

## Public Hearing 11/19/09

In attendance: Tom Fleming, Steve Hawkes, Joy Ball, Brian Hawkes, Jesse Brown, Vaun Waddell, Renee' Christensen, Ray Barney.

Others in attendance: Nathan Barney

Brian opened the Public Hearing at 7:10 p.m., declared the meeting a Legislative hearing.

Ask for any comments to be read into the minutes—none

Vaun gave the staff report.

P&Z would like to reorganize Title 9 and revise chapters 1,2,4,5,6, and 7 in the title.

City council has recommended revisions to Title 9 to separate current chapter 13.

Items need to be updated for consistency as the comprehensive plan and other chapters have been rewritten.

Any clarifying questions from P&Z commission- none

Anyone speaking for-none

Anyone speaking neutral-none

Anyone speaking against- none

Any closing comments-none

Brian closed the public hearing at 7:15 p.m.

## Planning and Zoning meeting 11/19/09

Commission in attendance: Tom Fleming, Steve Hawkes, Joy Ball, Brian Hawkes, Jesse Brown, Vaun Waddell, Renee' Christensen, Ray Barney

Others in attendance: Nathan Barney, Mary Louise Barney, Chad and Karri Carlile.

Jess moved that we accept the minutes Vaun seconded the motion. The motion passed.

Chad Carlile would like a business license for a curbside recycling pick-up business.

- He will use his 15 passenger van to transport recyclable materials.

- He will take the recycling to another place to dispose of, immediately following pick-up.
- There will be no recycling materials stored at home
- There will be a monthly charge
- The recycling material will be in containers with closing lids
- If eventually Chad would need a bigger vehicle, he will need to look into the city's parking regulations.
- The city council might need to be consulted, because they are in charge of trash collection.
- It was recommended that Chad reads 9-11-3F the seven paragraphs on Home occupation.

Bruce King is out of town—Brian reported on the city council meeting. Wind turbine ordinance was voted on and passed.  
Email sent to P&Z commissioners:

Commissioners:

I will be in St. Anthony tonight for a Fremont-Teton Transportation Committee meeting sponsored by the Idaho Transportation Department and so I will be unable to attend your planning and zoning meeting to report on last week's City Council meeting.

At that meeting a week ago, we approved your recommendation to pass the wind turbine ordinance, although I voted "Nay." I did so because I believe (a) the proposed ordinance should include a specific entry on height under 8-5-3 and (b) the neighborliness provision under 8-5-3 should require that a majority of surrounding residents in an R-1 and R-2 zone support the application.

Since wind turbines would be a new and somewhat intrusive addition to established neighborhoods, I believe we should provide a means by which residents themselves can decide whether to allow them, similar to the way we allow residents to decide whether to permit noncommercial dog kennels (that is, by written consent of 75 percent of persons living within a 100-foot radius of the proposed premises of such facilities).

I could find no reference to "wind turbines" in the code of any municipality in Idaho and to only one municipality in Utah -- St. George. This southern Utah town does not allow wind turbines even in commercial zones, let alone residential zones.

The first time we approve a wind turbine in a residential or any other zone, it will be hard to deny other applications for them, even if the turbines become problematic.

The purpose of government is to protect the citizen in the enjoyment of life, liberty and property, which enjoyment belongs to him or her to the extent it does not infringe on the right of another citizen to enjoy life, liberty and property.

I intend to report this same information at our next City Council meeting so as to conform to Idaho's open meeting laws, which require that government be conducted in public.

Thanks for all you do,

Bruce

Commissioners:

Since Bruce has his say with you, I thought I would give mine:

Contrary to Bruce, I feel governments role is to stay as far out of our lives as possible. If my neighbor wants to have a wind turbine, more power to him. The government in Sugar City has put up and kept a much taller and uglier water tower (which I live close to) and owns and keeps up a much taller and uglier grain silo, yet some think it can limit what private citizens do on private property. Government cannot say one thing to citizens, yet act another way.

I believe the commissioners, from what I have seen, respect the governments limited role in our lives. I applaud them for allowing more freedom and liberty to use our own property as we see fit, not less. Good to work with you all, I will be somewhat sad to leave at the end of next month...well....

Brad

City Council also passed Title 8 & 9 and the comprehensive plan recommendations that P&Z sent.

Discussion on Public Hearing-

Ray moved that we send Title 9; chapters 1,2,4,5,6 & 7 to City Council. Joy seconded the motion. The motion passed.

Discussion on Title 9, Chapter 3, and Chapter 10 Home Business and Occupation.

Brian adjourned the meeting at 9:55 p.m.

*Brian D. Hawkes*  
3 Dec. 2009