



CASCADE CITY COUNCIL
SPECIAL MEETING
November 18 at 6:00 pm
Cascade City Hall

MINUTES

CALL TO ORDER AND ROLL CALL

The meeting of the Cascade City Council was called to order at 6:05 P.M. Council members Tom Byrne, Cynda Herrick, Rachel Huckaby and Denise Tangen, were present. Quorum exists.

Also present: Heather Soelberg City Clerk
Matt Johnson City Attorney
Peggy Breski City Planner

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was recited.

PUBLIC COMMENT

Public comment is limited to three (3) minutes per person, per item, unless additional time is permitted by the presiding official.

No public comment.

PUBLIC HEARING

RIVER DISTRICT

Mayor Nissula provided a procedure and outline for the public hearing and for City Council Meeting. The City Council meeting was closed and the Public Hearing was opened for River District Application at 6:10pm. Attorney Matt Johnson asked the City Council if there was any ex-parte communication. Councilmember Tangen identified that she had a conversation with Cynda Herrick regarding process. Councilmember Bryne had no ex-parte communication. Councilmember

STAFF

Planner Breski opened up by identified that growth is very important for the growth of City, any City. Breski identified that this should be a partnership between the City and the applicant. As far as this application is concerned the City has continued to try to continue to have open dialog with the applicant, but some items are still outstanding. Breski provided a summary of the Staff Report that was provided to the City Council and is available to the public on the City Website. Additional comments were received after the Staff Report was provided and are also available to the public on the City Website. See <https://cascadeid.us/river-district/>. Breski specifically highlighted sewer capacity/hook-up; water capacity/aquafer capacity; fire suppression/water availability; highway /traffic issues and need for an ITD traffic study; and budgetary issues to the City. Other issues that need to be concerned with is the fact that this is located within a wetland,

applicant has provided adequate mitigation solutions relating to the wetland concerns. Breski read into the record the comment letters received, all which are included in the Staff Report at the website. Additional letters received following the Staff Report were provided. Comments were read into the record, and have been made available on the City website: Allan Letter, Davis Letter, OShea Letter, and Cascade School. Additionally, Applicant provided a late submittal letter regarding a phasing plan for the River District, this letter is also made available on the City Website for public comment. Breski provided the City Council with recommendation to the Application would be premature and asks that the City Council table the decision until such time as: (1) the City has completed facilities studies for the water and sewer system and can determine the impacts of the project on the City's infrastructure, and what will be necessary on the part of the developer relative to required improvements; (2) applicant submit a Traffic Impact Study to the City and to Idaho Transportation Department as a prerequisite to moving the submittal through to the next steps of the process; (3) a formal economic plan (or plans) be provided by the applicant, preferably prepared by a finance professional, illustrating solutions and measures that will ensure that the City does not experience a deficit. This plan will then be integrated into the Development Agreement which is currently under draft and negotiation by parties; (4) Exceptions request Items 1-5 be accepted and that staff remains moot on Item 6; (5) P&Z Commission did not make a determination on the topic of possible restrictions on the number of woodburning households that could be built within the project; the concern was brought up and discussion centered on concerns of air pollution. As no determination was made, but the issue was brought forward, staff finds a determination should be made or the topic removed from consideration; and (6) reminds the City Council on July 13, 2018 a Will-Serve letter was provided to Bill Rhoads, the developer of the Riverview Park Subdivision previously approved by the City. The City committed to servicing 55-lots, with a 2-year validity deadline. Councilmember Byrne asked for elaboration on the status of the Sewer Feasibility Study, Breski clarified that the City just recently provided information required by the City Sewer Engineer. Once this information is available it would be provided.

APPLICANT:

Steve Arnold, of the Applicant provided an outline of the application. The biggest site constraints are the wetlands and flood plain issues, the applicant provided a synopsis on how the applicant will address these issues that the state will meet the requirements of the Army Corp of Engineers and FEMA requirements. Additional impact mitigation will be done. Applicant pointed out the different residential developments within the Application (ie number of single family homes, townhomes, four-plex lots, commercial, etc.) Phase One has 260 family

resident sites and 8 commercial sites. Phase Two has multi-family and single-family sites. The remaining phases are single-family sites. All roads will be standard City roads, originally applicant requested some alley waves but Planning & Zoning denied that request. Applicant identified that the main road into the development will be wide road with buffers. Applicant identified that they have submitted a landscaping design. Applicant identified that the common areas will be owned and maintained by the HOA. The application includes approximately 2.4 miles of pedestrian pathways that will be 6ft wide. Applicant identified that the pathways will be dirt, or will have to be moved per the Army Corp of Engineers request. There are two pocket parks, with approximately ??? of open space. Applicant provided a proposed design plans for the commercial buildings, pinwheel design four-plexes and the apartment complexes. Applicant provides to the City Council a legal description for the two zones, a draft of the Development Agreement and rebuttal comment to the Staff Report. Applicant claimed that application was deemed complete and a public hearing was scheduled based. At the request of the P&Z Commission the alleys were removed, public streets were widen, maps were enlarged, identified right-of-way lines, depicted cross access, street names were better depicted, modified pathway system, provided a plan that were compliant to the Comprehensive Plan, additional maps, corrected legal description, final boundary description of the river, etc. Applicant claimed there is no reason to have a traffic study at this time. Applicant identified that they will go over the Development Agreement and the financial impact to the City and provided compilation to the City. Applicant does not believe that they should provide a Financial Impact study to the City and claimed it is too expensive. Applicant claims the items still not provided as requested by the Staff are no necessary for the City Council's review. Applicant identified that while they provided a correct map and description following a delay on their part even though it was unnecessary for the City Council to have to make their decision. Applicant has admitted that they have not provided information, even though it has been asked of Staff. Applicant admitted that they had not provided the zoning legal descriptions until today. Applicant identified that the City needs to have an updated Sewer Feasibility study, but stated that any risk if there is not sewer and water would lie solely on the developer and not the City. Applicant identified that they would fund the system improvements. Applicants believe approving this application is not premature. Applicants asks that the Traffic Study be required at final plat level not at preliminary plat, Applicant claims that nothing new will be learned by a traffic study. Applicant states that the application should be approved conditional to a Traffic Study. Applicant claimed that they have already provided revenue to the City. Applicant recommends that

the fireplace standard be done through the CCRs not part of the decision at the City Council level. Development plans on having an Architectural Control Committee as well as CCRs. Applicant identified that Staff has not identified that there are any other options provide by Staff other than to table the decision. Applicant recommends if the Council was to table the discussion to a specific date. The Applicant provided a presentation of their recommended changes to the Development Agreement. David Sterling of TO Engineers provided a presentation relating to the Applicant's Engineers relating to the Flood Plain, Water, Sewer, (Applicant distributed a T-O memorandum addressed to Scoresby to the City Council – NOTE: the City Engineers were not present to provide any rebuttal response to this information or to confirm accuracy.) Applicant identified that they are willing to pay for the aeration to the City Lagoons, but will want credit, \$ for \$, to the SAF fee requirements. Councilmember Bryne asked if Scoresby agrees with the findings he is claiming. Sterling identified that he was not willing to state whether or not Scoresby agreed to his assessment. Councilmember Bryne inquired about the confidence of T-O that aeration of the lagoons. Sterling identified that aeration will not fix all the IPDES proposed permitting requirements. Mayor Nissula identified the City Engineer has not had an opportunity to review and comment on these memorandums.

Attorney Matt Johnson identified that the following exhibits have been submitted by applicant at today meeting: Development Agreement comments; rebuttal to Staff Report; Memorandum from T-O to Scoresby regarding Sewer; Memorandum from T-O to Scoresby Regarding Water; Letter of Support from Tamarack; and Zoning Legal descriptions. Mayor Nissula reiterated to the City Council that these memorandums from T-O have not been reviewed by the City Engineers.

Phil Davis introduced himself as a partner of River District. Davis identified concerns with the development agreement. Davis claimed that the request to have all the fees upfront is a deal breaker and if they had known this up front they would not have moved forward. Also, they would like to know why they bridge across the river has now been included also identifying this is also not in City Code. Phil dispelled the rumor of them selling the development. Councilmember Byrne inquired about the cottage lots and the single family units. Arnold identified that the cottage lots would be able to provide for a 2200 sq. ft home. Mayor inquired about the develop models for the cottages, etc. with these homes being built within the flood way are you going to have calculations per lot. Sterling identified that the City code requires the first floor be built within the flood plain permit requirements. Mayor Nissula inquired if there will specific models for the cottage houses. Arnold identified they have not lined up a builder team

and have not gotten that far they estimate a year and half before they will have buildable lots. Councilmember Herrick inquired about vacation rentals and if they are going to allow them within the CCRs. Davis identified that they do not plan on restricting vacation rentals, but willing to look into some limitation. Councilmember Herrick inquired about an aviation easement, that question could not be answered. Councilmember Herrick inquired about having a gated community within the development, applicant identified there where no plans to have such a community.

**WRITTEN
CORRESPONDENCE**

See above.

PROPONENT:

Larry Morton: Is supportive of the development because we need growth within the City, and the County needs additional housing. Asks that we not base our opinions on emotion but to have an open discussion for this development. Identified that Cascade is a beautiful place to live.

Mike Keithly: Is supportive of the Application. He has been involved in the community for the 17 years he has lived here. He has talked with community members and the City has issues with affordable housing and good employees. This subdivision would provide those to the community.

Glenna Young: identified that she lives in the City and knows that the City would provide additional revenue from the development. Identified that the citizens provide more than half of the taxes paid by citizens goes to the City. Identified that when the build out is complete the City would see an influx of revenue.

Sally Gossi: Left before testimony could be presented.

Ryan Campbell: Voice the support to the development to allow for more year round population and believes that more housing will increase the population of the school. A greater student body will allow for better opportunities for the youth. Is concerned about deficiencies brought up in the Staff Report,

Hayley Rambur: provided written comment and is incorporated into the record.

Randy Mead: believes that by not approving this development will impede the City. Identified the few homes within the community limits the ability to provide housing for staff at the hospital and school.

Belinda Provancher: provided written comment and is incorporated into the record.

Steve Arnold: Tamarack provided written comment and is incorporated into the record.

NEUTRAL:

Karen Johnson: made comparison to Bend Oregon, impact fees , parks (not just pocket parks), and dog parks.

Andrew Metzger: identified that this processes should be worked out between the parties and not in public forum. He spoke to data regarding the need of single family housing, diverse housing options and diverse housing prices. Identified that Valley County has a high growth, which needs housing to sustain.

Jacque Long: Is concerned about the sewer treatment facility and possible failure if we are not careful. The existing users should not pay for improvement that would not be needed if it was not for the development.

Rick Townsend: It appears there are still issues to be resolved and a rapid settlement to these issues. Hopes there is consistency to the development and asks that the CCR be included in the Development Agreement. Knows there is a need for affordable housing, wants to know more about affordable housing.

Dennis Marguet: He still has many questions. Wants affordable thoughtful growth. There are still many available lots within the City that need to be developed. Is there availability once the already approved lots have been approved. Concerned about the traffic through town. Concerned about internet and cell tower capacity. What is the benefit to these City and the citizens. Will the schools be able to handle the capacity. Concerned about grocery stores, and other stores within the community.

OPPOSED:

Olin Balch: Is concerned that this development will have significant impact as the proposed development could double or triple the population. Concerned with the development impacts on traffic accidents and congestion on Highway 55 and the community. Believes this is not the correct location for such a development.

Karen Balch: Is concerned about the information presented by the developer at the last minute instead of earlier for time to review. Believes additional studies need to be done to know how the development will affect water, sewer, erosion to the river banks, wet lands. Ask the City Council be cautious in decisions.

James Zemlicka: Left before testimony could be presented.

Steve Millimuem: Is concerned that the City Council is being asked to approve a project on a hope, but not on fact. Identified that the City is required to address the financial impact to the City, but there are deficiencies that prohibit the City to answer the fundamental impacts. Questions why the City is willing to depend on the applicant for information or if the City is going to depend on professionals. Identified that this is not the place to negotiate on a Development Agreement, identifying that Staff, the City Council and other City professionals are not able to respond. Identified that the City should be listening the City's independent assessments not to what the Applicant has pointed to. Identified that Scoresby report states the City is almost at capacity during

the summer months in his June 11, 2019 opinion letter. Concerned that the applicant requests credit for all connections paid. Has concerns about the Applicants statement regarding the amount of fees to be paid, but it doesn't mean they will be paid. Identified that when Davis when on the County Commissioner, the Commissions required Tamarack to pay for the impact study. Requests that the City Council listen to Staff and require the studies to be completed that are needed prior to approval.

REBUTTAL:

Arnold provided rebuttal regarding the positive impact to the community including the need to have housing and the shrinking population to the School. Arnold identified that the development will pay for themselves. Requests that the City take another look at the tax base to the City. Stated this development will have affordable housing, and that those builders will not price themselves out. Questioned the claim that there are existing lots available and states there are only 3-5 available lots within the City. Applicant claimed there is not a deficiency to "dry services" or there would be additional services by Idaho Power, etc. This development would provide for needed housing within Cascade. Pointed out that the City does not require a traffic Study in the City Code, therefore Applicant should not be required to get this until final plat. Applicant will do a traffic study, but wants it conditional to Final Plat and not now because it is not in the City Code. Applicant is asking the City to provide the development the existing capacity and claims that T-O and Scoresby are in agreement for 99%.

Sterling identified that they do not have any work within the river and therefore there should not be any river erosions. Sterling again identified that the sewer is adequate for the first phase and would require aeration after phase one. Sterling also claimed that there is sufficient water for the development.

Steve Bradbury: addressed to what Millemann has said. He agrees that applicant is bound to provide everything that is required by code and the applicant has done so. Applicant believes they have provided a fiscal impact statement and the City has not provided any reason to not accept the impact statement. Bradbury point to the Land Use Planning Act and identified that City cannot ask for items that are not included in state, county, city code. Applicant has admitted that the City needs to have an opportunity to review the submission submitted, but admits the information has come slowly. Wants the City Council to direct staff to move along this process forward.

Phis Davis identified that the taxable value of the town and claims that the subdivision would allow for paving the roads. This development would provide substantial tax relief to the City being the City has the highest tax rate of the State. Councilmember

Herrick asked if Phase One is a stand-alone phase. Davis confirmed that it is.

Mayor Judith Nissula closed the public hearing at 9:58 pm and the City Council meeting was reopened. Attorney Johnson provide a procedural reminder. The City Council took a five minute recess. The City Council meeting was reopened at 10:06.

NEW BUSINESS

RIVER DISTRICT ANNEXATION

DISCUSSION: Councilmember Huckaby identified that she is for growth. But believes it is not in a position to approve the application at this time.

MOTION BY: Rachel Huckaby **SECOND BY:** Tom Byrne

MOTION TO TABLE THE APPLICATION TO THE REGULAR MEETING SCHEDULED FOR DECEMBER 9, 2019 AT WHICH TIME ANTICIPATING THE CITY WILL RECEIVE AN UPDATE FROM STAFF ON THE STATUS OF STUDIES AND EITHER PROCEED WITH DELIBERATIONS OR MAKE A FURTHER DECISION FOR CONTINUING

DISCUSSION: Councilmember Tangen agrees that there is not enough information to make any decisions. Identified that the City should rely on the experts, and currently Staff recommends tabling this matter. Councilmember Byrne identifies there are discrepancy with the financial impact, water, sewer and we need to get a better number before approval. Councilmember Byrne is not as concerned about the traffic study but agrees it need to be completed. He identified he is in favor to the development. Councilmember Herrick has concerns with the water and sewer, but does not have as much concern regarding the ITD approval. Herrick believes that the Tax base will increase and the development will allow for a higher tax base. Is in favor of the application if we can work through the water and sewer concerns, believes this will pay for itself. Councilmember Huckaby agrees the City needs solid answers to the water and sewer concerns.

Discussion regarding the need to have experts makes decisions, not just opinions. Councilmember Tangen identified that we need to have facts not just "I think." Councilmember Tangen identified the city needs to rely on the experts.

Discussion regarding the impact of an ITD traffic study.

Discussion regarding needing a public hearing for the Development Agreement.

Discussion regarding issues with setting a public hearing prior to having all the information. Attorney Johnson identifying that typically a development agreement is not hashed out in the City Council meeting.

Discussion regarding a future date specific to a future hearing date.
Discussion regarding noticing the Development Agreement. The City Council discussed not having the ITD Traffic Study until final plat.

Discussion regarding City Council input of the Development Agreement. Request to put the Development Agreement on the next agenda

ROLL CALL:	Tom Byrne	Yes	Rachel Huckaby	Yes
	Denise Tangen	Yes	Cynda Herrick	Yes

Motion Passed

ADJOURNMENT

MOTION TO ADJOURN 10:31pm

ALL IN FAVOR:	Tom Byrne	<i>Aye</i>	Rachel Huckaby	<i>Aye</i>
	Denise Tangen	<i>Aye</i>	Cynda Herrick	<i>Aye</i>

MEETING ADJOURNED:

Respectfully submitted and Attested by, Approved

Heather M. Soelberg

Heather M. Soelberg, Clerk/Treasurer

Judith R. Nissula, Mayor