

***City of Cambridge***  
***Public Hearing***  
***September 12, 2022***  
***7:00 p.m.***

A public hearing was held for the purpose to receive comment on the following matter.

Mary Lou Holoboff – M & W’s Golden Gate Subdivision Final Plat

M & W’s Golden Gate Subdivision is a proposed two lot subdivision located off West Central Boulevard north of Cambridge within the Cambridge City Area of Impact.

The hearing was held on September 12, 2022 at Cambridge City Hall in the City Council Chambers at 80 S Superior Street in Cambridge, Idaho. Mayor Mark Loveland called the hearing to order at 7:00 p.m. Present were Mayor Mark Loveland, Council President Gene Neumann, Councilmember Delray Platt, Councilmember Nanette Rhodes, and Councilmember Levi Harrison. Also present were City Clerk/Treasurer Sandra McKee, Public Works Superintendent Corey Morgan, Cambridge City Attorney Steve Stuchlik by speaker phone, Angie Cuellar of Mason & Associates (on behalf of applicant), Bonnie Brent Washington County Planning & Zoning Administrator, Thel Pearson, Nina Hawkins, Tyler Reynolds, Bonnie Holoboff Johnson, Pat Britzius of The Record Reporter, Robert Almanzo of HECO Engineering, Debbie McClendon and Applicant Mary Lou Holoboff. The mayor stated the purpose of the hearing is to for the council to hear public testimony and consider the pertinent facts relating to the proposed subdivision final plat. The mayor introduced the participants and then explained the rules for the public hearing.

APPLICANT PRESENTATION - Mayor Loveland then asked applicant Mary Lou Holoboff to present. Mary Lou asked that Angie Cuellar (924 3<sup>rd</sup> Street S Nampa, ID) of Mason & Associates Engineering speak on her behalf. Angie Cuellar stated we are here after a long process of working with the City of Cambridge and Washington County to uphold the wishes and desires of both to maintain as much agricultural land as possible, as well as at the same time be in the city impact area going forward with a subdivision. As what started out with four lots – one agricultural lot and three residential lots is now just one agricultural lot and two residential lots. This is because the family has decided that they do not need the third residential lot and in dealing with Southwest District Health and the Geotechnical Soils Report it just worked better to have two residential lots instead of three because of the soil types and where everything was with the easements. It just worked better with two residential lots and the existing agricultural lot with the existing home. When what started out as the Holoboff Rezone and we rezoned the middle portion of the subdivision area that was rocky and the soils weren’t conducive to agricultural use at all and we went through all of that and got that portion of the property rezoned. The proposed residential lots do not even take up the entire area that was actually rezoned. It extends to the north and the residential lots are more to the south. Bonnie Brent has asked me to address the items that Keller and Associates, the engineer had brought us to address. There were eight items to address. I am going to go through those eight items.

1. Provide a site report from Southwest District Health when available. – We did the site report, the subdivision engineering report with septic map, it was turned in to

Southwest District Health and it was approved. During that whole process test holes were dug and ground water was monitored and at the end of all of this SWDH sent us a letter of approval.

2. Keller approval is conditional on the county's approval of the waiver request for vegetation/re-vegetation for hillside requirements. – This is the one that we would like consideration on. Keller Associates said that we need your approval for a waiver request for doing the revegetation report. The reason you would do a revegetation report is if you were building on the side of a hill and the soils on the side of the hill was disturbed, then the vegetation plan or report would have to detail how you are going to replant the natural vegetations that are disturbed. We made the plats so you can build in areas that do not exceed the five percent that Washington County requires. The areas are shown on the map, big white areas, with three percent and two percent that homes can be built on without disturbing the hillside. Keller Associates said that they didn't have a problem with us not doing a re-vegetation report if we didn't disturb the hillside. It is not up to them it is up to you. We are not planning on disturbing the hillside (1) because we don't need to and (2) the Geotechnical report when it came back said we could not disturb the hillside. They actually phoned me and said that they hoped that they didn't want to do day light basements because the soils are expanding clay. They are very unstable for retaining wall/daylight basements walls. They would not approve any daylight basements or basements of any kind. He said the soils are stable enough to have a building pad flat. As soon as you cut down into the soil like six feet down, they are no longer stable. That also went into the decision of not to build on the hillside. Since we are not disturbing the hillside and not building on the hillside because it is not safe to build on the hillside, we are asking for a waiver so we don't have to do the revegetation report for vegetation we are not going to disturb so that is the waiver request.
3. Road users agreement shall be recorded prior to signature of the Final Plat mylar. - We have road user agreement. I have two schools of thought on this. It was brought up that should the neighbors to the north be included in this road users agreement. They could be included, the Warrens could be included in this agreement however, they already have a permanent easement that goes through the property to access their home. If we included them in the subdivision road users agreement when they are not part of the boundary of the subdivision it seems a little sticky when they already have an agreement to get to and from their home. I don't know but I have seen it both ways. I have seen neighbors be included in a subdivision road users agreement and I have seen them excluded for the same reason basically. They don't want to make it sticky so they don't want to be included in the subdivision road users agreement but at the same time they want to ensure that the neighbors will have an access. The neighbors already have an access that can't be taken away. It is in their deed. It is in their warranty title. It can't be taken away so then it would be up to you if your passionate about it or not. I don't think Mary Lou Holoboff has a great desire to include them when there is no need to include them as they already have permanent easement but it was brought to our attention and it is mentioned in this checklist so I wanted to get it out there.

4. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company. The historic irrigation is going to stay as it always was since we are keeping the exact agricultural areas that have always been historically watered. The area for the two residential lots for homes do not have irrigation rights. I have a map that shows that that area does not have irrigation rights. The only irrigation rights available are to the agricultural lot. The historic irrigation is going to remain as it always has. If they want to do something in the future with structures etc. They just can't do something themselves they have to get permission from the irrigation district. That is mentioned on the plat that they have to get permission
5. Finish grades at subdivision boundaries shall match existing finish grades. - Runoff shall be maintained on subdivision property unless otherwise approved. - This is typical for any subdivision done. When they build their homes, they will put swales to catch any water coming off the gutters so it will not drain off and wash things out.
6. Plat shall comply with requirements of the local highway district. - We don't actually have any roads within the highway district at this time. Perhaps sometime in the future which is why is they also have planned ahead and kept the road easement at sixty-foot. So right now, it is an easement they could convert that easement to a right-of-way. It is the correct amount of footage. The sixty-foot easement at this point one day in the future may be converted to a sixty-foot right-of-way. The space is there.
7. Plat shall comply with irrigation district requirements. - I mentioned that earlier.
8. Plat shall comply with Southwest District Health requirements. - We have complied with all of those and they have provided us with a letter of approval.

I think that we have met everything the city engineer (must mean county as city engineer never involved) has asked us to meet. We just defer to your decision for the waiver on re-vegetation for the hillside will need to occur or if you agree we are not disturbing the hillside that it does not need to occur. With that I will stand for questions.

#### QUESTIONS FROM COUNCILMEMBERS TO APPLICANT -

*Councilmember Nanette Rhodes* - Has any body approached the Warren's if they want to be included? - I don't know if anyone has approached them or not. I know right now in their deed they have a permanent easement that goes through the property and no one can take that away.

*Councilmember Levi Harrison* - Is their anything in their easement about road maintenance? Angie - Between the people in the subdivision. Right now, Mary Lou is not making the Warren's maintain from her boundary lines in that agreement. Levi asks if she is willing to let them maintain? Angie - We can ask her for sure. I don't want to speak for her. It is something that like I said before I have seen both ways, included and not included.

*Councilmember Nanette Rhodes* - Who has been maintaining the road now? Angie - They have been. The Warren's and Mary Lou have been maintaining as historically. I don't know their deal.

*Mayor Mark Loveland* – There is more than just the Warren’s though. From where the city ends there is Terri Fry to the west and I don’t know the name of the other people to the east but they all have a portion of that road there. The traffic coming out of Warren’s and I guess I am siding with Mary Lou here is they are going to be coming through there every day. In my opinion they are going to beat the road up and I am wondering just why the road agreement doesn’t include them on maintenance. Angie – Like I said I can make the road agreement include them but I chose not to include them like I said I have seen it both ways. If you see fit and Mary Lou sees fit for me to include it, I can include it and everyone has to sign and agree to the agreement. Mayor – I just think it would be best for her best interest that everybody had the opportunity to help maintain the road. Angie – Expense wise that would probably be true. I don’t think they are fighting about it now.

*Councilmember Levi Harrison* - I know Warren’s want to do something with part of their property. They have approached me to haul gravel. Angie – When we are done, we can ask Mary Lou to come up to speak on this.

*Councilmember Rhodes* – I am assuming that the maintenance road agreement also includes snow plowing. Angie – Yes, it addresses the clearing maintenance.

*Councilmember Levi Harrison* - I was wondering did Sandy or Mark get copies of the SWDH stuff? Mayor and Sandy stated they had.

*Mayor Mark Loveland* – I have one more question. We were talking about the local highway district and that being a 60 ft easement. How wide is that road currently? Angie – I believe it is like 16 ft wide currently and a 60 ft easement. – maybe it is 20 ft wide. It is wide enough but they will have to do some improvements for the fire truck to get through and that is on the plat to widen the road. They will also have to put in some fire turn outs, emergency turnouts as it is such a long road, they didn’t want to have the fire truck to have to travel all the way up. I think there are three turnouts. Mayor - I was just wondering if it a sixty-foot easement and if something happens in the future if we need to take it to a full 24-foot road is that part of a developer’s agreement that they will widen that road and pay for the construction of the proper width? Angie – I don’t believe that they are paying for it or that is part of the development agreement. If the highway district at that time one year, fifty years, seventy years from now wants to put a road through there generally they will do the widening. Mayor – I don’t know about that. It will become a county road at some point and the county will demand it will have to be a proper width. Angie – and it can go a proper width because it will be in the proper right of way. Mayor – It is just who is going to pay for it. That is my point. Somebody has got to pay for it and I don’t think the county is going to jump up and pay for it and I know that the city is not. It is something that needs to be thought about and considered. Anyway, we will talk to Bonnie about it when we get her up here. Angie – we have also got approval from the garbage Hardin Sanitation.

*Mary Lou Holoboff* – This is Tyler Reynolds and he can address what has transpired with the Warrens.

*Tyler Reynolds* - 245 S 1<sup>st</sup> St Cambridge, ID – Again, the current agreement with Warrens there is a clause in there for road maintenance. It is pretty basic. Basically, if we destroy it, we have to fix it and if they destroy it, they have to fix it. If they want to do anything to it and want us to pay for it, we just have to come to an agreement about it. Mayor – Is that a written agreement or a handshake or what? Tyler – No it is in their easement deed that is recorded. Mayor – What about the other party at the very south end of the road. Tyler - I believe there is something in the Terri Fry one. I would have to go back and read it again. Terri Fry is really the only one that we deal with. The other guy because how his lots are drawn there is a different easement for him.

*Councilmember Levi Harrison* – If Warren’s split their property up does that go on their easement? Tyler – I will have to go back and read it.

STAFF PRESENTATION (CITY) - COREY MORGAN PUBLIC WORKS SUPERINTENDENT – 80 S Superior St Cambridge, ID

The applicant has submitted a Final Plat of a three-lot subdivision off West Central Boulevard north of Cambridge within the Cambridge City Area of Impact.

APPLICABLE ORDINANCE

Cambridge City Code 1-10-4: **Jurisdiction:** Jurisdiction of zoning, subdivision, building or other matters set out in the local planning act of 1975 pursuant to title 67, chapter 65, Idaho Code remains vested in Washington County, Idaho. (Ord. 5-2004, 1-10-2005)

RECOMMENDED FINDINGS OF FACT

After review of the application and file in this case, Public Works Superintendent Corey Morgan recommends the Council adopt the following findings of fact.

SITE CHARACTERISTICS

1. **Property size:** The property size is 19 acres that has been rezoned to A2 Transitional.
2. **Existing Structures:** There is currently one residence on the A2 zoned land.
3. **Existing Vegetation:** Idaho fescue, xeric big sagebrush.
4. **Soil Information:** The soil type as classified by the Natural Resources Conservation Service is *Riggins extremely stony loam*, 4 to 30 percent slopes, not prime farmland, and *Midvale silty clay loam*, 4 to 8 percent slopes, farmland of statewide importance, if irrigated.

5. **Slope:** Moderate to steep slope
6. **Irrigation:** Irrigation available, as stated previously by Mason and Associates
7. **Access:** Access for the property is from West Central Boulevard. Reviewing the updated plat maps the emergency turnouts have been added to final plat as necessary.
8. **Sewer and Water:** Homes in the area are serviced by individual wells and septic systems. City of Cambridge has sewer and water within vicinity of final plat but it is a distance from the plat.

#### VICINITY CHARACTERISTICS

9. **Gravel Pits:** None.
10. **CAFO's:** Noah CAFO is approximately  $\frac{3}{4}$  mile from subject property.
11. **Existing Homes in the Area:** Individual residences and agricultural buildings.
12. **Average Lot Size:** The lot sizes in the vicinity range from less than one-acre parcels (within city limits) to a 120-acre parcel.
13. **Platted Subdivisions:** Mountain View Estates Subdivision is adjacent to subject property, Kincaid Heights Subdivision and Reiss Subdivision are within  $\frac{1}{2}$  mile of subject property.
14. **Comprehensive Plan Designation:** Agricultural
15. **Current Land Use:** Agriculture
16. **Current Zoning:** Agriculture (A1), and Agricultural Transitional (A2)
17. **Surrounding Land Use:** Agricultural, residential, and commercial
18. **Area of City Impact:** Property is located within the Cambridge City Area of impact.
19. **Area(s) of Concern:** The Subdivision is not located within the flood zone
20. **Services:** The following agencies provide services to the subject property and were notified of this request.

|                     |                                    |
|---------------------|------------------------------------|
| Emergency Services: | Cambridge Ambulance                |
| Police Services:    | Washington County Sheriff          |
| Fire District:      | Cambridge Rural Fire District      |
| Highway District:   | Washington County Road & Bridge    |
| School District:    | Cambridge School District          |
| Utilities:          | Idaho Power                        |
| Water and Septic:   | Southwest District Health District |

PROCEDURAL HISTORY

21. Technical review was held on June 8, 2022. The technical review was attended by the following people:

|               |                                       |
|---------------|---------------------------------------|
| Bonnie Brent  | Washington County P & Z Administrator |
| Justin Walker | Keller Associates (county engineer)   |
| Mike Hickman  | Keller Associates                     |
| Angie Cuellar | Mason & Associates (planner)          |
| Will Mason    | Mason & Associates (Engineer)         |
| Corey Morgan  | City of Cambridge                     |
| Ron Jaegar    | CFPD, County P & Z Commissioner       |
| Mitch Keister | SWDH                                  |
| Jack Nygaard  | SWDH                                  |

At the technical review meeting, Corey Morgan with the City of Cambridge agreed with the recommendations of the County’s Engineer, Justin Keller with Keller and Associates and also did not have any concerns for the City of Cambridge.

22. Reviewing the Road user’s agreement, there are some minor corrections to be made, as well as the parties involved before it is recorded.

In determining the acceptance of the proposed subdivision, The Cambridge City Council should consider the objectives of this title and at least the following:

- A. The conformance of the subdivision with Washington County Comprehensive Plan
- B. The availability of public services to accommodate the proposed development.
  - a. The sites will have individual wells and septic as approved by IDWR and SWDH. In the event of Annexation into the City of Cambridge, the Developer will connect to City services as outlined in the Development Agreement recorded with Washington County as instrument 247804.
- C. The public financial responsibility of supporting services for the proposed development.

- a. It will be the responsibility of the Developer to pay for the costs of development and the supporting services.
- D. Any other health, safety, or environmental problems that may be brought to the Council's attention.

#### ADDITIONAL INFORMATION NEEDED

After review of the Final Plat, as well as recommendations from Cambridge Fire Protection District, Southwest District Health, Washington County Planning & Zoning, and Keller Associates, no additional information is needed.

#### RECOMMENDED ORDER

If the Council recommends denying the request, then staff recommends that the following be included as rationale and what actions the applicant might take, if any, to gain approval upon reapplication.

#### **No recommendation**

If the Council recommends **APPROVING** the request, then staff recommends that it be with the following conditions:

1. Subject to the final plat referencing the Recorded Development Agreement, Instrument #247804
2. Subject to the corrected Road User's agreement, which shall be recorded prior to signature of the Final Plat.
3. Subject to any conditions not completed from those listed by Keller Associates in the Preliminary Plat approval letter dated August 3, 2022

STAFF PRESENTATION (COUNTY) – BONNIE BRENT WASHINGTON COUNTY PLANNING & ZONING ADMINISTRATOR 256 East Court Weiser, ID – Corey Morgan did a good job of presenting the staff report so I won't go through that again. As far as the county recommendations go, we hold that technical review committee meeting in order to get all the various organizations input on the final plat. With all of those being met, if you agree to the revegetation waiver as well as the county commissioners and the road users agreement then staff would recommend that it has met the requirements of the final plat. Mayor Loveland asked Bonnie her feelings on the road agreement. Bonnie Brent said she would probably want everyone using the road somehow to be involved in it as far as a maintenance stand point. I feel like that would be fair. I don't know even know what the easement agreement says now that was talked about. Mayor Loveland said that to his understanding a new Subdivision Engineering Agreement was received today. Bonnie said she had just received it today. Mayor Loveland asked if she knew what was different about this one compared to the older one, he had. Bonnie Brent said that she didn't and maybe Angie could answer that better



than she could. Mayor Loveland asked Steve Stuchlik (City Attorney) if he could go in reverse and ask questions of someone that has already spoken. Steve Stuchlik stated he would allow it. Mayor Loveland asked the council if they had any questions for Bonnie before we let her sit down. Bonnie said you mentioned something about the sixty-foot easements and who would pay for putting a road in. Currently according to the Washington County Road & Bridge Supervisor in order for the county to take over the maintenance of a road into a subdivision it first has to be built to county standards. Mayor Loveland said that was what he thought knowing full well that they wouldn't accept the road if it wasn't built to their standards. Which goes back to who would have to pay for that. To me that would be in a Developers Agreement that they would have to pay to build the road to standard. Bonnie said she would have to look at it again to see what it says for the road. I know that for most Development Agreements we do it has to be built to the standards and we include them in the agreement. I would have to look back and see what it says.

ANGIE CUELLAR (924 3<sup>RD</sup> STREET S NAMPA, ID) OF MASON & ASSOCIATES ENGINEERING

When we first did the subdivision engineering report, we had the three residential lots and the one agricultural lot. Because of the Geotech and the family's decision to decrease it to two residential lots. SWDH is very deciduous. They just don't let you take it off the map and off the report you have to do a new report and a new map to match the two residential lots and agriculture lot. Mayor Loveland asked if this was the only thing that has changes. Angie stated yes this was the only change. You will see the old one has three residential lots and the new one only has two.

PRESENTATION OF WRITTEN CORRESPONDENCE – City Clerk Sandra McKee stated that none had been received.

TESTIMONY BY THOSE IN SUPPORT OF APPLICATION –

- Bonnie Holoboff Johnson (2779 Hwy 95 Cambridge, ID) – Of course I would like this to go through, it has been a long, long process. The easements coming into the property when the developers agreement went to the county, we had a land use lawyer who said we had no control easements that are not on the property. So those coming in need to be addressed with those property owners. We can not force them to make them wider, skinnier, or improved or whatever as they are not on the property owned by Mary Lou Holoboff. That was stated by our land use attorney and you can probably go back to that meeting and her testimony will be there. I know there are a couple easements from the city to the property and our land use attorney said we can not do anything about those. Those are not on the property that is in our control. The other thing is I work for Cambridge Elementary School and we have a couple teachers that are going to be retiring and housing is a really big deal here. When I moved here about seven years ago, I lived with the superintendent for 30 days because I could not find housing. I really think to recruit excellent candidates to

teach our children here in town that housing here is a problem. We have stuck with this for two years to try and get this to go. In looking at the staff in the next three years we have two teachers retiring at the elementary. We have worked really hard on our program and according to the Albertson survey we are third in the state as a school district for the elementary and we would like to be able to maintain that and recruit quality candidates. I have talked to a recent hire in the high school and she said she would not have even applied if she didn't have somewhere to live. We have a problem.

- Tyler Reynolds (245 S 1<sup>st</sup> St Cambridge, ID) - I am in favor of this. Of course, because I am a member of the family but I believe that Mason and Associates have done an excellent job and have done every little due diligence they done. They have followed every request the county and the city has asked basically. Going through this long process has been miserable and to try to grow Cambridge in the future. I find it frustrating in my mind but I think this is a good a step in the right direction hopefully.

TESTIMONY BY THOSE NEUTRAL ON APPLICATION – None received

TESTIMONY BY THOSE OPPOSED TO APPLICATION – None received

REBUTTAL BY APPLICANT – None needed

Mayor Loveland closed the hearing at 7:51 p.m.

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Sandra McKee, City Clerk

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Mark Loveland, Mayor