

City of New Plymouth  
Planning and Zoning Commission  
PUBLIC HEARING  
7:00 pm  
23 June 2014

The New Plymouth Planning and Zoning Commission held their public meeting at the New Plymouth City Hall on 23 June 2014 at 7:01 pm. Roll call was taken. Chairman Tegethoff was present as well as commission members, La Crone, Allen, and Balcer in attendance. Staff members Danielle Painter, secretary of the commission, Beau Ziemer, Public Works Superintendent, and Andy Gerhke, City Engineer were also in attendance. Commissioner King was not in attendance.

Guests included were Doug & Kerry White, Mitch Painton, Doug Kofford, Blaine Cornwell, Don York, Adam Lyman, Breanna Robinson, Koby Bennett, and J.D. Meyers.

**Commissioner Balcer motioned to approve the agenda. The motion was seconded by Commissioner La Crone. The voting was unanimous in favor of the motion.**

Conditional Use Permit for Verizon Cell Tower -

Doug Kofford spoke on behalf of Verizon Wireless. Verizon recognizes that there is a hole in the coverage here in the city. They would like to expand coverage putting in a cell tower out on Ada road. The cell tower would be 150ft. This would also allow other cell carriers to put antennas on the tower. Commissioner Balcer had some concerns with the radiation coming from the tower. Mr. Kofford explained with the antennas being up in the air 150ft that there would be no concern with the radiation effecting anyone.

### **Public Testimony**

Don York 6603 Bluff Rd. – Mr. York stated he owns property directly across from where the cell tower is being proposed to go. He does not want to look at a cell tower when he decides to retire and move to town.

Mitch Painton 5030 Freemont Rd. – Mr. Painton stated that he does a lot of work in town and uses Verizon wireless and explained that there is nothing more frustrating to pay that much money for cell service and then have very poor cell service when in New Plymouth including any buildings here in town.

Annexation of 4325 E. McKinley –

Beau Ziemer, Public Works Superintendent, spoke on behalf of the city. The city has noticed if the property of Pleasant Loop Subdivision is annexed into city limits, it would create a county island for 4325 E Mc Kinley. This is a good property to have annexed to the city because it has city water and it would be very easy to have city sewer. The property owner has been notified and is not opposed to the annexation. No public testimony.

Annexation, Comprehensive Plan Change, & Zone Change Pleasant Loop Subdivision –

Adam Lyman spoke on behalf of the developer. They would like to annex 14.65 acres into city limits for the Pleasant Loop Subdivision. Also would like a zone change from the counties Zone A to the City of New Plymouths Residential B and to add this to the Comprehensive Plan.

### **Public Testimony**

Kerry White 5866 Hwy 30 S. – She stated she would like to go on record that she is opposed to annexation because she is opposed to the subdivision. She is also opposed to the zone change to Residential B.

Mitch Painton 5030 Fremont Rd. – Mitch stated he would like to clarify the Residential B concerns. When you drive around the city and through the Blvd. there are single family homes however they are in a residential b zone. It's not that they are pushing towards building duplexes or anything else, it is the size of the lot that they are using to build homes one. This requires a residential b zone. They are also aware that mixing duplexes in with single family homes does not make a very pretty subdivision, so there is no need to worry on that.

Development Agreement for Pleasant Loop Subdivision –

Adam Lyman spoke on behalf of the developer going over the items in the development agreement. Commissioner Balcer asked about the irrigation. The developer has a system that the water will flow in to and pressurize for the irrigation into the subdivision. Commissioner Balcer also stated that the City put in a new well a few years ago, is the well going to be big enough to accommodate all these new houses 5 years from now. Andy Gerhke, City Engineer, stated the water system has the capacity for the city to double in size. The current drinking water system can service a population of 3000. There will not be a problem to service the new subdivision. Adam Lyman stated there is a letter with the request for changes that was submitted to the City. Commissioner Tegethoff decided to go through the request for changes line by line and will take public testimony throughout. Item one is to change the legal description on the final plat. Commissioner Balcer stated with the development agreement who's to say construction doesn't stop. What happens then? Beau Ziemer, Public Works Superintendent, explained that's what the development agreement is for. They have to have a bond and if the subdivision isn't finished, the city gets the bond. Commissioner Balcer explained what about New Plymouth Heights? It never got finished and it had a development agreement. Beau explained the problem with that was in the development agreement. Andy Gerhke stated, items 35-39 explains the options the City has if the developer does not finish the subdivision. Commissioner Balcer was pleased with that answer.

Commission Tegethoff continued to go through the Request for Changes and item 2 had a request for part 8 to change the statement. Adam Lyman spoke on behalf of the change. They would like the line "Those streets shall be aligned with existing streets or in a manner to align with and future City streets" to be removed from the agreement. Beau Ziemer explained there is no reason for that statement to be in the development agreement.

Doug White 5866 Hwy 30 S. – Doug White spoke about if they ever decided to develop their adjoining property and where E McKinley is stubbed off, they would like to see where it ends to be moved to the South East corner. Danielle Painter advised Commissioner Tegethoff with the preliminary plat already approved by city council, they will not be able to realign the streets. The

Commissioners continued to look at the preliminary plat map to get a better understanding with Doug White.

The commissioners continued to go through the request for changes. The developer would like part 24 and 26 to be combined into one stormwater agreement that reflects the design. In part 24, the developer would like the wording to be changed from retained to detained. Continued discussion took place as to why they would like the phrasing changed. The Commissioners understood the reason for change. Commissioner Tegthoff continued to the next item they would like to change. On part 27 it says for fire hydrants will be installed at all dead end water line to facilitate flushing. The developer would like to put in a blow off in the street versus having the hydrants. It's not that it isn't possible to have hydrants, it just costs more money according to Adam Lyman., and Beau Ziemer recommended they still install the fire hydrants according to the development agreement. The next item the commissioners reviewed was in part 29, the developer requests that the term "rights-a-way" be changed to "rights-of-way". According to the development agreement it has already been changed. Next the developer would like section 32 removed completely from the development agreement. Mitch Painton with Firkins Development explained their reasoning for wanting to remove that section. Both Doug and Kerry White objected to section 32 being removed. Blaine Cornwell spoke on behalf of Drainage District 8 in regards to section 32 and the location of pipe. He explained that a proposal still needs to be brought to the District before any changes can be made. So at this point, nothing can be decided yet this evening, according to Blaine.

Koby Bennett 619 Oregon Ave – Mr. Bennett approached the commission and stated he wished he would have received notice as to what all was going on. P&Z Secretary Danielle Painter asked the commission if she could answer his concerns, she stated that it is required that the City sends everyone living within a 300 ft. radius, notification of the public hearing as well as have it advertised in the legal section of the Independent Enterprise. She continued to state the property has to be posted with the public hearing advertisement as well. All these actions were in fact done. Mr. Bennett said ok and had no further questions or concerns.

Commissioner Tegthoff continued with the items request for change. The developer requests the entire section of 32 be removed. Adam Lyman approached the commission and explain the city had already revised the section and the Developer had no reason for change.

In part 33 the developer request the City include a statement similar to the following: "The fence will be installed on the subdivision property and will not have a setback requirement from the property line." The commission went over what the setbacks currently are so they could understand what the developer was actually wanting. Kerry White asked that the commission consider a little bit of setback from the property line, at least 8-10 feet. The commission went over the plans again with Adam Lyman to see where the property line is and the easement. My Lyman said it was about a 9 foot setback from property line to easement and Doug White disagreed. According to the scale of the surveyed plans, it measures to be 9 feet.

Commissioner Tegthoff stated the one thing that he notices is that there no park or anything like that in this whole subdivision. He asked if this is something that can be required. Beau Ziemer explained that it can be required however, with the Rec Departments plan of putting in the ball fields, it was not necessary. Commissioner Tegthoff understood what he was saying but still urged that there be a common area or something where family can meet and have BBQ's. Beau Ziemer explained they can incorporate something like that, but the City does not want to be responsible for maintaining the common or park area. The commissioner explained that is

something that could go through the Home Owner's Association. Beau Ziemer stated that is something the P&Z Commission could recommend to the City Council. Adam Lyman explained to the commission that the reason for putting in the pathway to the middle school, was so that they wouldn't have to have a park in the subdivision and felt that it would satisfy the city. Regardless Commissioner Tegethoff would like to see a park or common area.

**Commissioner Balcer motioned to adjourn the Public Hearing, seconded by Commissioner La Crone. The voting was unanimous in favor of the motion.**

The Public Hearing adjourned at 8:44 pm.

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Rod Tegethoff, Chairman

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Danielle Painter, Secretary