



REGULAR MEETING OF THE
BOISE COUNTY PLANNING & ZONING COMMISSION

April 18, 2013
Boise County Court House
419 Main Street
Idaho City, Idaho 83622

ORIGINAL

Present: Chair Rosemary P. Ardinger, Vice Chair Dan Gasiorowski, Commissioner Jayne Reed, Commissioner Mitchel Tain, Commissioner Peter Wilson, Commissioner Thomas Faull and Commissioner John Jaugueri.

Staff Present: Planning & Zoning Acting/Interim Administrator Rora Canody, Deputy Administrative Assistant Mindy Dorau and Prosecuting Attorney Ian Gee.

Roll Call: Chair Ardinger requested Deputy Administrative Assistant Dorau call the roll. All P&Z Commission members were present. Chair Ardinger declared a quorum was present and called the meeting to order at 6:30 p.m.

Minutes: Chair Ardinger informed the Commission that the March 21st Regular Meeting Minutes will be tabled until the next meeting and asked if there were any correction to the minutes of the Unified Development Ordinance Special Meetings on March 21, 2013 and April 3, 2013. Commissioner Reed requested a correction to the last sentence to the March 21st UDO Special Meeting Minutes. Commissioner Gasiorowski requested that the meeting minutes be revised and tabled for approval at the next meeting. Chair Ardinger requested a motion. Commissioner Reed made a motion to revise the last sentence of the last paragraph of the UDO Special Meeting Minutes of March 21st; seconded by Commissioner Faull. All ayes, motion carried.

Chair Ardinger requested a motion to approve the April 3, 2013 UDO Special Meeting Minutes. Commissioner Reed requested a correction to the last paragraph regarding the order of UDO review; definitions should be the last item to review. Chairman Ardinger requested a motion to also table April 3, 2013 UDO Special Meeting Minutes until the next meeting. Commissioner Faull moved to table April 3, 2013 Special Meeting Minutes until the next meeting; seconded by Commissioner Peter Wilson. All ayes, motion carried.

Gold Hill Reclamation and Mining, Inc. Quartzburg Exploration Project Case # 2013-001

Chairman Ardinger requested an overview of the application from Planning & Zoning Staff. Planning & Zoning Acting/Interim Rora Canody gave the following project summary: Gold Hill Reclamation and Mining Inc. is requesting a Conditional Use Permit for their mineral exploration in Quartzburg, Idaho; Northwest of Placerville.

Chair Ardinger called upon the applicant for a presentation. Chris Guill, President of Gold Hill Reclamation & Mining Inc., and Phillip Mulholland, Geologist for Gold Hill Reclamation & Mining Inc., appeared and explained their application and answered questions from the Commission regarding the application.

Commissioner Reed made a motion to table the application until technical advice from an educated mining expert could be obtained by the Commission. The motion died for lack of a second.

Chair Ardinger requested the staff report be given to the Commission at this time.

Planning & Zoning Acting/Interim Administrator Rora Canody appeared before the Commission on the matter of the Conditional Use Permit Application 2013-001, Gold Hill Reclamation & Mining, Inc. Quartzburg Exploration Project and stated that the entire Planning & Zoning file was entered into the record. Planning & Zoning Acting/Interim Administrator Rora Canody gave a visual power point presentation to supplement the Staff Report that had been e-mailed to the P&Z Commission members and the Applicant. The application by Gold Hill Mining & Reclamation, Inc., Chris Guill, President, is for the Quartzburg Exploration Project, located outside of Placerville to the northwest. The applicant is requesting approval of a mineral exploration (drilling) program that is accessed by Granite Creek Road or Mud Flats Road. The property is owned by Gold Hill Reclamation & Mining, Inc.; Assessor's parcel numbers RP07N04E090050 and RP07N04E109050, Boise County, Idaho. Planning & Zoning Acting/Interim Administrator Rora Canody finished her presentation with recommended site specific and standard conditions of approval, if the P & Z Commission approved the application. The recommended site conditions were:

1. The days and hours of operation for this application shall be set as seven (7) days per week, 24 hours per day.
2. Applicant shall provide to the P&Z Department and Central District Health Department a copy of the signed contract for portable toilets and maintenance for the proper number of facilities.
3. Applicant shall maintain lighting at each drill site that has a downward directed light to the immediate work area of each drill.
4. Applicant shall provide to the P&Z Department a copy of the new SWPP plan, as referenced in the Application.
5. Applicant shall have 6-8 pick-up truck trips per day using existing county roads.
6. Applicant shall obtain the appropriate commercial building permit for the one (1) new proposed non-residential structure.
7. Applicant shall work with Placerville Fire Protection District in regards to access to the property, response area and cost to fight fires not within the PFPD.
8. Applicant shall visibly post any and all fire restrictions for employees and visitors in an appropriate location; which notice shall include a statement that no fireworks will be allowed on the property.
9. Applicant shall comply with all federal, state and county applicable laws; which include rules and regulations regarding exploration drill holes and minerals exploration and mining safety. [i.e. Mine Safety & Health Administration Act of 1977 (MSHA) and Title 30 Code of Federal Regulation (30CFR)]
10. Applicant shall provide the P&Z Department with a copy of their current paid insurance policy, suitable for this type of business.
11. Failure of Applicant to comply with all conditions of this CUP will be cause for revocation of the CUP.

The Commission continued to ask questions of the staff and the applicant.

Commissioner Dan Gasirowski moved to accept the Staff Report. Seconded by Commissioner Mitchel Tain.

Chair Ardinger moved onto public comments and called upon those in support of the application. Oral testimony was provided to the Commission in support by: Abbie Johns, George A. Meek and Oscar Baumhoff. Chair Ardinger stated for the record that no one had signed up to give oral testimony as neutral; or, in opposition of the application.

Chair Ardinger called upon Mr. Guill to give any rebuttal testimony; which was respectfully declined.

Chair Ardinger asked Prosecuting Attorney Ian Gee for any further legal advice. Prosecuting Attorney Gee informed the Commission that a conditional use permit, pursuant to the Zoning and Development Ordinance, is applied to the land. However, it is subject to forfeiture, if the operation is abandoned for one year. Prosecuting Attorney Gee reminded the Commission as part of their review of the application the Comprehensive Plan and all ordinances of Boise County must be evaluated. The Commission discussed obtaining agreement from the landowner for P&Z Staff to access for the property for compliance purposes.

Chair Ardinger closed the public hearing and opened the Commission deliberations. The Commission reviewed pages 8 and 9 of the staff report; the nine standards of review for findings of fact. Chair Ardinger read the following into the record: the applicant is requesting approval of a mineral exploration (drilling) program that will include the following: surface trenching and sampling, construction, repair and maintenance of access roads, drill pad construction, and on-going core drilling. This operation is located on the Quartzburg patented mining claims, Quartzburg, Idaho. The Commission then discussed the following nine standards and made motions:

The proposed conditional use:

1. Will in fact, constitute a conditional use as specified in Chapter 1, Section 1-10 Table 1-A, Industrial Uses-Mineral Extractions Use. This application is for a minerals exploration program which meets this requirement. *Vice Chair Gasirowski made a motion the Commission accept Fact #1; seconded by Commissioner Wilson. All ayes, motion carried.*
2. Will be in accordance with the goals and policies of the Boise County Comprehensive Plan. *Commissioner Faull made a motion to accept Fact #2; seconded by Commissioner Tain. All ayes, motion carried.*
3. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character and uses of the vicinity and that such will not change the essential character of the same area. *Vice Chair Gasirowski made the Commission accept Fact #3; seconded by Commissioner Faull. All Ayes, motion carried.*
4. Will not be hazardous or in conflict with existing neighboring uses; as the property is surrounded by federal forest lands and one private patented mining claim.. *Vice Chair Gasirowski made a motion the Commission accept Fact #4; seconded by Commissioner Faull. All ayes, motion carried.*
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, schools, etc., at reasonable marginal cost. *Commissioner Tain made a motion the Commission the Commission accept Fact #5; but, will be adding verbiage in the site specific conditions; seconded by Vice Chair Gasirowski. All ayes, motion carried.*
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community; as this application will not require any additional public facilities. *Vice Chair Gasirowski made a*

motion the Commission accept Fact #6; seconded by Commissioner Faull. All ayes, motion carried.

7. Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes glare, pollution or odors. *Commissioner Faull made a motion the Commission accept Fact #7; seconded by Commissioner Wilson. All ayes, motion carried.*
8. Will not have vehicular approaches to the property which create hazardous interference with traffic on surrounding thoroughfares. *Commissioner Tain made a motion the Commission accept Fact #8; seconded by Commissioner Wilson. All ayes, motion carried.*
9. Will not result in the destruction of any significant natural, scenic or historic feature. *Commissioner Faull made a motion the Commission accept Fact #9; seconded by Commissioner Wilson. All ayes, motion carried.*

The Commission discussed the Site Specific Conditions of Approval; made changes and additions, and the following motions:

Vice Chair Gasiorowski made a motion the Commission add Condition #12: the applicant shall name and number the roads in accordance with Boise County Street Naming Ordinance; seconded by Commissioner Wilson. All ayes, motion carried.

Commissioner Faull made a motion the Commission amend Condition # 8 to include “no fireworks or open fires”; seconded by Commissioner Reed. All ayes, motion carried.

Commissioner Faull made a motion the Commission amend Condition # 5 replacing “6-8 pick truck” with “not exceed twelve (12)”; vehicle trips per day using existing county road; seconded by Vice Chair Gasiorowski. All ayes, motion carried.

Commissioner Faull made a motion the Commission amend Condition #9 by adding language: which include, “but are not limited to,” rules...; seconded by Commissioner Jauregui. All ayes, motion carried.

Commissioner Wilson made a motion the Commission add a Condition #13: As agreed by Applicant, property access shall be granted to all agencies (federal state and county) for monitoring and compliance purposes; Commissioner John Jaugueri made a friendly amendment to add “and forward reports from other agencies to the staff for compliance in a timely manner”. Chairman Ardinger made another friendly amendment to add “with appropriate notice”. Commissioner Wilson agreed to the amendments and the amended motion was seconded by Commissioner Jauregui. All ayes, motion carried.

Vic Chair Gasiorowski made a motion to accept the following Site Specific Conditions as amended; there was no second to this motion.

Site Specific Conditions, as reviewed above and changed:

1. The days and hours of operation for this application shall be set as seven (7) days per week, 24 hours per day.
2. Applicant shall provide to the P&Z Department and Central District Health Department a copy of the signed contract for portable toilets and maintenance for the proper number of facilities.

3. Applicant shall maintain lighting at each drill site that has a downward directed light to the immediate work area of each drill.
4. Applicant shall provide to the P&Z Department a copy of the new SWPP plan, as referenced in the Application.
5. Applicant shall have up to twelve (12) vehicle trips per day using existing county roads.
6. Applicant shall obtain the appropriate commercial building permit for the one (1) new proposed non-residential structure.
7. Applicant shall work with Placerville Fire Protection District in regards to access to the property, response area and cost to fight fires not within the PFPD.
8. Applicant shall visibly post any and all fire restrictions for employees and visitors in an appropriate location; which notice shall include a statement that no fireworks or open fires will be allowed on the property.
9. Applicant shall comply will all federal, state and county applicable laws; which include, but not limited to, rules and regulations regarding exploration drill holes and minerals exploration and mining safety. [i.e. Mine Safety & Health Administration Act of 1977 (MSHA) and Title 30 Code of Federal Regulation (30CFR)}
10. Applicant shall provide the P&Z Department with a copy of their current paid insurance policy, suitable for this type of business.
11. Failure of Applicant to comply with all conditions of this CUP will be cause for revocation of the CUP.
12. Applicant shall name and number the roads in accordance with Boise County Street Naming Ordinance.
13. As agreed by Applicant, property access shall be granted to all agencies (federal, state and county) for monitoring and compliance purposes. Access to Applicant's property shall be subject to appropriate notice given by the agency.
14. Applicant shall forward copies of any and all federal and/or state agency reports to the P&Z Department in a timely manner.

Commissioner Faull made a motion the Commission approve all seventeen standard conditions of approval as submitted by staff; seconded by Commissioner Wilson. All ayes, motion carried.

Seventeen Standard Conditions of Approval:

1. The property must be in compliance (or brought into) compliance with all applicable Idaho State Statutes and Boise County Ordinance prior to commencement of approved conditional use activity. All permits must be secured prior to commencement of work subject to permit approval;
2. Applicant must provide proof of property ownership or valid leasehold from property owner (was submitted with the application);
3. Property taxes must be current;
4. Applicant must provide proof of legal access and proof of the authority to alter/improve the access to accommodate fire and ambulance service must be provided prior to access to accommodate fire and ambulance service must be provided prior to commencement of work (property has access off to county maintained roads);
5. Fire Department vehicular access shall meet the standards as set forth in the Boise County Road Standard Ordinance;
6. The applicant will provide necessary information to Central District Health in order to obtain their comment. Further, Applicant will comply with any requires conditions imposed by Central District Health Department (CDHD comment was received and addressed in site specific condition #2 above);

7. Where applicable the Applicant shall identify the days and hours of operation of CUP activity (identified in site specific condition #1 above);
8. Building construction shall meet the requirements of the Idaho Building Code Act, Idaho Code Title 39, Chapter 41 (identified in site specific condition #6 above);
9. Applicant shall prepare and present to the county its emergency service (specifically, but not limited to, fire and ambulance service) action plan (was submitted as part of the application);
10. The Applicant shall have up to twenty four (24) months to initiate the approved use. Once the approved use is initiated and continues on the subject property, such approved use shall run with the land. If, however, the Applicant fails to initiate the approved use at any time during the initial twenty four (24) months, or if the Applicant's use is interrupted by a period of twelve (12) months of non-use, the conditional use permit shall be deemed abandoned and therefore void.
11. Prior to the abandonment of a conditional use permit, the Planning & Zoning Administrator may, upon written request by the holder, grant a one-year extension. Prior to granting a request for extension, the P&Z Department shall review the conditional use to determine Application's compliance with these Conditions of Approval. A maximum of three (3) extensions may be granted. Denial of an extension is appealable to the Board of Boise County Commissioners.
12. Prior to granting a request for extension, the P&Z Department shall review the conditional use to determine the Applicant's compliance with these Conditions of Approval. If, after investigation by the P&Z Department, it is determined that the Applicant is non-compliant, a review before the Boise County Planning & Zoning Commission shall be scheduled for public hearing and with public notice. The hearing shall be for the purpose of modifying, amending or revoking approval of Applicant's Conditional Use Permit;
13. CUP approval does not include approval of any signage (other than as in condition #7). A Separate Sign Permit will be required from the Boise County P&Z Department prior to installation of sign(s);
14. The Applicant shall comply with any and all applicable requirements of the U.S Army Corps of Engineers;
15. No change in the terms and conditions of this approval shall be valid unless in writing and signed by the applicant or his authorized representative, and an authorized representative of Boise County. The burden shall be upon the applicant to obtain the written confirmation of any change and not upon Boise County
16. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or it successors in interest advises the County of its intent to change the planned use of the property describe herein unless a variance in said requirements or other legal relief if granted pursuant to the law in effect at the time the change in use is sought;
17. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise County Planning and Zoning Commission.

Vice Chair Gasiorowski made a motion to approve the Conditional Use Permit Application for Gold Hill Reclamation and Mining Quartzburg Exploration Project, to operate a mineral exploration program with the following conditions 1) Findings & Conclusions that were discussed in the meeting. 2) Standard Conditions presented in the staff report. 3) Site Specific Conditions listed in the staff report with the changes made by the Commission; seconded by Commissioner Jauregui.

Roll Call: Chairman Rosemary P. Ardinger – yes, Vice Chair Dan Gasiorowski – yes, Commissioner Jayne Reed – yes, Commissioner Peter Wilson – yes, Commissioner Mitchel Tain – yes, Commissioner Thomas Faull – yes, and Commissioner John Jauregui – yes. All ayes, motion carried.

General Discussion:

P&Z Acting/Interim Administrator Rora Canody reminded the Commission that the next UDO meeting is scheduled for Thursday, April 25th at the Centerville Fire Station and that she was working on the Subdivision Chapter to get it send out to everybody. Mr. Jones will try to plan on attending the meeting so he may answer any question the Commission may have on the Road Standards. She also requested that the Commission consider changing the meeting in June from June 20th to June 27th. The Commission agreed to change to the June 2013 meeting date to June 27, 2013.

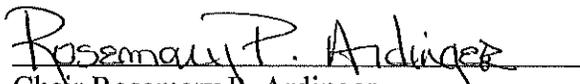
Prosecuting Attorney Gee thanked Commissioner Reed for asking the applicant for permission to access the property and explained that getting permission from the applicant will be put into all land use applications in the next couple months.

Vice Chair Gasiorowski reiterated that if the minutes are going to be looked at and there is an objection to the minutes that has been received that it be given to staff, so the staff reconsiders and corrects the minutes prior to the public hearing.

Commissioner Tain request a current copy of the Subdivision part of the Unified Development Ordinance.

Having no further business, Chair Ardinger adjourned the meeting at 8:40 p.m.

Approved by the Commission this 07 day of ^{June} ~~May~~, 2013.


Chair Rosemary P. Ardinger

Attest:


Mindy Dorau, Planning & Zoning Administrative Assistant