

HEARING EXAMINER  
Minutes for April 25, 2019, at 5:30 p.m.  
City Hall, Council Chambers  
911 North Seventh Avenue, Pocatello, ID

Hearing Examiner **Keeven Shropshire** began the meeting at 5:37 p.m.

**Agenda item 1:** Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if there is anything personally or professionally that would not allow an impartial or unbiased decision. Disclose if a site visit was done, location(s) of the visit, and what was seen.

**Shropshire** stated he visited agenda item 1 site and surrounding area, he had ex-parte communications with Marcy Alston-Turner and Timothy Alston, and he did not have any conflicts of interest.

**Agenda item 2:** NR Investments, LLC, represented by Marshall Rossiter, requests a conditional use permit to allow construction of an assisted living facility on the property located on Hawthorne Road and Snowbird Avenue. The property is located within a Residential Commercial Professional zoning district. Municipal Code 17.03.330 allows this use through the conditional use permit process.

**Terri Neu**, Assistant Planner with the City of Pocatello summarized the staff report.

One public comment was received from Marcy Alston-Turner and Timothy Alston regarding this application and Neu read the letter into the public record.

Staff finds the request meets the standards for a conditional use permit. If the Hearing Examiner should choose to approve the request staff recommends the following conditions: **1)** Municipal Code §17.05.250(C) requires one tree at least one and one-half inches (1 ½") caliper for every thirty-five (35) linear feet of frontage. A landscaping plan shall be submitted with the building permit. **2)** Municipal Code §17.05.220(H) allows for non-vegetative ground cover not exceeding 50% of the total landscaped area. **3)** Approved building permits must be obtained and the assisted living facility must meet appropriate standards according to current building codes. **4)** All life safety issues must be addressed according to current building codes. **5)** All other applicable City Code requirements not herein stated, including but not limited to parking, setbacks, etc., shall be met prior to occupancy of the buildings.

**Neu** asked to add an additional condition regarding the canal going down Hawthorne Road. That the property owner do their due diligence regarding the homeowner association and the water district in relation to that canal. If the canal appears to have a degrading effect on the quality of the sidewalk, that they will enclose the canal and meet the standards necessary to meet the diameter of the canal underneath Snowbird Avenue. The rocky swale is on the property of the applicant and there would need to be an agreement or use easement in a written document, signed by both the property owners, and then recorded with the Bannock County Clerk's Office. This document would protect both property owners.

**Shropshire** asked for clarification that the fence was not required by Municipal Code or any Ordinance and therefore not required for privacy. **Neu** stated that was correct. **Shropshire** noted that after talking with the neighbors to the north of the subject property about various situations during the site visit, it prompted their letter regarding this application and entering it into the record.

**Shropshire** asked Merrill Quayle to address the boundary on Hawthorne Road for Chubbuck and Pocatello.

**Merril Quayle**, Development Engineer with the City of Pocatello, identified boundaries and noted that the west half of Hawthorne Road is located within the City of Pocatello. **Shropshire** recommended the neighbor work with City of Pocatello staff to address water runoff.

**Marshall Rossiter of Rossiter Architecture**, 124 Teakwood Street, Pocatello did not plan to do anything with the water retainage area. **Shropshire** asked if anything changed with regard to the setback off Hawthorne Road. It was originally presented with a 10 foot setback from Hawthorne Road. **Rossiter** presented two updated site plans, option one is a preferred site plan with a 26-foot setback and the updated drawings address the drainage and setback requirements. **Shropshire** addressed the storm water retention pond and asked if the applicant and homeowners would come to agreement and identify this swale and clean it up.

**Stewart Nelson**, half owner of the property, 2630 N. Inkom Road, Inkom, mentioned he wanted to keep the drainage area low to no maintenance, they planned to clean up drainage swale area. **Shropshire** asked Nelson if he understood all conditions and the added condition and if he agreed with them. **Nelson** state he understood and agreed to the conditions and the added conditions.

**Rossiter** addressed the entrance approach on Hawthorne Road and stated he would work with staff on setbacks and the approach, as well as have a stormwater study completed by an engineer.

**Shropshire** asked Neu to clarify minimum tree size and planting requirements on Hawthorne Road, and if there is a Municipal Code requirement for a sidewalk on Hawthorne Road. **Neu** stated there is a sidewalk requirement on Hawthorne Road.

With no public comment, **Shropshire** closed the public hearing at 6:11 PM and stated the decision would be delivered to the Planning Department by 12:00 PM on Tuesday, April 30, 2019, and that there would be a 10-day appeal period from the decision date.

Submitted by:  Dated: June 19, 2019  
Aceline McCulla, Secretary