



ORIGINAL

REGULAR MEETING OF THE
BOISE COUNTY PLANNING & ZONING COMMISSION
June 21, 2012
Boise County Public Safety Building
3851 Highway 21
Idaho City, Idaho 83622

Commissioners: Present: Chairman Clint Evans, Vice-Chairman Jake Kane, Commissioner Rosemary P. Ardinger, Commissioner Jon Bart, and Commissioner Lois K. Murphy.

Absent: Commissioner Dan Gasiorowski.

Staff Present: Planning & Zoning Interim Administrator Rora A. Canody, Administrative Assistant Nola Yonker, Deputy Prosecuting Attorney Cherese McLain and Assistant Mike Williams.

Roll Call was taken and five of the six members were present. Chairman Clint Evans declared a quorum was present and called the meeting to order at 6:30 p.m. Chairman Evans welcomed the public and described the procedures of the meeting.

Approval of Findings of Fact and Conclusions of Law:

The Commission reviewed the Findings of Fact and Conclusions of Law for the Kirkness Diamond Drilling Employee RV Park Conditional Use Permit application that was heard on May 17, 2012. Commissioner Lois K. Murphy made a motion that the Commission approve and sign the Findings of Fact and Conclusions of Law for the Kirkness Diamond Drilling Employee RV Park Conditional Use Permit application, as presented; seconded by Commissioner Jack Kane.

Roll call vote:	Clint Evans	aye	Rosemary Ardinger	aye
	Jack Kane	aye	Jon Bart	aye
	Lois K. Murphy	aye	Dan Gasiorowski	absent

All ayes, motion carried.

Review and Approval of the May 17, 2012 Regular Meeting Minutes

Commissioner Rosemary Ardinger made a motion to approve the minutes of the regular meeting held on May 17, 2012 as presented; seconded by Commissioner Lois K. Murphy. All ayes, motion carried.

Wilderness Ranch Fire Protection District – Fire Substation Conditional Use Permit Application Case #2012-07:

Interim Administrator Rora 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; and, stated that the complete Planning and Zoning file was entered into the record at this time. This application, by Wilderness Ranch Fire Protection District, represented by John McCarthy, is requesting a Conditional Use Permit to construct and operate a Fire Substation on Lot 1 Block 2 of Osprey Subdivision. The leased property is located on Lot 1,

Block 2 of the Osprey Subdivision, Assessor's parcel #RP001520020010 located in Section 2, T4N, R4E, BM, Boise County, Idaho.

Site Specific Conditions of Approval:

1. The applicant shall obtain Central District Health Department approval for any future vault or plumbed restrooms to be installed on the property.
2. The applicant shall obtain the appropriate upgraded building permit for the construction of the fire substation building.

NOTE: In the event a Standard Condition of Approval conflicts with a Site Specific Condition of Approval contained herein the Site Specific Condition of Approval shall control.

Standard Conditions of Approval:

The Planning and Zoning Commission should select those appropriate Standards from this list found in Resolution #2004-21, 1-18.

Chairman Evans called upon the applicant, John McCarthy, to present his application. Mr. McCarthy appeared before the Commission and explained that WRFPD, if approved, plans to build a dry (no restroom facilities) fire sub-station at this location. This fire sub-station will allow for quicker response to the NE section of the WRFPD.

Chairman Evans then called upon the public that wished to speak.

Those who gave testimony in support of the application were: Eileen Capson, Rob Lindy, Jim Bryant, and Harry Blodgett.

Those who gave neutral testimony were: Gary Holgart. He expressed concerns that no water and sewer would be installed and he did not want the fire department using High Corral Road for access.

No one appeared and gave testimony in opposition to the application.

Chairman Evans requested rebuttal from the applicant. Mr. McCarthy responded to concerns raised by the public regarding use of High Corral Road by stating that the WRFPD does pay into the road maintenance for this road. Also, that the WRFPD has a water tank at High Corral for keeping the fire engines full of water.

Chairman Clint Evans closed the public hearing and brought the issue back to the Commission for deliberation. Chairman Clint Evans stated upon his review the application was complete and this is a needed use. He asked the Commission to review the Site Specific Conditions and the Standard Conditions.

Commissioner Ardinger stated upon her review this is a very much needed use, the application was complete and there is available water for the tanker trucks.

Commissioner Kane stated upon his review he agrees with what has been stated and the water issue is resolved.

Commissioner Murphy stated that looking at the Nine Standards the application has met them and that this is a necessary public facility.

Commission Bart stated he agrees with all comments and this is a necessary and justified use.

The Commission then reviewed the Standard Conditions and agreed all the Standards would apply.

The Commission then reviewed the Site Specific Conditions and agreed that all of the Staff proposed Site Specific Conditions apply: to the following:

- The applicant shall obtain Central District Health Department approval for any future vault or plumbed restrooms to be installed on the property.
- The applicant shall obtain the appropriate upgraded building permit for the construction of the fire substation building.

Commissioner Bart moved the Commission approve CUP 2012-07, Wilderness Ranch Fire Protection District to construct and operate a fire substation on Lot 1, Block 2 of Osprey Subdivision with the following conditions:

Site Specific Conditions:

1. The applicant shall obtain Central District Health Department approval for any future vault or plumbed restrooms to be installed on the property.
2. The applicant shall obtain the appropriate upgraded building permit for the construction of the fire substation building.

And, the Standard Conditions:

1. 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;
2. Applicant must provide proof of property ownership or valid leasehold from the property owner;
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 services must be provided prior to commencement of work;
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 required conditions imposed by Central District Health Department;
7. Where applicable the Applicant shall identify the days and hours of operation of CUP activity;
8. Building construction shall meet the requirements of the Idaho Building Code Act, Idaho Code Title 39, Chapter 41;
9. Applicant shall prepare and present to the county its emergency services (specifically, but not limited to, fire and ambulance services) action plan;
10. 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:

- (a) Commence the use permitted by the permits in accordance with the conditions of approval.
11. 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;
12. 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;
13. 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);
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 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;
17. 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
18. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise County Planning and Zoning Commission.

Motion was seconded by Commissioner Kane. Roll call vote was taken, motion passed.

Roll call vote:	Clint Evans	aye	Rosemary Ardinger	aye
	Jack Kane	aye	Jon Bart	aye
	Lois K. Murphy	aye	Dan Gasiorowski	absent

Idaho Public Television – Conditional Use Permit Application Case #2012-08:

Interim Administrator Rora 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; and, stated that the complete Planning and Zoning file was entered into the record at this time. This application, by Idaho Public Television, represented by Rich Van Gendern, is requesting a conditional use permit approval to construct and operate a 75' communications tower for a digital translator, and install a pre-fabricated communications building with perimeter fencing. A high speed, secure data microwave to connect to the Boise County Sheriff's office would also be installed on the 75' communications tower. The 100' x 100' leased property is located in the SE1/4 of the SW ¼ Section 15, T6N, R5E, BM, Boise County, Idaho.

Site Specific Conditions of Approval:

1. The applicant shall obtain Central District Health Department approval for any future vault or plumbed restrooms to be installed on the property.
2. The applicant shall be required to obtain a building permit prior to the construction of the facility.

NOTE: In the event a Standard Condition of Approval conflicts with a Site Specific Condition of Approval contained herein the Site Specific Condition of Approval shall control.

Standard Conditions of Approval:

The Planning and Zoning Commission should select those appropriate Standards from this list found in Resolution #2004-21, 1-18.

Chairman Evans called upon the applicant, Rich Van Genderen, to present his application. Mr. Van Genderen appeared before the Commission and gave a power point presentation to the Commission of the entire application.

Chairman Evans then called upon the public that wished to speak.

Those who gave testimony in support of the application were: Bruce Reichert, Eileen Capson, and Brent Adamson.

No one appeared to give neutral testimony.

No one appeared and gave testimony in opposition to the application.

Since there were no comments in opposition to the application, Chairman Evans closed the public hearing and brought the issue back to the Commission for deliberation. Chairman Clint Evans stated upon his review the application was complete and the use would be a benefit to the Idaho City community and Boise County. He asked the Commission to review the Site Specific Conditions and the Standard Conditions.

Commissioner Ardinger complimented Mr. Van Genderen on the Archeology Report and stated based upon her review this use would be a benefit to the Idaho City community and Boise County.

Commissioner Kane stated he agreed with Chairman Evans and had no other comments to add. Commissioners Murphy and Bart agreed with Chairman Evans and had no other comments.

The Commission then reviewed the Standard Conditions and agreed all the Standards would apply.

The Commission then reviewed the Site Specific Conditions and agreed that all of the Staff proposed Site Specific Conditions apply: to the following:

1. The applicant shall obtain Central District Health Department approval for any future vault or plumbed restrooms to be installed on the property.
2. The applicant shall be required to obtain a building permit prior to the construction of the facility.

Commissioner Ardinger moved the Commission approve CUP 2012-08, Idaho Public Television to construct and operate a 75' communications tower for a digital translator, and install a pre-fabricated communications building with perimeter fencing. A high speed, secure data microwave to connect to the Boise County Sheriff's office would also be installed on the 75' communications tower. The 100' x 100' leased property is located in the SE1/4 of the SW 1/4 Section 15, T6N, R5E, BM, Boise County, Idaho.

a fire substation on Lot 1, Block 2 of Osprey Subdivision with the following conditions:

Site Specific Conditions:

1. The applicant shall obtain Central District Health Department approval for any future vault or plumbed restrooms to be installed on the property.
2. The applicant shall be required to obtain a building permit prior to the construction of the facility.

And, the Standard Conditions:

1. 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;
2. Applicant must provide proof of property ownership or valid leasehold from the property owner;
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 services must be provided prior to commencement of work;
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 required conditions imposed by Central District Health Department;
7. Where applicable the Applicant shall identify the days and hours of operation of CUP activity;

8. Building construction shall meet the requirements of the Idaho Building Code Act, Idaho Code Title 39, Chapter 41;
9. Applicant shall prepare and present to the county its emergency services (specifically, but not limited to, fire and ambulance services) action plan;
10. 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:
 - (a) Commence the use permitted by the permits in accordance with the conditions of approval.
11. 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;
12. 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;
13. 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);
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 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;
17. 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
18. Failure to abide by any condition of this Conditional Use Permit shall be grounds

for revocation by the Boise County Planning and Zoning Commission.

Motion was seconded by Commissioner Murphy. Roll call vote was taken, motion passed.

Roll call vote:	Clint Evans	aye	Rosemary Ardinger	aye
	Jack Kane	aye	Jon Bart	aye
	Lois K. Murphy	aye	Dan Gasiorowski	absent

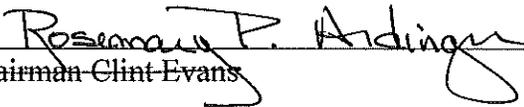
General Discussion:

Interim P&Z Administrator Canody informed the Commission that no applications have been received for the July meeting; however, an Administrative Appeal is forth coming that will be heard by the Commission. Deputy PA McLain informed the Commission that the filing fee of \$600.00 and the signed appeal have to be received prior to setting the matter for the public hearing. If the signed appeal and filing fee are received the public hearing will be scheduled for July 19, 2012 at 6:30 p.m. It was recommended that the public hearing, if held, be scheduled to be held in the Centerville Fire Station. The Commission agreed.

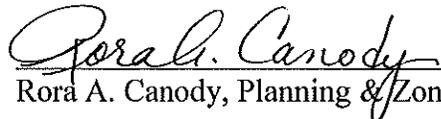
Mike Williams informed the Commission that he is getting very close to having a draft document to review with P&Z staff and then schedule a workshop with the Commission.

Having no further business, Chairman Clint Evans adjourned the meeting at 7:35 p.m.

Approved by the Commission this ___ day of July 2012.


Chairman Clint Evans

Attest:


Rora A. Canody, Planning & Zoning Interim Administrator