage units account for less traffic than homes. Also – the sewer and water capacity would be less with storage units. As developers they have reached out to neighbors. They will adhere to the code and will provide the buffer zones. Want to make it an added benefit for the development and the community. No – the storage units do not fit the code but that is why they are asking for the Council's consideration of a variance. He asked if the Council had any questions. Councilman Scafe asked if the storage units would be only for the home owners in that area. Mr. Rumsey said it was not designed specifically for them however having them in that area certainly encourages the behavior of cleanliness. Mr. Rumsey then introduced his partner to go over some of the requirements of the Class II permit which they have been working through with the help of Administrator Bowersox.

Terry Vance says he really appreciates Administrator Bowersox. She is easy to work with and cares about the people of the City of Ashton and its future growth. He asked the Council to look at the sketch plan which shows the units they are planning as well as all the setbacks. They are meeting are meeting the front side and rear setbacks as well as a 20-foot buffer zone surrounding the property. He also would like to point out that the streets at 4<sup>th</sup> and 5<sup>th</sup> Streets are both 80 feet per the existing street widths with Willow Lane at 60 feet. They recognize the need for Ashton to have some affordable housing. They have included three different price points in their design. Single garage townhomes, double garage townhomes and single-family lots. Between the town homes on 4<sup>th</sup> and 5<sup>th</sup> Streets, there is roughly 160 feet for green space for children to play and other activities. Councilman Scafe asked if there will be a home owner's association (HOA). Mr. Vance explained that there will be an HOA to take care of the buildings and the green space. Mr. Scafe asked if a maintenance building would be necessary. Mr. Vance explained that the HOA would just hire someone so a building would not be required. They would get into that further in the process. Mr. Vance wanted to point out that he built some townhomes in Shelley with 66 storage units next to them and it really cleaned up the neighborhood. He explained that what happens is that less people store things in their garages and then actually park their cars in their garages. They did not restrict them to the townhomes that they built but they have about 30 percent occupancy from the town homes. Administrator Bowersox inquired about HOA and how it works. On the townhomes, each unit would be owned and the HOA would own the green space. The business plan is a home ownership model but the HOA offers better upkeep of the property. City Attorney Angell asked the Council if there were more questions. Hearing none, he thanked Mr. Vance for his presentation.

City Attorney Angell then explained that the meeting will now move forward to the public comment portion of the public. He explained that the comments should be restricted to the proposed development. He explained that the public comments will be limited to 3 minutes. He asked that each speaker state their full

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name and address as they come to the podium. He then said he would start with comments in favor of the permit application.

Kim Ragotzki, 580 Maple Street, Ashton, Idaho. She is within eye site of the development. She supports the development. She does think there needs to be some minor tweaks but she understands that this is the beginning of the process, there could be a lot of minor tweaks between now and when construction begins. She is a little concerned about more traffic, but right now on the street she lives on, as a result of some active neighbors, she sometimes has more 20 vehicles from one house per day. The one concern she has that on the south side of the development – there are three single family homes existing now. Two of the homes would be adjacent to a townhome and she is wondering if the developer would consider switching those to single family homes just to buffer the transition. She supports the Class II permit but has some concerns about the storage units. She does understand that there are issues with the property and it may not be appropriate to build a house. Maybe the developer could consider fewer units and have some sort of budget like some trees or something. They also could possible reserve some of the units for those who live in the development and that would cut back on the traffic. That is all she wanted to discuss and fully supports the development moving forward.

Dallas Hill, 841 Maple, Ashton, Idaho. He is speaking in favor of approving the development. He does not know enough about the variance. He did not have all the materials but he assumes the developers are well informed. He can speak to the professionalism of Sara Bowersox. She knows her job and the code to explain to others how to conform to the code. He recommends that the Council take Sara’s remarks into consideration. He does recommend that the class II permit be approved. He thinks that this will add much needed housing to Ashton. He thinks it will stabilize the community in a good way. He knows there is a lot of concern out there about traffic and he can empathize about that. However, based on the study there is the change is not significant enough that the City would have to rebuild roads. Any improvements would be a cost to the developer, not a direct cost to the city. He doesn’t see the traffic being any heavier than Idaho Street or other streets at certain times of the day. It will not be that dramatic. Wade Rumsey is not a California developer. He is a local as well as a good developer who will be good to work with. He knows that there is pressure about using the City Council as a planning and zoning commission. The planning and zoning commission is not supposed to be an elected body so he hopes that as the Council considers this proposal any motivations concerning election are not part of the planning and zoning decision that they make.

City Attorney Angell explained that those speakers were the only ones signed in to speak and asked if there was anyone in the audience that would like to speak in favor of the application. Hearing none, he moved on to the comments neutral to the application.

Andrew Rogers he is at this meeting as acting Fire Chief for the North Fremont Fire District. He is staying neutral in this discussion. Whichever way the City Council goes works for the fire district, just as long as it meets the fire department’s firefighting needs to keep it safe.

Susan Baker, 1379 Baker Road, Ashton, Idaho. Susan and her husband own the farm ground on the northern border of the subdivision. There are natural springs further north on their property. The water flows north. They are concerned about how the run off from the streets will be managed. They are stressing the need for a plan to handle the run off for their protection. She noticed that Mr. Fielding said there would be swells on the side but they are still wondering where the runoff will go from there.

Susan Raines, 3617 Fisherman’s Drive, Ashton, Idaho. Susan is here to give comments for her sister and brother-in-law Mike and Mandy Hastings who live at 362 Spruce Street, Ashton, Idaho. She then read a

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statement from the Hastings. It read: We vigorously oppose this development. The impact that such a development would have on the current and historical neighborhood would be immense. At the top of the list of their concerns is the extreme increase in traffic. The surrounding streets do not have sidewalks. Children are walking to and from school and church. Children are playing in the streets and riding bicycles. During winter months there is barely enough room for removal of snow from driveways and roads creating many dangerous blind spots. Due to the massive increase of people from Utah and elsewhere to the Island Park/Yellowstone region, this would mean an infiltration of large trucks and trailers turning off of one of the busiest highways in the state and directly into a quiet residential neighborhood. A residential neighborhood is no place for large storage unit complex as is proposed. Another big concern is the impact on the current city infrastructure, such as water, sewage, trash and road maintenance teams. In conclusion, there is nothing in this proposal that appears to be consistent or similar to the current and historic uses of the existing properties. Perhaps a development of single-family homes would be a more appropriate option assuming improvements to the utility services and neighborhood design could be accomplished. Thank you for your time, Michael and Mandy Hastings.

Sheryl Hill, 308 Highland Street, Ashton, Idaho. She is submitting neutral comments on a Class II permit and you won't be surprised that it deals with process. The notice for this public hearing was first published on April 12<sup>th</sup>. The notice states that that application was available for public review at the Ashton City Building. On Tuesday, April 19<sup>th</sup>, Sheryl stopped at the City Building and asked to see the application so that she could prepare her comments to submit by Thursday, April 21. There was no application and no other documents relevant to the hearing were available for review. On Wednesday she received an email copy of what was supposed to be the application. It consisted of 7 pages and included the Class II permit application form signed by Mr. Rumsey on March 1. The lack of detail contained in the permit application made it impossible for her to submit written comments prior to the hearing. The Class II application form instructs the applicant describe the development for which a permit is requested and to attach as many sheets as necessary. It also asks for plans sufficient to demonstrate compliance with all the requirements of the City of Ashton's Development Code. But the application submitted by Mr. Rumsey does not include a thorough description of the proposed development or documentation sufficient to demonstrate compliance with the development code. One of the council's questions should have been covered already. Sheryl quoted part of the development code 17.68. She maintained that the list of performance standards in the code should have been addressed in the application. She went on to quote section 17.52A.010 which gives requirements for the preliminary plat. A preliminary plat was not included in the application. She listed other items that she did not find in the application. She also expressed the opinion that the large-scale development study should also have been included in the application for review. In summary, she stated that the Class II application that was provided to the public for review prior to the hearing and provided to the Council in their packet is incomplete and cannot be reviewed or acted upon until the applicant addresses each item listed in chapter 17.48 and 17.52. She will provide the chairman with a list of performance standards that must be addressed before the Class II application can be considered complete.

City Attorney Angel asked if there was anyone else who would like to speak as neutral to the application. Hearing none, he began with the list of those who would like to speak against the application.

Lon Atchley, 84 Spruce Street, Ashton, Idaho. Lon is somewhat reassured with the large-scale development study. He is, however, not assured about street impacts. The study lists averages, medians, etc. that he does not feel apply to Ashton as far as he concerned. After the last meeting he counted cars. He went out on his deck and counted cars for 15 minutes on Sunday morning and counted 42 cars. He explained that he feels there is a problem on his street. There was nobody checking speeding or stop signs. He went back again to the children and he is worried about them. He is concerned about his street, Spruce Street. It is the main conduit off Highway 20. He doesn't approve of the size of the size. It needs to be throttled back

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to something reasonable. If that includes not doing high rises then that is what it has to be. He is in favor of progress but it needs to be done in a fashion that we can all live with. He is telling the Council that they are at a point where the number of cars going through there needs to be addressed. He would like the Council to consider this in their final decision.

Susan Richardson, 361 Spruce, Ashton, Idaho. She expressed her frustration with the process. The letters that were received by the land owners close to the development were biased. She felt that the City did not really want their opinion, it wanted them to go along with the opinion in the letter. That was really frustrating to her. She also explained that when she was growing up – the City dump was visible from her house on that property. She is confused as to how only one area of that property needs a variance. The whole place was a dump when she was growing up in the 1980s. She then went over some of the reasons in the code for a variance. It talks about a hardship on the developer but she wonders why there is no discussion of the hardship on the neighbors from the storage units. She also expressed her opinion that the area is clean now and doesn't need to have storage units to clean up. The only thing that is a hardship in that area would be the storage units because they would become a hardship to that area. Susan explained that Spruce Street was never discussed in the study. She lives on Spruce Street and her children play on that street. The traffic study was done on 2000 trips per day – they do not understand Ashton. She is not against growth but she emphatically opposes anything other than single home units and also opposes storage units. This is not fair for those who have been here and came here to Ashton not to have storage units next door. She does not understand how we can say 56 dwelling units will not impact the traffic significantly. That is not a fair assessment of what is going to happen. It is not fair to the residents that live there. She then said that in the presentation earlier, the developer talked about mobile homes and tiny homes. She is concerned that the Council will be passing something without knowing what it will actually become. Is that responsible? That is not fair to surrounding neighborhoods. You represent us. She feels that their voices should be important to how they feel about the traffic and the other impacts.

Sam Wynn, 242 Willow Lane, Ashton, Idaho. Sam thanked the Council for the time to speak. His comments are going to focus mostly on the storage units. It was stated earlier that there would be no negative impacts from the storage units. He disagrees with that statement. He lives three houses down from the proposed storage units and he cannot think that this will not lower his and his neighbor's property values. He does not think anyone in the room would want storage units next door to their home. He discussed the earlier zoning change to higher density and he does feel that Ashton has a need for more housing. He thinks there is a need for lower income housing but he is not in favor of it. When the letter was sent to the city discussing how they were going to provide for lower income housing it was a sort of benevolent letter. He would like to propose that with that benevolence, the developer provide a park or a playground instead of the storage units. The ground would certainly sustain that. He strongly opposes the storage units as they should not be turned into a commercial area. That should not happen in a residential area. Sam has a paper with 26 people opposed to the project. They were not allowed to turn it in because it was late. He asks the council not to allow the variance for the storage units.

Shannon Hill, 282 Willow Lane, Ashton, Idaho. Shannon explained that he came to talk about the variance but he strongly opposes the Class II permit. He explained that he didn't think any of them would be in attendance if someone wasn't trying to change the ordinance law. It is upsetting to him when someone says you want change or you don't want change. You can't have it both ways. Well, they want growth but they don't want to change the law to have the growth. They are fighting for the law to stay the way it was. That is all he is going to say about the Class II permit. On the variance, he feels it would set a bad precedent to have commercial in a residential area. He does not think that is right. He did not build there 25 years to live by a business. They are trying to keep the ordinance and laws the way they were. He was never contacted by Mr. Rumsey. He did not realize that Willow Lane was such a dirty place and will try to

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clean it up. He guarantees that storage sheds are not going to do that for us. He explained that he lives on the same soil and built on the same soil that was the dump or landfill area. They have had zero settling in 25 years. Zero. That needs to be said. Even if it does settle, contractors can pour wider footings to keep that from happening. There are many things that they can do to keep that from happening. He is opposed to the ongoing for construction that is going to be happening for years and years right next to them. Especially if they build them as they sell it. How many years are they going to have to put up with the building right next to their home. Storage sheds will be a nuisance to his neighborhood. He also believes that it will lower his property value. No one wants storage sheds in their neighborhood.

Bryan Brumwell, 456 Spruce Street, Ashton, Idaho. Bryan is concerned about traffic. No one has brought up the amount of traffic and the route it is going to take. He thinks that it will go straight down Willow Lane and then to Spruce and then the highway because that is a quick way to the highway. This will add to congestion in those areas. There is already an issue with congestion in those areas. That amount of people and trips per day will just add to the accidents and deaths that have already happened. The number of townhomes and single-family homes that are in there is more than he feels the traffic study is considering. In actuality – there will be more traffic. Talked about construction traffic, etc. Now he talked about the variance. He maintained that Mr. Rumsey knew the landfill was there and he still bought the property. If there was not anything he could do with it he should not have bought it. He talked about possibly a new park or something else.

Councilman Kaelberer asked for a quick break. City Attorney Angell called a one-minute recess. Following the break, City Attorney Angell explained to Sheryl Hill that it would be patently unfair to allow someone to list their name on multiple lists and make multiple comments. She just gets to pick one and she had already picked neutral. She explained that she feels that there are two issues before the Council tonight and she does not feel that it is possible to say the same thing about both issues. She went on to say that Mr. Angell is stepping on her due process rights. He replied by saying, "duly noted". He then asked if there were any other people who would like to speak against the proposal.

Stacey Wynn, 242 Willow Lane, Ashton, Idaho. She wanted to reiterate – she had made written comments and many had been touched on. Traffic and snow removal are huge issues – there is not a lot of room it can be dangerous with all the snow in the winter. She is adamantly opposed to storage units and high-density housing. She is not opposed to growth; she feels that Ashton needs homes. She would rather multiple single-family dwellings. She explained that traffic is a problem and if Lon Atchley would have been out to watch at 9 am he would have seen a lot more traffic.

Holly Shuldberg, 222 Willow Lane, Ashton, Idaho. She is very concerned about the amount of traffic that will be coming down Willow Lane. She agrees that Willow Lane looks pretty darn good. She does not think that storage units would make a cleanliness impact like the developers noted. She explained that she still has children that are at home and teenagers that drive. There are several teenagers on their street and she has not hesitated to call the local authorities if needed. There have been some problems on 2<sup>nd</sup> Streets. She still has bicycle riding children and she doesn't think it is fair to their neighborhood to have that amount of traffic.

City Attorney Angell asked if there was anyone else who would like to speak against the proposal. He did note that the Council had received a written statement from several individuals and they are included as part of the record. City Clerk Stegelmeier noted that the Council received a copy of all of the statements in their packets for this meeting. City Attorney Angel thanked everyone for their comments and closed the public comment portion of the hearing at 8:29 pm.



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City Attorney Angel then asked Mr. Rumsey for any rebuttal or clarification on earlier statements from the public.

Mr. Rumsey thanked everyone for their feedback and public comments. He feels that it is always valuable and this process is very good. He explained that he has worked with the City's public works department and there are designated areas for the snow removal. They will label them on the preliminary plat. It can be stored in a safe manner. It has been discussed and talked about. He then spoke about following the proper procedure for the application. He explained that Administrator Bowersox has been fantastic in making sure that the code has been followed in all the discussions that they have had. They have made sure to read it and follow it. If she has questions, he knows she has great sources to make sure that the proper procedure was followed. She adamantly disagrees with the comments that procedure is not being followed. He provided sketch plans way before the meeting. They have given the City full disclosure. He feels it is not worth doing something around the system. He agrees that Willow Lane is a great looking street. In terms of research that they have done on the property, as far as he knows the property was for sale for many years. What he loves about America is when a piece of property is for sale, we can purchase property and follow the land use code can fulfill American dreams. As long as they follow the rules, great things can come from that. In terms of changing the zoning they can actually fit more residents in in low density zoning. It is possible, as developers, they study and consult and take a lot of time in their planning. They feel that the plan follows the law and code. Traffic was an issue discussed. They have done the due diligence in the traffic study. The study took into consideration the City of Ashton and its traffic. He trusts the study. Mr. Vance then spoke. He also appreciates the comments. There was a high-rise comment that was made. The City of Ashton does have height limits and it will be followed. He also explained that building standards have changed and something built 25 years ago may not be able to be built now.

City Attorney Angel then asked Administrator Bowersox if she had any rebuttal or clarification. Administrator Bowersox explained that she always appreciates public comment because they always trigger thoughts and some things. She appreciated Mrs. Baker's question on the storm water runoff and will make sure to cover that in the plan as going forward. She explained that no one said that there will not be an increase in traffic if we have growth in Ashton. We are going to see an increase in traffic. The study showed that the standards for the roads and how they have been built are sufficient for the amount of traffic that this development will bring. In today's environment – many people cannot afford to buy a single-family home. Higher density housing allows, with following applicable code and requirements, the ability to have a lower cost per square foot per living unit. That will help bring home ownership to those who cannot afford a single-family home in this environment. When 1500 square foot home on a quarter acre lot is going for \$500,000 in south eastern Idaho these days. Higher density dwellings are what we need to help provide home ownership opportunities for people in this area. As part of the process of development there are less complicated things and more complicated things. Less complicated things would fall under a Class I permit and are only required to be approved by the administrator then the building inspector. There are still inspections and requirements. In a more complicated thing, the zoning permit is the beginning of the process. It is not the end of the process. We will have discussions and negotiations that the standards are adhered to and met. The final plat will have to be approved. The process is looking as a draft preliminary plat which was included in the application. It will be vetted and at some point, she will be measuring and walk off the setbacks. If the Council elect to not approve the storage units, then anything that will be there will have follow the process in the code. The developer will have to bring back a preliminary plat for that area for approval. Some items that he might ask for might include another Class II permit or a hearing if necessary. The steps in the process are – if the Council approves the zoning permit – then the next steps are to finalize a plat, negotiate the development agreement, to get in place what needs to be done for infrastructure and to get a plan in place to complete all of those things. Construction has to happen. Whether on this development or the next single-family house that is built in town – construction will happen.

# MINUTES–CITY OF ASHTON

## SPECIAL COUNCIL–P&Z MEETING

There will some issues that have been brought up that are unrelated to the development. Sunday morning traffic is one of those issues. Traffic issues that exist today are not part of what this zoning permit. Administrator Bowersox stands by both recommendations that were given earlier. Her first recommendation that the variance should not be approved. There are other buildings, etc. that can be built to utilize that property. The variance process is the right process for the developer to have used but it simply does not meet the requirements for a variance. She recommends that the Class II permit should be approved. It meets needs of the City and it meets the code. Again, the developer will have to adhere to the code and be managed just like any other development.

City Attorney Angell asked if the Council had any more follow up questions for Administrator Bowersox. City Attorney Angell asked Mayor Mattingly if he could ask a question. Mayor Mattingly gave permission. City Attorney Angell asked if Administrator Bowersox still recommended that the Council deny the variance. She replied that her recommendation is for the Council to deny the variance.

Councilman Funke asked on Mr. Rumsey. He asked about the townhouses on the south side of the property, would they switch them to a single-family home. Mr. Vance answered that they can consider that but that there has to be enough units to make the project feasible.

City Attorney Angell explained that they now have accepted all of the evidence that the Council is going to consider in their deliberation of this Class II permit and variance. He now closed the public hearing at 7:46 pm and opened up discussion on the permit by the City Council. He did remind them that they have 60 days to make their decision if needed. The decision will be made in writing as per Idaho code.

Mayor Mattingly asked the Council to discuss their thoughts. Councilman Kaelberer explained that he doesn't like storage units in a residential area. He doesn't think it fits the code or the neighborhood. There are too many other areas for storage units. He thinks the City needs to control where they go. Councilwoman Hansen agrees with Administrator Bowersox on denying the variance. She agrees with Councilman Kaelberer that it does not fit the neighborhood. Councilwoman Hansen then went on to quote the code on Class II permit and explained that this application fits the code. She thinks the Class II permit should be approved. Councilman Scafe said he could see that it may not be feasible to build a home. He can see the point on storage and cleaning up. He would be concerned of who would take care of a park if one was built. Traffic and construction will always be a problem. This is just a permit to let them go on with planning stage. There will need to be some work on the runoff to make sure it doesn't affect the neighbor's property. Councilman Funke explained that other issues will be discussed and worked out. Councilman Kaelberer said anything that would be built there would cause more traffic. It is a part of getting more places for people to live.

Councilman Kaelberer made a motion that the Council deny the variance on Ashton Lots E & F. Councilwoman Hansen seconded the motion. Mayor Mattingly called for a roll call vote: Councilman Kaelberer, yes; Councilwoman Hansen, yes; Councilman Scafe, yes; Councilman Funke, yes. The motion passed unanimously.

Councilwoman Hansen made a motion to approve a Class II permit on Ashton Lots E and F. Councilman Kaelberer seconded the motion. Mayor Mattingly called for a roll call vote: Councilman Kaelberer, yes; Councilwoman Hansen, yes; Councilman Scafe, yes; Councilman Funke, yes. The motion passed unanimously.

Mayor Mattingly called for a break at 8pm. He called the meeting back to order at 8:08 pm.

### **2. TENTATIVE: Rumsey Project Discussion – Administrator Bowersox ACTION ITEM**

Administrator Bowersox wanted to make sure that they could have more project detail discussion. The next

# MINUTES–CITY OF ASHTON

## SPECIAL COUNCIL–P&Z MEETING

part of the process will be the development agreement. She has given a rough draft is to Mr. Rumsey. They are having discussions for water and sewer systems. One of the big concerns is there is not enough elevations to make gravity feed. There will have to be state standards and inspections in all the utility improvements. Administrator Bowersox will find someone with authority to inspect them. City council will have to take action to show that they approve of the development agreement and plats. The developer has discussed mobile homes and tiny homes in that north-west corner. A mobile home park would mean another Class II permit with public hearings. Administrator Bowersox will bring the next items back to the Council as they are prepared.

### 3. **Signing Safety Contract Discussion – City Clerk Stegelmeier *ACTION ITEM***

Councilwoman Hansen would like this project to be completed this year. The city has been waiting for it to be completed for several years. Councilman Kaelberer said it may not happen with some of the problems with supply and demand.

Councilwoman Hansen made a motion to approve the ITD contract as presented. Councilman Kaelberer seconded the motion. The motion passed unanimously.

### 4. **ORDINANCES/RESOLUTIONS:**

#### A. **City of Ashton Resolution 22-03 – Signing Safety Resolution – City Clerk Stegelmeier *ACTION ITEM***

Councilman Kaelberer made a motion to approve City of Ashton Resolution 22-02 as presented. Councilman Saxe seconded the motion. The motion passed unanimously

### 5. **ADJOURNMENT**

Councilwoman Hansen made a motion to adjourn. Councilwoman Hansen seconded the motion. The motion passed unanimously.

The meeting ended at 8:19 pm.

### **NEXT MEETING**

- ◆ City Council/P&Z 6:00 p.m. – Wednesday, May 4, 2022 Council Chambers, Ashton City Building – 714 Main, Ashton.
- ◆ Regular City Council 6:00 p.m. – Wednesday, May 11, 2022 Council Chambers, Ashton City Building – 714 Main, Ashton.
- ◆ Questions concerning items appearing on these Agendas or requests for accommodation of special needs to participate in the meetings should be addressed to the Office of the City Clerk or call 208-652-3987.

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

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Cathy Stegelmeier  
City Clerk

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Tom Mattingly  
Mayor