ORIGINAL

REGULAR MEETING OF THE
BOISE COUNTY PLANNING & ZONING COMMISSION
January 20, 2011
Garden Valley School Flex Room
1053 Banks Lowman Road
Garden Valley, Idaho 83622

Commissioners Present: Vice Chairman Jack Kane, Commissioner Clint Evans, Commissioner Rosemary P. Ardinger, Commissioner Lois K. Murphy and Commissioner Dan Gasiorowski.
Absent: Chairman Jon Bart, excused.

Staff Present: Planning & Zoning Administrator Patti Burke, Administrative Assistant Rora Canody and Code Enforcement Officer Dirk TenEyck.

Roll Call was taken; five of the six members were present. Vice Chairman Kane declared a quorum was present and called the meeting to order at 6:30 p.m.

Review and Approval of the December 16, 2010 Regular Meeting Minutes
Commissioner Ardinger made a motion to approve the minutes of the regular meeting held on December 16, 2010 as written; seconded by Commissioner Gasiorowski. All ayes, motion carried.

Timber Creek Meadow request to set a date certain
P&Z Administrator Burke discussed with the Commission the history of the Timber Creek Meadow minor subdivision application: the Commission held the public hearing on this application on October 20, 2007; the Commission decision was to table the application until it was determined if wet lands were within the minor subdivision and a 404 Permit was needed, submit a Storm Water Management Plan, and work with the irrigation district on the easement issue. Applicant Brian Sielaff called the P&Z office in August 2010 and stated he would like to have the Commission review his permit in November 2010. To date the P&Z office has not received the necessary document s from Mr. Sielaff and requested the Commission to set a date certain to take further action on the application. After further discussion, Commissioner Murphy moved the Commission set the Timber Creek Meadow minor subdivision application on the agenda for the February 17, 2011 Commission meeting; seconded by Commission Evans. All ayes, motion carried.

Garden Valley RV & Cottage Resort-Conditional Use Permit Public Hearing & Review
Vice Chairman Kane called the public hearing to order at 6:45 p.m. for the Garden Valley RV & Cottage Resort and requested the staff report.

P&Z Administrative Asst Canody appeared before the Commission and 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 Michael Riley, is requesting a

Conditional Use Permit to operate a Recreational Vehicle and Cottage Resort. Subject property is located in the Garden Valley area, west of the Garden Valley Post Office on Banks Lowman Road, in Sections 15 & 22 T9N R4E and is owned by Don Weilmunster. The Applicant is negotiating the purchase of 20-23 acres of the 87+ acre parcel. Staff recommends **the following be considered by the Commission if their decision is to Conditionally Approve** the request by Michael Riley to operate **Garden Valley Recreational Vehicle and Cottage Resort:**

1. All permits required by other agencies for all or parts of the application, evidence of the permit and compliance with the provisions of the permit shall be a condition of the CUP.
2. That prior to FINAL approval of this CUP on the 20-23 acres a completed legal subdivision of the entire parcel will be completed.
3. That the Applicant shall 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 shall expire.
4. That the Applicant shall not have any additional activity or construction other than that applied for commence without first applying for an Amended Conditional Use Permit.
5. That the Applicant shall insure that no full time residents will live at the resort other than management personnel. (per application pg 26)
6. That the Applicant shall comply with the Central District Health Department letter dated December 15, 2010 (Exh#3):
    a. Ground water monitoring from Feb. 15th to June 15th, 2011.
    b. NP Study to determine sewer system capacity
    c. Submit Large Soil Absorption System and community water well plans for CDHD approval
    d. Connect restroom facilities to the approved sewer system.
    e. Submit food establishment, spas, grocery store, kitchen and convenience store plans for CDHD approval.
    f. Runoff is not to create a mosquito breeding problem.
7. That the Applicant shall meet all requirements of Idaho DEQ as outlined in their letter dated January 11, 2011. (Exh#10)
8. That the Applicant shall provide to the Planning and Zoning Department, prior to the commencement of any work, a copy of the approved Right-of-Way Approach Permit issued by BCRBD. (Exh#8)
9. That the Applicant shall apply for, and obtain, commercial building permits for all structures to be built on the property: on-site manager's house, cottages; visitor center/registration/clubhouse, bathhouse and restrooms, and pavilions. Commercial buildings permits must conform to the State of Idaho Building Codes and Fire Codes. (BC Building Permit Ordinance #2007-02)
10. That the Applicant shall provide P&Z a detailed Parking Plan showing exact dimensions, number of spaces, and locations. (BCZDO Table 3A, pg 27).
11. That the Applicant shall provide P&Z a copy of their Business Liability Insurance, yearly, in an amount that is practical for this industry.
12. That the Applicant shall provide P&Z a copy of site plan detailing electrical services to be provided to each customer and internet services.
13. That the Applicant shall set the regular office hours at the clubhouse as 9 am to 6 pm seven (7) days per week; with after hour reservation check in and use of the facilities having extended hours (per application pg 29).

14. That the Applicant shall provide P&Z with a copy of the "Customer Reservation Agreement"; which will include their policies to deter noise, curfew, glare and odor (per application page 30).
15. That the Applicant shall provide to P&Z a copy of their Wildlife Awareness Program plan (per application page 31).
16. That the Applicant shall provide to P&Z a copy of their Stormwater Prevention Plan (SWPP).
17. That the Applicant shall provide to P&Z a detailed copy of their Landscaping Plan (per application pg 31).
18. That the Applicant shall provide to P&Z a copy of their Fire Mitigation Plan as approved by the Garden Valley Fire Protection District.
19. That the Applicant shall provide to P&Z a copy of their Emergency Procedure Plan and Evacuation routes. (this may be part of the Customer Reservation Agreement).
20. That the Applicant obtain a mass gathering permit for any event that may fall within the requirements of the BC Mass Gathering Ordinance.
21. That the Applicant apply for a sign permit (if a sign is to be installed), with applicable fees paid within ten (10) working days of approval; and, any on-site signage shall comply with BCZDO, Chapter 9 and ITD Scenic By-Ways standards.
22. That the Applicant shall provide to P&Z a copy of a negotiated secondary "Emergency Egress Easement" from an adjacent property owner.
23. That the Applicant shall obtain from P&Z a Certificate of Completion of Conditions prior to the opening of the business.
24. Comply with all federal, state and local applicable laws.

25. **Issues for Consideration by the Commission:**
    a) Require a Traffic Impact Study and submit to BCRBD to determine if turn lanes will be required. Additional fees for BC Engineering may be required.
    b) Mitigation with the neighbors regarding "fencing of the gated community" and no trespassing or private property signs installed.
    c) Increase the required "minimum side setback for buildings" from 10 feet to 30 feet.

Vice-Chairman Kane requested the Applicant's presentation. Michael Riley, applicant, and Bud Surles appeared and gave their presentation to the Commission. Mr. Riley informed the Commission that he had held a neighborhood meeting and was pleased with the response from the meeting. Mr. Surles gave a power point presentation, which showed the location and layout of the GV RV and Cottage Resort parcel. Both Mr. Riley and Mr. Surles answered questions for the Commission.

Vice-Chairman Kane then proceeded with the public who had signed in to speak. Those in favor of the application were: Doyle Pond, Dawn Smith.
Neutral: Jayne Reed.
Opposed: David B. (Bruce) Reay.

Vice-Chairman Kane called upon the Applicant for any rebuttal testimony to the comments given by the public. Mr. Riley gave brief rebuttal testimony.

Vice-Chairman Kane closed the public hearing at 7:40 p.m. and brought the issue back to the Commission for deliberation. Commissioner Evans suggested that a motion be made and then discussion upon the motion. The Commission deliberated possible conditions in order to conditionally approve the CUP application.

Commissioner Evans moved that the Commission **Conditionally Approve** the **Garden Valley RV and Cottage Resort Conditional Use Permit**, with all of the **following conditions:**

1. All permits required by other agencies for all or parts of the application, evidence of the permit and compliance with the provisions of the permit shall be a condition of the CUP.
2. That prior to FINAL approval of this CUP on the 20-23 acres a completed legal subdivision of the entire parcel will be completed.
3. That the Applicant shall 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 shall expire.
4. That the Applicant shall not have any additional activity or construction other than that applied for commence without first applying for an Amended Conditional Use Permit.
5. That the Applicant shall insure that no full time residents will live at the resort other than management personnel. (per application pg 26)
6. That the Applicant shall comply with the Central District Health Department letter dated December 15, 2010 (Exh#3):
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    d. Connect restroom facilities to the approved sewer system.
    e. Submit food establishment, spas, grocery store, kitchen and convenience store plans for CDHD approval.
    f. Runoff is not to create a mosquito breeding problem.
7. That the Applicant shall meet all requirements of Idaho DEQ as outlined in their letter dated January 11, 2011. (Exh#10)
8. That the Applicant shall provide to the Planning and Zoning Department, prior to the commencement of any work, a copy of the approved Right-of-Way Approach Permit issued by BCRBD. (Exh#8)
9. That the Applicant shall apply for, and obtain, commercial building permits for all structures to be built on the property: on-site manager's house, cottages; visitor center/registration/clubhouse, bathhouse and restrooms, and pavilions. Commercial buildings permits must conform to the State of Idaho Building Codes and Fire Codes. (BC Building Permit Ordinance #2007-02)
10. That the Applicant shall provide P&Z a detailed Parking Plan showing exact dimensions, number of spaces, and locations. (BCZDO Table 3A, pg 27).
11. That the Applicant shall provide P&Z a copy of their Business Liability Insurance, yearly, in an amount that is practical for this industry.
12. That the Applicant shall provide P&Z a copy of site plan detailing electrical services to be provided to each customer and internet services.

13. That the Applicant shall set the regular office hours at the clubhouse as 9 am to 6 pm seven (7) days per week; with after hour reservation check in and use of the facilities having extended hours (per application pg 29).
14. That the Applicant shall provide P&Z with a copy of the "Customer Reservation Agreement"; which will include their policies to deter noise, curfew, glare and odor (per application page 30).
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20. That the Applicant obtain a mass gathering permit for any event that may fall within the requirements of the BC Mass Gathering Ordinance.
21. That the Applicant apply for a sign permit (if a sign is to be installed), with applicable fees paid within ten (10) working days of approval; and, any on-site signage shall comply with BCZDO, Chapter 9 and ITD Scenic By-Ways standards.
22. That the Applicant shall provide to P&Z a copy of a negotiated secondary "Emergency Egress Easement" from an adjacent property owner.
23. That the Applicant shall obtain from P&Z a Certificate of Completion of Conditions prior to the opening of the business.
24. Comply with all federal, state and local applicable laws.
25. A Traffic Impact Study is required and must be submitted to BCRBD to determine if turn lane(s) will be required. Additional fees for BC Engineering may be required. If it is determined that a turn lane(s) is necessary the Applicant shall pay all expenses to have the turn lane(s) installed.
26. Applicant shall mitigate with the neighbors regarding "fencing of the gated community" and install no trespassing or private property signs.
27. The Applicant shall meet the increased requirement of the "minimum side setback for buildings" from 10 feet to 30 feet, on the site itself.

Motion was seconded by Commissioner Ardinger.

Roll call vote:

Vice Chairman Kane: Aye
Commissioner Evans: Aye
Commissioner Murphy: Aye
Commissioner Gasiorowski: Aye
Commissioner Ardinger: Aye
Chairman Bart-Absent

All ayes; motion carried.

Vice-Chairman Kane recessed the meeting for a 10 minute break.
Vice-Chairman Kane called the meeting back to order at 8:10 p.m. and moved to the next item of business.

Subdivision Ordinance-Report from P&Z Staff
P&Z Administrator Burke reminded the Commission that the public hearing was closed on December 20, 2010 and staff was instructed by the Commission to meet with the County Engineers, LEI and Doug Bergey to discuss proposed language changes to the Subdivision Ordinance and present the proposal in writing.

P&Z Administrator Burke and Deputy PA McLain informed the Commission that meetings had been held with the County Engineer, Centra Consulting-Steve Rae and Forsgren Associates-Trevor Howard, and LEI to review the four issues that were presented during the public hearing on December 16, 2010. And, that Mr. Bergey had met with P&Z Administrator Burke to review his concerns.

After discussion, Commission Gasiorowski moved the Commission re-open the public hearing on the proposed Subdivision Ordinance, with no restrictions, and notice the public hearing on April 21, 2011; seconded by Commissioner Evans. All ayes, motion carried.

General Discussion
Commissioner Evans presented the topic, per earlier conversation in the meeting, of writing a letter to the Board of County Commissioners and the Road & Bridge Department requesting that the speed limit on the Banks/Lowman Road be reduced to 35 mph in a certain area. After further discussion, Commissioner Evans moved the Commission direct the P&Z Staff to write a letter to the Board of County Commissioners and Road & Bridge Department recommending lowering the speed limit on the Banks/Lowman Road from the Alder Creek Road/Banks Lowman Road intersection East to the confluence of the Middle Fork and South Fork Payette River; as the Commission had approved a new CUP and health and safety issues could be addressed by a lower speed limit; seconded by Commissioner Gasiorowski. All ayes, motion carried.

P&Z Administrator Burke discussed with the Commission conducting training on meeting procedures and deliberations at the February 17, 2011 regular P&Z meeting. Dep. PA McLain stated she would do the training and it would be appropriate that the meeting be a joint training of the Commission and Board. Commissioner Gasiorowski requested the meeting be held in Centerville. The cost to rent the facility was raised and Commissioner Gasiorowski stated he would find out about a fee waiver.

The February 17, 2011 meeting was set for 6:30 p.m. in Idaho City.
Having no further business, Vice-Chairman Kane adjourned the meeting at 9:20 p.m.

Approved by the Commission this 17th day of March, 2011.

John J. Kane

Vice Chairman John (Jack) Kane

Attest:

Rora A. Canody

Rora A. Canody, P&Z Administrative Assistant