



REGULAR MEETING OF THE
BOISE COUNTY PLANNING & ZONING COMMISSION

January 17, 2013
Centerville Fire Station
115 Grimes Pass Road
Idaho City, Idaho 83622

ORIGINAL

Present: Chair Rosemary P. Ardinger, Vice Chair Dan Gasiorowski, Commissioner Jayne Reed, Commissioner Mitchel Tain, and Commissioner Peter Wilson. Commissioner Thomas Faull arrived after roll call was taken.

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

Swearing in of new P&Z Commissioner: Chair Ardinger stated for the record that John Jaugueri was not available to be sworn in as a P&Z Commissioner at this time and tabled the matter to the next special or regular meeting.

Roll Call: Chari Ardinger requested P&Z Acting/Interim Administrator 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.

Election of Chairman and Vice Chairman: Chair Ardinger stated that per Boise County Ordinance election of the Chairman and Vice Chairman must take place at the first regular meeting of the calendar year and asked for any nominations. Commissioner Dan Gasiorowski made a motion to nominate Rosemary P. Ardinger as P&Z Commission Chairman for calendar year 2013; seconded by Commissioner Peter Wilson. All ayes, motion carried. Commissioner Jayne Reed made a motion to nominate Dan Gasiorowski as P&Z Commission Vice Chairman for calendar year 2013; seconded by Commissioner Mitchel Tain. All ayes, motion carried. Ms. Ardinger and Mr. Gasiorowski thanked the P&Z Commission for their election.

Minutes: PA Gee noted for the record that three current P&Z Commission members were not members during the July 5, 2012 and August 16, 2012 meeting. However, the minutes could be approved by those that were members. Vice Chair Gasiorowski made a motion to approve the minutes for July 5, 2012 Special Meeting, August 16, 2012 Regular meeting, September 20, 2012 Regular Meeting, October 25, 2012 Regular Meeting, November 8th, 15th & 20, 2012 Special Meetings/Workshops UDO, December 5th & 12, 2012 Special Meetings/Workshops UDO and January 2, 2013 Special Meeting/Workshop UDO.

Commissioner Jayne Reed requested that approval of the minutes be done individually with the exception of July 5, 2012 and August 16, 2012.

Motion died for lack of a second.

Vice Chair Dan Gasiorowski made a motion to amend his motion to approve the minutes of the July 5, 2012 Special Meeting and the August 16, 2012 Regular meeting, as presented; seconded by Chair Ardinger. Chairman Rosemary P. Ardinger – aye and Vice Chair Dan Gasiorowski – aye. Motion carried.

Chair Ardinger requested a motion to approve the minutes of the September 20, 2012 Regular Meeting. Commissioner Wilson made a motion to approve the September 20, 2012 Regular Meeting minutes, as presented; seconded by Chair Ardinger. Discussion was held: Commissioner Reed requested grammatical errors be corrected. Commissioner Wilson amended his motion to include the grammatical changes, Chair Ardinger as second agreed to the amended motion. Vote: ayes- Five; nays- None; abstain: One. Motion carried.

Chair Ardinger requested a motion to approve the minutes of the October 25, 2012 Regular Meeting. Vice Chair Gasiorowski made a motion to approve the minutes of the October 25, 2012 Regular Meeting, as presented; seconded by Commissioner Tain. All ayes: Motion carried.

Chair Ardinger requested a motion to approve the minutes of the November 8, 2012 Special Meeting. Commissioner Faull made a motion to approve the minutes of the November 8, 2012 Special Meeting, as presented; seconded by Commissioner Tain. Vote: ayes- Four; nays- None; abstain- Two. Motion carried.

Chair Ardinger requested a motion to approve the minutes of the November 15, 2012 Special Meeting. Vice Chair Gasiorowski made a motion to approve the minutes of the November 15, 2012 Special Meeting, as presented; seconded by Commissioner Reed. All ayes: motion carried.

Chair Ardinger requested a motion to approve the minutes of the November 20, 2012 Special Meeting. Vice Chair Gasiorowski made a motion to approve the minutes of the November 20, 2012 Special Meeting, as presented; seconded by Commissioner Wilson. All ayes: motion carried.

Chair Ardinger requested a motion to approve the minutes of the December 5, 2012 Special Meeting. Vice Chair Gasiorowski made a motion to approve the minutes of the December 5, 2012 Special Meeting, as presented; seconded by Commissioner Reed. All ayes: motion carried.

Chair Ardinger requested a motion to approve the minutes of the December 12, 2012 Special Meeting. Vice Chair Gasiorowski made a motion to approve the minutes of the December 12, 2012 Special Meeting, as presented; seconded by Commissioner Wilson. All ayes: motion carried.

Chair Ardinger requested a motion to approve the minutes of the January 2, 2013 Special Meeting. Vice Chair Gasiorowski made a motion to approve the minutes of the January 2, 2013 Special Meeting, as presented; seconded by Commissioner Wilson. All ayes: motion carried.

Interim Administrator Rora Canody informed the Commission that there was not a Board Quorum at this meeting and if the Commission wished to change LDO to UDO they can do at this time.

Commissioner Dan Gasiorowski made a motion to change LDO to UDO. Seconded by Commissioner Mitchel Tain. All ayes: motion carried.

Review and Approval of December 5, 2012 Special Meeting Minutes.

Chairman Rosemary P. Ardinger requested a motion to approve the minutes. Vice Chair Dan Gasiorowski made a motion to approve December 5, 2012 meeting minutes as written. Seconded by Commissioner Jayne Reed. All ayes: motion carried.

Review and Approval of December 12, 2012 Special Meeting Minutes.

Chairman Rosemary P. Ardinger requested a motion to approve the minutes. Vice Chair Dan Gasiorowski made a motion to approve December 12, 2012 meeting minutes as written. Seconded by Commissioner Peter Wilson. All ayes; motion carried.

Review and Approval of January 2, 2013 Special Meeting Minutes.

Chairman Rosemary P. Ardinger requested a motion to approve the minutes. Vice Chair Dan Gasiorowski made a motion to approve January 2, 2013 meeting minutes as written. Seconded by Commissioner Jayne Reed. All ayes: motion carried.

Vice Chair Dan Gasiorowski informed the Commission that he read the article in the Idaho World and listened to comments from his neighbor but, did not comment on them and feel his judgment in this matter is no way impaired.

Interim Administrator Rora A. Canody would like to put on the record that the legal notice put in the paper with the date of January 13th, legal notice was republished on January 9th with the proper date of January 17th not January 13th. The property was properly noticed and the building out front was noticed on Tuesday. Prosecuting Attorney Ian Gee is in agreement that that public hearing can precede.

Gold Hill Mining & Reclamation 3rd Amendment Conditional Use Permit Application

Case #2010-05C:

Planning & Zoning Interim Administrator Rora A. Canody appeared before the Commission on the matter of Conditional Use Permit Application #2010-05C, Gold Hill Mining & Reclamation 3rd Amendment and stated that the entire Planning and Zoning Department file was entered into the record at this time. P&Z Acting/Interim Administrator Canody gave a visual power point presentation to supplement the Staff Report that had been emailed to the P&Z Commission members and the Applicant. This application by Gold Hill Mining & Reclamation is represented by Lou Myers and Justin Tietz of Knife River, and is requesting a Conditional Use Permit to amend condition #11 of application #2 of the original conditional use permit. The property is located on Mud Flats outside Placerville, Idaho. Property owned by Baumhoff & Company. Assessor's parcel numbers RP07N04E222550 & RP07N04E230660, Boise County, Idaho.

Interim Administrator Rora Canody let the Commission know that she has received a late exhibit #08 from the applicant that has to do with their request and with Commission acceptance would enter exhibit #08 and hand out copies to the Commission.

Chairman Rosemary P. Ardinger was not sure a late exhibit would be enough time as a Commission to thoughtfully take into consideration the new information. Vice Chair Dan Gasiorowski stated that somewhere in the back of his mind they had a meeting in Garden Valley and that this very issue was brought up and it was the option of the Commission at that time that late exhibits would no longer be accepted.

Commission has discussed procedure on whether or not to except the late exhibit.

Chairman Rosemary P. Ardinger entertained a motion to table the application until next month. Motion died without a second.

Chairman Rosemary P. Ardinger made a motion to except the late exhibit. Seconded by Commissioner Thomas Faull. Ayes: Three Nays: Three, Motion failed.

Chairman Rosemary P. Ardinger stated that they will continue with the public hearing but, will not accept the late exhibit.

P&Z Acting/Interim Administrator Canody recommended the following Conditions of Approval, if the P&Z Commission approves the application:

The property must be in compliance (or brought into) compliance with all applicable Idaho State Statutes and Boise County Ordinances prior to commencement of approved conditional use activity. All permits must be secured prior to commencement of work subject to permit approval;

Applicant must provide proof of property ownership or valid leasehold from the property owner; Property taxes must be current;

Applicant must provide proof of legal access and proof of the authority to alter/improve the access to accommodate fire and ambulance services must be provided prior to commencement of work;

Fire Department vehicular access shall meet the standards as set forth in the Boise County Road Standard Ordinance;

The Applicant will provide necessary information to Central District Health in order to obtain their comment. Further, Applicant will comply with any required conditions imposed by Central District Health Department;

Where applicable the Applicant shall identify the days and hours of operation of CUP activity; (See Site Specific Condition #5 & 11)

Building construction shall meet the requirements of the Idaho Building Code Act, Idaho Code Title 39, Chapter 41;

Applicant shall prepare and present to the county its emergency services (specifically, but not limited to, fire and ambulance services) action plan;

The conditional use shall be valid for a period not to exceed twenty four (24) months from the date of approval by the Boise County Planning and Zoning Commission. Within this period, the holder of the permit must:

Commence the use permitted by the permits in accordance with the conditions of approval.

Prior to the expiration of the conditional use permit, the Planning and Zoning Director may, upon written request by the holder, grant a one-year extension. A maximum of three (3) extensions may be granted. Denial of an extension is appealable to the Board of Boise County Commissioners;

Prior to granting a request for extension, the P&Z Department shall review the conditional use to determine 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 and 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;

CUP approval does not include approval of any signage (other than as provided in Condition #7). A separate Sign Permit will be required from the Boise County P&Z Department prior to installation of sign(s);

The Applicant shall comply with any and all applicable requirements of the U.S. Army Corps of Engineers;

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;

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 its successors in interest advises the County of its intent to change the planned use of the property described herein unless a variance in said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought;

Notwithstanding building permit or specifically stated time-frames, all development authorized by this conditional use approval must be completed within 5 years (60 months) from the date of the Board's approval, unless extension is denied, in which case development must be completed within the time granted by the initial approval or most recent extension; and

Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise County Planning and Zoning Commission.

Chairman Rosemary P. Ardinger called upon the representative, Lou Meyers, to present his application. Lou Meyers appeared before the Commission; explained his application request and answered questions from the Commission.

Chairman Ardinger called upon the public that wished to speak.

Those who gave testimony in support of the application were: Tom Andreason, George Shepherd, Gwen Loya-Purcell, Abbie Johns, George Meek and Oscar Baumhoff. No neutral testimony was taken. Those who spoke in opposition were: Joseph Sirani and Kevin Grunke.

Lou Meyers gave rebuttal testimony.

Chairman Ardinger closed the public hearing and brought the issue back to the Commission for deliberation.

Vice Chair Dan Gasiorowski made a motion to accept item #1. Operating hour March 1st to December 25th, 2013. Commission asks if they could approve one condition at a time. Prosecuting Attorney Ian Gee agreed that it would make logical sense for the decision making process but, come up with one motion and vote on it. Motion died without a second.

Commission continued deliberation

Commissioner Thomas Faull made a motion to table the application for a month and give the applicant and the public further opportunity to comment on the hours. Seconded by Commissioner Mitchel Tain.

P&Z Acting/Interim Administrator Canody request the motion be amended with date certain. Commissioner Thomas Faull made a motion to amend the motion with the date certain of February 21, 2013

Commissioner Dan Gasiorowski made a motion to take fifteen minute adjournment. Seconded Commissioner Peter Wilson.

Chairman Rosemary P. Ardinger called the meeting back to order at 8:46

Roll call vote on Commissioner Thomas Faull motion to table the application. Chairman Rosemary P. Ardinger –aye, Vice Chair Dan Gasiorowski – nay, Commissioner Jayne Reed – nay, Commissioner Peter Wilson – nay, Commissioner Mitchel Tain – ayes, Commissioner Thomas Faull – nay. Motion denied.

Vice Chair Dan Gasiorowski made a motion to approve Gold Hill Reclamation and Mining with the following conditions: 1. Hours of operation from March 1st thru December 25th, 2013, 6a.m. to 6 p.m. five day a week. 2. Operation is to close on Memorial Day, 4th of July, Thanks Giving and Labor Day. 3. Maintenance as needed.

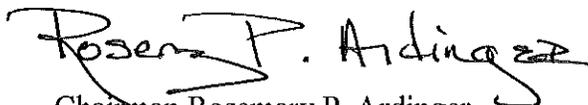
Chairman Rosemary P. Ardinger made a friendly amendment to include no crushing with the exception of the rolling crusher that is part of the washing operation. Seconded Commissioner Peter Wilson.

Roll call vote: Chairman Rosemary P. Ardinger – nay, Vice Chair Dan Gasiorowski – aye,

Commissioner Jayne Reed – aye, Commissioner Peter Wilson – aye, Commissioner Mitchel Tain –nay, Commissioner Thomas Faull – nay. Three Ayes, Three Nays. Motion denied.

Having no further business, Commissioner Rosemary P. Ardinger adjourned the meeting at 9:23 p.m.

Approved by the Commission this 21 day of ^{March} ~~February 28~~, 2013.


Chairman Rosemary P. Ardinger

Attest:


Rora A. Canody, Planning & Zoning Interim Administrator