

BOISE COUNTY PLANNING & ZONING COMMISSION
Regular meeting minutes-Thursdays, December 15, 2011
Boise County Courthouse
383 Hwy 55
Horseshoe Bend, Idaho 83629

 ORIGINAL

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. with Chairman Evans presiding.

2. ROLL CALL

Roll call was taken:

COMMISSIONERS PRESENT: Chairman Clint Evans, Vice-Chairman Jack Kane, Commissioner Lois K. Murphy, Commissioner Rosemary Powers-Ardinger and Commissioner Dan Gasiorowski.

COMMISSIONER ABSENT: Commissioner Jon Bart.

STAFF PRESENT: Planning & Zoning Interim Administrator Rora A. Canody, Admin Assistant Nola Yonker, Deputy Prosecuting Attorney Chereese McLain and County Engineer Steven Yearsley (Forsgren Associates).

3. REVIEW AND APPROVAL OF THE MEETING MINUTES:

- a. The Commission reviewed the minutes of the regular meeting held on June 23, 2011. Commissioner Gasiorowski moved the Commission approve the minutes of the regular meeting held June 23, 2011, as presented; seconded by Commissioner Kane. All ayes, motion carried.
- b. The Commission reviewed the minutes of the regular meeting held on November 17, 2011. Commissioner Ardinger moved the Commission approve the minutes of the regular meeting held on November 17, 2011, as presented; seconded by Commissioner Murphy. All ayes, motion carried.

AMEND AGENDA: Chairman Evans stated that the Southfork Landing Amended PUD Application should be heard prior to the Riverfront Estates Full Subdivision Application. Commissioner Gasiorowski moved the agenda be amended to move item 6 to item 5 and item 5 to item 6; thus hearing Southfork Landing Amended PUD Application before the Riverfront Estates Full Subdivision application; seconded by Commissioner Kane. All ayes, motion carried.

4. FRY GRAVEL/KNIFE RIVER:

Chairman Evans called the public hearing to order for Fry Gravel/Knife River and requested the staff report be presented. P&Z Acting/Interim Administrator Canody presented the staff report: the requested Amendment

Applicant Knife River, represented by Josh Smith, appeared before the Commission expressing his reason for the request to amend the CUP application to extend the time period to 2015; that Idaho Transportation Department contracts for asphalt work on Highway 55 would be continued through to 2015.

Public comments: Mike Fry appeared before the Commission and stated Knife River has been a good company to work with, if an issue arises they promptly take care of it; and this is a

portable plant, not a permanent one. John Cooper was called upon but declined to give any comments.

Josh Smith had no rebuttal comments. Therefore, Chairman Evans closed the public hearing and asked the Commission to deliberate the facts and testimony received for a decision on the Amended CUP application for Fry Gravel/Knife River.

Commissioner Murphy moved the P&Z Commission conditionally approve the Amended Conditional Use Permit for Fry Gravel/Knife River, with conditions noted as: 1) Comply with BCZDO, Chapter 3, Section 3-9 Conditional Use Approval – If an allowed conditional use is abandoned for more than twelve (12) months it (the CUP) shall expire; 2) No additional activity or construction other than what is applied for may commence without application for an Amended Conditional Use or Building Permit; 3) Approval is given for this singular temporary hot batch plant for the ITD Hwy 55 project. If the Applicant wishes approval of a permanent hot batch plant a separate application will be required; 4) Compliance with BCZDO, Chapter 6, Section 6.6(f) (glare and lighting) shall be used throughout the facility and for all exterior lighting. The applicant shall provide documentation to the Planning & Zoning Administrator that the exterior lighting fixtures are designed and located so as to minimize glare and direct light to adjoining properties; 5) The Applicant shall comply with set days and hours of operation as set by the contract with Idaho Transportation Department. A copy of the contract will be furnished to the P & Z Department; 6) The Applicant shall provide to the P&Z Department a copy of their Business Liability Insurance policy for any temporary project that is awarded by ITD through 2015; 7) The Applicant shall provide for traffic control measures when necessary; 8) The Applicant shall comply with all the terms and conditions of the Reclamation Plan #1260 as outlined in the Idaho Department of Lands letter dated March 25, 2011, as presented in the original CUP application; 9) The Applicant shall provide a portable restroom facility at the site of the hot batch plant; 10) The Applicant shall provide dust abatement on Hanson Drive via water trucks; and 11) The Applicant shall comply with all state, federal and local applicable laws; seconded by Commissioner Kane.

Roll call:

Commissioner Evans Aye

Commissioner Bart absent

Commissioner Murphy Aye

Commissioner Gasiorowski Aye

Commissioners Ardinger Aye

Commissioner Kane Aye

5. PUBLIC HEARING ON SOUTHFORK LANDING AMENDED PUD BOUNDARY APPLICATION:

Chairman Evans called the public hearing to consider the SFL Amended PUD Boundary Application to order and explained the public hearing process.

Chairman Evans requested the staff report.

P&Z Acting/Interim Administrator Canody started by entering the entire file and its contents into the record and presented the staff report by a PowerPoint presentation: the application is to amend the Southfork Landing Planned Unit Development Boundary, to remove the parcels owned by L. B. Industries, Inc., as outlined in the Riverfront Estates Full Subdivision application. The property is located off of Alder Creek Road and Banks/Lowman Road in the Garden Valley area. The application was accepted by P&Z Administrator Burke on September 21, 2011; owners and agencies were notified on October 11, 2011; legal notice published on November 2, 9, 30 and December 7, 2011 in the Idaho World; three agencies responded; no adjoining property owners responded; and County Engineer provided comments. P&Z Acting/Interim Administrator Canody informed the Commission that she, the County

Engineer-Steven Yearsley and Deputy PA McLain had met with the Applicant on Friday December 9, 2011 to work out issues and based on that meeting she provided the following proposed conditions if the Commission were to recommend approval of the application to the Board of County Commissioners: 1) All conditions of the Southfork Landing PUD dated July 9, 2007 remain effective and binding to the Applicant; #1 through 33. This Amendment changes the exterior boundary line and reduces the overall size of the development only; 2) The Haile Minor Subdivision Plat Amendment be recorded prior to final approval by the Board of County Commissioners; 3) Applicant shall obtain approval from Central District Health Department prior to signature on the final plat of any future phase of Southfork Landing; 4) The final plat of any future phase of Southfork Landing shall contain all required face notes per BCSO #2006-02, or current ordinance at the time of application, and Idaho Code; 5) Applicant shall delineate on the "Overall Master Plan" the Charter's property, Vaughan property and Buckley property as being "Not a Part Of" the approved PUD; 6) A new "Overall Master Plan" of Southfork Landing reflecting the amended boundary, with the date as approved by the Board of County Commissioners, shall be prepared, presented to the Planning and Zoning Department and recorded with the County Recorder's Office; with a reduced and a digital copy presented at the time of recording; 7) Per the Order to Show Cause Findings of Fact, Conclusions and Order signed by the Board of County Commissioners on July 25, 2011 Applicant shall place a note on the "Overall Master Plan" listing all signed agreements between LB Industries, Inc. and Eagle Springs Ranch, LLC with regards to the public utilities, utility easements, water rights, access, and maintenance fees; and, any other agreements signed to meet the Order to Show Cause Findings of Fact, Conclusions and Order; 8) Applicant shall enter into the following agreements with LB Industries/Riverfront Estates: an Access Agreement, a Landscape Agreement, a Utility Agreement and a Driveway Maintenance Agreement, and any other agreements necessary to satisfy the Order to Show Cause requirement; and shall record all agreement with the County Recorder's Office; 9) Applicant shall comply with all local, state, and federal requirements and permits.

Chairman Evans asked for any questions of staff. Hearing none Chairman Evans asked for the Applicant testimony.

Hethe Clark, attorney with Spink Butler, and Doug Russell, The Land Group, applicant representatives, addressed the Commission and testified to the following on behalf of Southfork Landing. Mr. Clark presented a handout that compares the Staff Report recommended conditions with his recommended changes to the language of the staff recommended conditions. Mr. Clark also stated that the Overall Master Plan would be provided to the P&Z Department in Mylar and digital forms; copies of the agreements would be reviewed with the P&Z Department prior to recording them, and the application is not in conflict with Boise County Ordinances.

Doug Russell explained to the Commission the changes in the Overall Master Plan Boundary and statistics; and that the Haile Subdivision had been recorded and explained why the proposed six (6) parcels are being removed from the SFL PUD.

The Commission asked P&Z Acting/Interim Administrator Canody if she agreed with the statements made by the applicant's representatives and her response was yes.

Chairman Evans stated no one had signed in to give testimony in favor or neutral for the application; and one person had signed up against the application.

Richard Goetsch, 634 Southfork Road, Garden Valley, Idaho appeared and testified that he felt SFL PUD is in non-compliance with the original PUD as they have not paid their matching funds per the conditions placed on the original PUD. Mr. Goetsch also testified that he is a neighbor of SFL PUD and wanted to be sure the application had been complete and that all 33 conditions kept in place; that the snow machine at Idaho Xsports is a nuisance and that the Fish and Game Easement be kept intact.

Chairman Evans thanked Mr. Goetsch for his testimony and explained this was not the time to discuss Idaho Xsports.

Chairman Evans stated that no other persons had signed in to give comments.

Chairman Evans asked for rebuttal from Mr. Clark and Mr. Russell. Mr. Clark stated that the Fish and Game easement would be addressed under the Riverfront Estates Full Subdivision application and he understands that all 33 original conditions of the SFL PUD is a recommended condition of approval of the current application for amendment to the SFL PUD Boundary.

Chairman Evans closed the public hearing and brought the issue to the Commission for deliberation of the testimony and record received on the application. The Commission stated that from the record submitted the Application meets Boise County Ordinances and all of the original 33 conditions placed on the SFL PUD should remain in place; also, it appears from the record and testimony that legal counsel and staff worked together to arrive at the proposed conditions and agree with the proposed changes to the conditions from the Applicant. Chairman Evans entertained a motion on the application.

Commissioner Gasiorowski moved the Commission conditionally approve the Southfork Landing PUD Second Amended Boundary application with the following conditions: 1) all conditions of the Southfork PUD dated July 9, 2007 remain effective and binding to the Applicant. This Amendment only changes exterior boundary line and reduces the overall size of the development only; 2) the Applicant shall obtain approval from Central District Health Department prior to signature on the final plat of any future phase of Southfork Landing; 3) the final plat of any future phase of Southfork Landing shall contain all required face notes per BCSO #2006-02, or current ordinance at the time of application, and Idaho Code; 4) a new "Overall Master Plan" of Southfork Landing reflecting the amended boundary, with the date as approved by the Board of County Commissioners, shall be prepared and presented to the Planning and Zoning Department with accompanying reduced and digital copies; 5) the "Overall Master Plan" shall identify the proposed Riverfront Estates Subdivision as not included within the Southfork Landing PUD and full-scale subdivision, and shall identify the Boise County Recorder's instrument number for the Riverfront Estates Subdivision; 6) the Applicant shall enter into agreements with L.B. Industries, Inc. regarding public utilities, utility easements, water rights, and access maintenance and shall review said agreements with Boise County Planning Staff prior to recording; and 7) Applicant shall comply with all local, state, and federal requirements and permits; seconded by Commissioner Murphy. All ayes, motion carried.

Roll call vote:

Commissioner Evans Aye

Commissioner Bart absent

Commissioner Murphy Aye

Commissioner Kane Aye

Commissioner Ardinger Aye

Commissioner Gasiorowski Aye

6. RIVERFRONT ESTATES-FINAL FULL SUBDIVISION APPLICATION:

Chairman Evans called the public hearing to consider the Riverfront Estates-Final Full Subdivision Application to order and explained the public hearing process.

Chairman Evans requested the staff report.

P&Z Acting/Interim Administrator Canody started by entering the entire file and its contents into the record and presented the staff report by a PowerPoint presentation: the application is for a proposed six (6) lot residential subdivision with lots ranging from 1.0 acres to 8.879;

access is off of Freedom Ranch Road onto a "frontage" road, yet to be named; owned by L. B. Industries, Inc. Staff recommended the following conditions if the Commission chooses to recommend approval of the application to the Board of County Commissioners: 1) Per the Show Cause Findings of Fact, Conclusions and Order of the Board of County Commissioners dated July 25, 2011 all pertinent original Conditions that were placed on the Southfork Landing Planned Unit Development dated July 9, 2007 continue to apply to the Full Subdivision applied by LB Industries, Inc. and be made a part of the final decision and shall be noted on the final plat as a face note 2) Applicant shall meet all requirements by Central District Health Department and obtain their approval prior to the final plat application being heard by the Board of County Commissioners; 3) Applicant shall bond in the amount of 125% of the cost to build the new road; and, shall name the new road (frontage road) within Riverfront Estates Subdivision; 4) Applicant shall depict the Idaho Department of Fish and Game Easement on lot 5, Block 1 on the final plat, prior to the final plat application being heard by the Board of County Commissioners; 5) Applicant shall have the Garden Valley Fire Protection District review and obtain approval for the access road (frontage road) to lots 1 through 5, Block 1, prior to the final plat application being heard by the Board of County Commissioners. As well as obtaining an approved Fire Mitigation Plan; 6) Per the Show Cause Findings of Fact, Conclusions and Order of the Board of County Commissioners dated July 25, 2011 the Applicant shall enter into the following agreements with Eagle Springs Ranch, LLC (Southfork Landing Planned Unit Development); an Access Agreement, a Landscape Agreement, a Utility Agreement and a Driveway Maintenance Agreement; and any other agreements necessary to satisfy the Order to Show Cause requirement; and, shall appear as a note on the final plat, and Applicant shall record all agreements with the County Recorder's Office and provide a copy to the P&Z Department; prior to the final plat application being heard by the Board of County Commissioners; 7) Applicant shall place all face notes per Boise County Subdivision Ordinance #2006-02, or current ordinance, on the final plat prior to the final plat application being heard by the Board of County Commissioners; 8) Applicant shall meet all the items listed in the Boise County Engineer's email dated November 14, 2011, prior to the final plat application being heard by the Board of County Commissioners, depict the following on the final plat: access road for lots 1 through 5, Block 1; lot acreages; all wetlands; building envelopes and existing buildings; the 100 year Flood Plain; 9) County Treasurer and Assessor certification and all taxes paid prior to signing of the final plat by the Board of County Commissioners; 10) Applicant shall provide a copy of the final plat in digital form in a compatible format as approved by the Assessor; 11) Applicant shall comply with all local, state and federal requirements and permits prior to the signing of the final plat by the Board of County Commissioners; and 12) Final Plat not be signed until all conditions have been met.

Chairman Evans asked for any questions of staff. Hearing none Chairman Evans asked for testimony from the County Engineer Steven Yearsley.

County Engineer Steven Yearsley testified to the Commission that he had attended the meeting with the Applicant's representatives, Mr. Clark and Mr. Russell, Ms. McLain and Ms. Canody to review all of the issues in his comment letters of November 1 & 14, 2011; and the Applicant has met the conditions; with the exception of the easement on the construction drawings; but they can be corrected prior to final signature.

Chairman Evans asked for any questions of the County Engineer. Hearing none Chairman Evans asked for the Applicant testimony.

The Applicants representatives, Hethe Clark, attorney with Spink Butler, and Doug Russell, The Land Group, addressed the Commission and testified on behalf of L. B. Industries, Inc. Mr. Clark thanked County Engineer Yearsley, Deputy PA McLain and P&Z Acting/Interim Administrator Canody for meeting with him and Mr. Russell prior to the public hearing to mitigate the issues of the application. Mr. Russell testified that the new "frontage" road will be named and will have the appropriate hammerhead or turnaround per the Boise County WUI Ordinance requirements and Garden Valley Fire Protection District request; the water and sewer connections are shown on the road grading plans being within the easement along the frontage road, DEQ has to approve this plan, there is cross access for lots 2 & 3, the building

envelopes are shown on the plat and all the agreements with SFL will be finalized. Mr. Russell also testified that the road construction documents were given to the County Engineer and Note #5 was changed. He thanked Mr. Yearsley for finding some issues that needed to be corrected. Mr. Russell also stated that there are six (6) lots in this requested subdivision and the one acre lot referred to as the Hill of the Doves will also be removed from the SFL PUD, but will convert to all the SFL PUD services once Phase 10 is completed within SFL.

Chairman Evans stated that no one had signed up to give any public testimony.

Chairman Evans asked for rebuttal from Mr. Clark and Mr. Russell. No rebuttal testimony was given.

Chairman Evans closed the public hearing and brought the issue to the Commission for deliberation of the testimony and record received on the application. The Commission stated that from the record submitted the Application meets Boise County Subdivision Ordinance #2006-02 and that staff had worked hard with the Applicant, County Engineer Yearsley and Deputy PA McLain to mitigate all the issues regarding the application. Chairman Evans entertained a motion on the application.

Commissioner Lois K. Murphy moved the Commission recommend conditional approval of the Riverfront Estates Full Subdivision Application to the Board of County Commissioners with the following conditions: Per the Show Cause Findings of Fact, Conclusions and Order of the Board of County Commissioners dated July 25, 2011 all **pertinent original** Conditions that were placed on the Southfork Landing Planned Unit Development dated July 9, 2007 continue to apply to the Full Subdivision applied by LB Industries, Inc. and be made a part of the final decision and shall be noted on the final plat as a face note. These are the **pertinent original** conditions: 1) All utilities shall be underground and easements shall be shown on all lots; 2) No trash or other solid waste shall be buried, burned or otherwise disposed of on site. Applicant and all contractors shall at all times comply with Idaho Department of Environmental Quality requirements and permits; 3) The Applicant will control glare and excessive contrast of lighting by use of shielded luminaries, directed at a 45-degree angle or greater; 4) The Restrictive Covenants for Riverfront Estates will require the homeowners' association and all property owners in Riverfront Estates to comply with Idaho Code Section 22-2407 regarding the prevention and control of noxious weeds; 5) The Restrictive Covenants for Riverfront Estates will be provided to Boise County Planning Staff for their review before recording; and 6) The Applicant shall meet all requirements by Central District Health Department and obtain Central District Health approval prior to recording; 7) The Applicant shall construct or bond in the amount of 125% of the cost to build the new road; and, shall name the new road (frontage road) within Riverfront Estates Subdivision; 8) The Applicant shall identify with a plat note the Idaho Department of Fish and Game Easement on lot 5, Block 1 on the final plat, prior to the final plat application being heard by the Board of County Commissioners; 9) The Applicant shall have the Garden Valley Fire Protection District review and obtain approval for the access road (frontage road) to lots 1 through 5, Block 1, prior to the final plat application being heard by the Board of County Commissioners. As well as obtaining an approved Fire Mitigation Plan; 10) Per the Show Cause Findings of Fact, Conclusions and Order of the Board of County Commissioners dated July 25, 2011 the Applicant shall enter into agreements with Eagle Springs Ranch, LLC and/or Southfork Landing Owners Association, Inc. regarding public utilities, utility easements, water rights, and access and maintenance. Where applicable, such agreements shall be recorded and a reference to the recording information shall be included as a plat note; 11) The Applicant shall include all plat notes per Boise County Subdivision Ordinance #2006-02, or current ordinance; 12) County Treasurer and Assessor certification that all taxes applicable to the Applicant's property have been paid prior to signing of the final plat by the board of County Commissioners; 13) The Applicant shall provide a copy of the final plat in digital form as reasonably approved by the Assessor; 14) The Applicant shall obtain (and provide to Boise County Planning Staff prior to recording) a "Disclaimer of Interest" from the Idaho Department of Lands identifying the northern boundary of Riverfront Estates Subdivision; and 15) The Applicant shall comply with all local, state and federal requirements and permits prior to the signing of the final plat by the Board of County Commissioners. Motion was seconded by Commissioner Gasiorowski. All ayes, motion carried.

Roll call vote:

Commissioner Evans Aye
Commissioner Murphy Aye
Commissioner Ardinger Aye

Commissioner Bart absent
Commissioner Kane Aye
Commissioner Gasiorowski Aye

7. GENERAL DISCUSSION:

Chairman Evans asked if any applications have been received for the January 2012 regular meeting. P&Z Acting/Interim Administrator Canody stated no applications have been received and therefore the January 2012 meeting could be cancelled, unless the Commission would like to meet with the Board of County Commissioners for the annual meeting to discuss philosophy and procedures. The Commission agreed to not meet in January; and, that February would be a better month to meet with the Board of County Commissioners.

P&Z Acting/Interim Administrator Canody informed the Commission that the FCO's for the issues decided at tonight's meeting would be completed by the end of December and a special meeting would be set right after the 1st of the new year, with the "call in" option for those who want to use it. Only one Commissioner needs to be present at the meeting place (P&Z office).

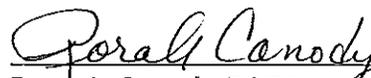
Deputy PA Cherese McLain informed the Commission that the Idaho Supreme Court had made a ruling on the *County of Boise vs. ICRMP* case; which upheld that ICRMP does not cover land use decisions. She also informed them that they do not have any personal liability regarding their decisions.

Chairman Evans reminded the members that voting on the chair and vice-chair would take place at the February meeting, since the January meeting was cancelled. Having no further business Chairman Evans asked for a motion to adjourn the meeting. Commissioner Gasiorowski made a motion to adjourn the meeting; seconded by Commissioner Ardinger. All ayes, motion carried.

8. ADJOURN

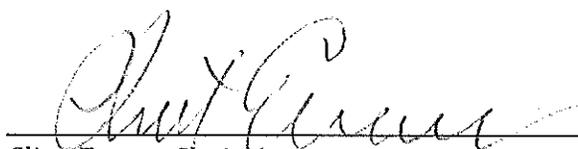
Having no further business before the Commission, Chairman Evans adjourned the meeting at 9:05 p.m.

Respectfully Submitted,



Rora A. Canody P&Z Interim Administrator

APPROVED the 15 day of March 2012.



Clint Evans, Chairman
Boise County Planning and Zoning Commission