



REGULAR MEETING OF THE
BOISE COUNTY
PLANNING & ZONING COMMISSION
June 27, 2013
Boise County Public Safety Building
3851 Hwy 21
Idaho City, Idaho 83631

ORIGINAL

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

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

Roll Call and Establish a Quorum: Chair Rosemary P. Ardinger requested that P&Z Administrative Assistant Dorau call the roll. Seven P&Z Commission members were present. Chair Ardinger declared a quorum was present and called the meeting to order at 6:32 p.m.

Chair Ardinger informed the public of the procedures the Commission will follow for the public hearings.

Vice-Chair Gasiorowski stated that he lives in Placerville and that he has been semi approached on one of the items on the agenda and feels he can make an informed decision.

Chair Ardinger stated because of her professional relationship with the Mores Creek Cabin & her personal knowledge of the application, she will recused herself from the discussion.

Commissioner Reed disclosed that Trish Grunke called her at home. She explained the comment process to Mrs. Grunke and did not discuss the application, just Planning & Zoning in general.

Minutes: Chair Ardinger requested a motion to approve the minutes of the April 18, 2013 regular meeting. Vice-Chair Gasiorowski made a motion to approve the minutes of the April 18, 2013 regular meeting, as presented; seconded by Commissioner Wilson. All ayes: motion carried.

Chair Ardinger requested a motion to approve the minutes of the May 8, 2013 Special Meeting & Joint Workshop. Vice-Chair Gasiorowski made a motion to approve the minutes of the May 8, 2013 Special Meeting & Joint Workshop, as presented; seconded by Commissioner Wilson. All ayes: motion carried.

Chair Ardinger requested a motion to approve the minutes of the May 16, 2013 regular meeting. Vice-Chair Gasiorowski made a motion to approve the minutes of the May 16, 2013 regular meeting, as presented; seconded by Commissioner Wilson. All ayes: motion carried.

Chair Ardinger requested a motion to approve the minutes of the May 22, 2013 Special Meeting & Joint Workshop. Vice-Chair Gasiorowski made a motion to approve the minutes of the May 22, 2013 Special Meeting & Joint workshop, as presented; seconded by Commissioner Wilson. All ayes: motion carried.

Chair Ardinger requested a motion to approve the minutes of the May 22, 2013 Special Meeting, Signing of the FCO's. Commissioner Wilson made a motion to approve the minutes of the May 22, 2013 Special Meeting, as presented; seconded by Commissioner Faull. All ayes: motion carried.

Rowland's Auto Body Conditional Use Permit Application, Case #2013-005:

Chair Ardinger called the public hearing to order for the Rowland's Auto Body Conditional Use Permit Application #2013-005 and requested the P&Z Staff present a brief overview of the application. P&Z Acting/Interim Administrator Canody informed the Commission the applicant is Eric Rowland and the location of Rowland's Auto Body, if approved, would be at 41 Anderson Creek, Garden Valley, Boise County.

Chair Ardinger next called upon the applicant, Eric Rowland, to present his application for Rowland's Auto Body. Mr. Rowland appeared before the Commission and explained his application request to operate an auto body repair & paint shop and answered questions from the Commission.

Chair Ardinger called upon P & Z Acting/Interim Administrator Canody for the Staff Report Presentation. P&Z Acting/Interim Administrator Canody appeared before the Commission on the matter of the Rowland's Auto Body Conditional Use Permit Application #2013-005 and stated that the entire Planning and Zoning Department file was entered into the record. P&Z Acting/Interim Administrator Canody gave a power point presentation to supplement the Staff Report that had been emailed to the P&Z Commission members and the applicant. The application is requesting approval to operate an auto body repair & paint shop. The property is owned by Ryan & Holli Porterfield. The Assessor's parcel number is RP09N04E157251, Boise County, Idaho. P&Z Acting/Interim Administrator Canody recommended the Commission approve the conditional use application with site specific conditions and the standard conditions, as outlined in the Staff Report.

Chair Ardinger next called upon the public for comments. No one had signed in to give public comments in favor, in opposition, or neutral, to the application. Therefore, no rebuttal testimony was necessary.

Chair Ardinger opened the discussion with the Commission. The Commission asked numerous questions of staff, the applicant and legal counsel regarding the proposed conditions.

Chair Ardinger closed the public hearing and opened the deliberations with the Commission. After lengthy discussion and deliberation of the information in the record and public testimony, the Commission reviewed the site specific conditions as recommended by staff and discussed changes to the site specific conditions.

Commissioner Wilson made a motion for the Commission to approve the following Site Specific Conditions & Standard Conditions for Rowland Auto Body & Repair Conditional Use Permit #2013-005, with an amendment noted on Site Specific Condition #2;

SITE SPECIFIC CONDITIONS OF APPROVAL:

1. Applicant shall establish operating days and hours of 8:00 a.m. to 6:00 p.m., Monday

- through Saturday, open on Sundays by appointment only. (previous CUP)
2. Applicant shall install at least two (2) each 10 pound ABC fire extinguishers obtain a letter of approval of the facility from the Garden Valley Fire Protection District Fire Chief and provide proof of the installation a copy to the Planning and Zoning Department.
 3. Applicant shall provide a copy of their current Business Liability Insurance, and from then on a yearly basis, in an amount that is practical for this type of business.
 4. Failure of applicant to comply with all conditions of this Conditional Use Permit will be cause for revocation of the Conditional Use Permit.
 5. Applicant shall comply with all federal, state and county applicable laws.

STANDARD CONDITIONS OF APPROVAL:

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. Furthermore, applicant will comply with any required conditions imposed by the 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 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 and 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 the applicant'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 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. 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 carried. Commissioner Jaugueri

Roll call vote:

Rosemary Ardinger	aye	
Dan Gasiorowski	aye	Peter Wilson aye
Mitchel Tain	aye	Thomas Faull aye
Jayne Reed	nay	John Jaugueri aye

Valley of the Pines/Thorn Creek Volunteer Fire Department Conditional Use Permit Application Case #2013-004:

Chairman Ardinger called the public hearing to order for the Valley of the Pines Thorn Creek Volunteer Fire Department Conditional Use Permit Application #2013-004 and requested the P&Z Staff present a brief overview of the application. P&Z Acting/Interim Administrator Canody informed the Commission the applicant is Valley of the Pines Thorn Creek Volunteer Fire Department and is represented by David Haney and the location of Valley of the Pines Thorn Creek Volunteer Fire Department, if approved, would be on Thorn Creek Road, Boise County.

Chairman Ardinger next called upon the representative, David Haney, to present the application for Valley of the Pines Thorn Creek Volunteer Fire Department. Mr. Haney appeared before the

Commission and explained their application request for a fire substation, Valley of the Pines Thorn Creek Volunteer Fire Department and answered questions from the Commission.

Chairman Ardinger called upon P & Z Acting/Interim Administrator Canody for the Staff Presentation. P & Z Acting/Interim Administrator Canody appeared before the Commission on the matter of the Valley of the Pines Thorn Creek Volunteer Fire Department Conditional Use Permit Application #2013-004 and stated that the entire Planning and Zoning Department file be entered into the record. 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. The application is requesting approval to operate a fire substation. The property is owned by Valley of the Pine Thorn Creek Volunteer Fire Department. The Assessor's parcel number is to be determined. P&Z Acting/Interim Administrator Canody recommended the Commission approve the Conditional Use Application with site specific conditions and the standard conditions, as outlined in the Staff Report.

Chairman Ardinger next called upon the public for comments, starting with those in favor of the application. Dan Cano, Valley of the Pines Thorn Creek Volunteer Fire Department Fire Chief and Julie Shape are in support of the application. Chairman Ardinger stated no one else had signed in to give public comments in favor, in opposition, or neutral, to the application.

Dave Haney gave rebuttal testimony and answered question from the Commission.

Chairman Ardinger opened the discussion with the Commission. The Commission asked numerous questions of staff, the applicant and legal counsel regarding the proposed conditions.

Chairman Ardinger closed the public hearing and opened the deliberations with the Commission. After lengthy discussion and deliberation of the information in the record and public testimony, the Commission reviewed the site specific conditions as recommended by Staff.

Commissioner Tain moved that the Commission approve the following site specific conditions & standard conditions for Valley of the Pines Thorn Creek Volunteer Fire Department Conditional Use Permit #2013-0024; seconded by Commissioner Jaugeri:

SITE SPECIFIC CONDITIONS OF APPROVAL:

1. The applicant shall obtain the appropriate upgraded building permit for the construction of the firehouse sub-station building; which will include an Elevation Certificate.
2. The applicant shall provide, to the Planning and Zoning Department; proof that one portable toilet has been provided for bathroom use and a copy of the contract for maintenance of the portable toilet.
3. The applicant shall establish operating days and hours of the fire substation as 24/7, to respond to emergencies and provide training of fire personnel/volunteers.
4. The applicant shall provide the Planning and Zoning Department with a copy of their current paid insurance policy, suitable for this type of business, and yearly hereinafter.
5. Failure of applicant to comply with all conditions of this CUP will be cause for revocation of the CUP.
6. The applicant shall comply with all federal, state and county applicable laws.

STANDARD CONDITIONS OF APPROVAL:

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, the applicant will comply with any required conditions imposed by the 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 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 and 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 the applicant'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 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. 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 carried.

Roll call vote:

Rosemary Ardinger	aye		
Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jaugueri	aye

Gold Hill Reclamation & Mining Amendment #4 Conditional Use Permit Application Case #2010-05D:

Chairman Ardinger called the public hearing to order for the Gold Hill Reclamation & Mining Amendment #4 Conditional Use Permit Application #2010-05D and requested the P&Z Staff present a brief overview of the application. P&Z Acting/Interim Administrator Canody informed the Commission that the applicant is Christopher Guill, Gold Hill Reclamation & Mining Amendment #4 and the location of Gold Hill Reclamation & Mining Amendment #4, if approved, would be located at Granite Creek Road & the Mud Flats area, Placerville, Boise County.

Chairman Ardinger next called upon the applicant, Christopher Guill, Gold Hill Reclamation & Mining to present the application for Gold Hill Reclamation & Mining Amendment #4. Mr. Guill, appeared before the Commission and explained their application request for an amendment to the conditions; specifically conditions #5, #7, #10 and #11: working hours: dates of operation: additional of building construction and: noise mitigation and, answered questions from the Commission. Owner of the property, Oscar Baumhoff, was also present and answered questions from the Commission.

Chairman Ardinger called upon P & Z Acting/Interim Administrator Canody for the Staff Presentation. P & Z Acting/Interim Administrator Canody appeared before the Commission on the matter of the Gold Hill Reclamation & Mining Amendment #4 Conditional Use Permit Application #2010-05D and stated that the entire Planning and Zoning Department file was entered into the record. 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. The application is requesting approval to amend conditions #5, #7, #10 and #11: the working hours: dates of operation: addition of building construction and: noise mitigation. The property is owned by Oscar Baumhoff. The Assessor's parcel number is RP07N04E222550, Boise County, Idaho. P&Z Acting/Interim Administrator Canody recommended the Commission approve the Conditional Use Application with site specific conditions and the standard conditions, as outlined in the staff report.

Chairman Ardinger next called upon the public for comments, starting with those in favor of the application; Oscar Baumhoff, Joel Hall, Jackie Bridwell, Sarah Gordon and Robert Fritzs. Chairman Ardinger stated that there were neutral comments and moved to those that are in opposition of the application; Matt Steers, Tom Andreason, George Shepherd, Gwen Purcell, Kevin Grunke and Tim Garrett.

Chair Ardinger called upon Mr. Guill, applicant, to give rebuttal testimony.

Chairman Ardinger opened the discussion with the Commission. The Commission asked numerous questions of staff, the applicant and legal counsel regarding the proposed conditions.

Chairman Ardinger closed the public hearing and opened the deliberations with the Commission. After lengthy discussion and deliberation of the information in the record and public testimony, the Commission reviewed the site specific conditions as recommended by Staff and discussed changes to the site specific conditions.

SITE SPECIFIC CONDITIONS OF APPROVAL:

B. Original Condition #5 be replaced with the following condition:

Vice Chair Gasiorowski made a motion to approve the following condition.

5.a Applicant shall comply with the work schedule of Monday through Friday, 7:00 a.m. to 6:00 p.m., Monday through Friday, for all heavy truck traffic both into and out of the Mud Flat site; no heavy trucks will run 6:00 p.m. to 7:00 a.m.; no heavy trucks will run on the weekends or federally recognized holidays. ~~(No weekend truck traffic.)~~

Commissioner Jaugeri seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye		
Dan Gasiorowski	aye	Peter Wilson	nay
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	nay	John Jaugeri	aye

Vice Chair Gasiorowski made a motion to approve the following condition.

5.b Up to three, ~~ten wheel dump trucks~~ loads per day shall be allowed to haul the crushed fines to Boise daily, Monday through Friday only.

Commissioner Faull seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye		
Dan Gasiorowski	aye	Peter Wilson	aye

Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jaugueri	aye

Vice Chair Gasiorowski made a motion to approve the following condition.
 5.c Applicant shall maintain signs on the Centerville Road which shall read "trucks entering roadway" or " heavy truck traffic", or something similar; to be determined by industry standard.

Commissioner Tain seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye	Peter Wilson	aye
Dan Gasiorowski	aye	Thomas Faull	aye
Mitchel Tain	aye	John Jaugueri	aye
Jayne Reed	aye		

Vice Chair Gasiorowski made a motion to approve the following condition.
 5.d Applicant shall insure that all trucks observe a 15 mph speed limit within the city limits of Idaho City from the Elk Creek Bridge on Montgomery St. to Highway 21.

Chairman Ardinger seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye	Peter Wilson	aye
Dan Gasiorowski	aye	Thomas Faull	aye
Mitchel Tain	aye	John Jaugueri	aye
Jayne Reed	aye		

Vice Chair Gasiorowski made a motion to approve the following condition.
 5.e Applicant shall insure that all truck drivers are informed of the Basin School District school hours and school bus routes and times and ~~when possible~~ to not operate the trucks during the bus route times.

Commissioner Tain seconded the motion. All Ayes, Motion carried.

Vice Chair Gasiorowski made a motion to approve the following condition.
 5.f Applicant shall work with Boise County to develop a road agreement; which will include, at a minimum, dust abatement measures.

Commissioner Reed seconded the motion. All ayes, motion carried.

C. That Original Condition #7 is replaced with the following condition:

Vice Chair Gasiorowski made a motion to approve the following condition.

7. Applicant shall adhere to industrial building site setback requirements from the property lines for any buildings, tanks, ponds and the storage, loading and unloading of material.

Commissioner Faull seconded the motion. All ayes, motion carried.

D. Original Condition #10 is replaced with the following condition:

Chairman Ardinger made a motion to approve the following condition.
10.a Applicant shall take all possible reasonable measures for noise mitigation.

Commissioner Faull seconded the motion. All ayes, motion carried.

Vice Chair Gasiorowski made a motion to approve the following condition.
10.b Production hours shall be established as between the hours of 7:00 a.m. and 6:00 p.m. and the applicant shall keep the noise level at 65 decibels or less from the edge of the applicant's property boundary.

Commissioner Faull seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye		
Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jaugueri	aye

Vice Chair Gasiorowski made a motion to approve the following condition.

10.c Between the hours of 6:00 p.m. and 7:00 a.m. the applicant shall keep the noise level at 40 decibels or less from the edge of the applicant's property boundary.

Commissioner Faull seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye		
Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jaugueri	aye

Vice Chair Gasiorowski made a motion to approve the following condition.

10.d Applicant shall not run any heavy equipment or processing equipment between the hours of 6:00 p.m. and 7:00 a.m.

Commissioner Faull seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye		
Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jaugueri	aye

Vice Chair Gasiorowski made a motion to approve the following condition.

- 10.e ~~Applicant hours of operation shall be set as 7:00 a.m. to 6:00 p.m.~~ Applicant shall voluntarily, at their own expense, purchase two decibel level recording devices and place these two devices at two locations agreed to by applicant and the Planning and Zoning Department; applicant shall provide for the upkeep and maintenance of the decibel level recording devices; the applicant shall provide the decibel readings to the Planning and Zoning Department, or allow county employees to access the property to retrieve the decibel readings on a monthly basis; and the applicant shall reimburse Boise County for any expense incurred by the Planning and Zoning Department in obtaining the decibel level recorded data.

Commissioner Tain seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye		
Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jaugueri	aye

E. Original Condition #11 is replaced with the following condition:

Vice Chair Gasiorowski made a motion to approve the following condition.

11. Applicant shall establish days of operation as 7 5 days per week, Monday through Friday, year round and shall be closed on established federal recognized holidays.

Commissioner Jaugueri seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye		
Dan Gasiorowski	aye	Peter Wilson	nay
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jaugueri	aye

F. New Condition (clarification of current Condition #14):

Vice Chair Gasiorowski made a motion to approve the following condition.

- a. The applicant shall work with the Boise County Prosecuting Attorney, Planning and Zoning Staff and the chair of the Task Force to develop a procedure by which any noise violations of the CUP may be mitigated or enforced. Such enforcement shall include, but not be limited to, reduction of operating hours or CUP revocation.

Commissioner Reed seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	aye		
Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jaugueri	aye

Vice Chair Gasiorowski moved that the Commission approve the following site specific conditions for Gold Hill Reclamation & Mining Conditional Use Permit #2010-05D; seconded by Commissioner Faull:

STANDARD CONDITIONS OF APPROVAL:

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 the 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 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 and 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 applicant'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 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. 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 carried.

Roll call vote:

Rosemary Ardingner	aye		
Dan Gasiorowski	aye	Peter Wilson	nay
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	nay	John Jaugeri	aye

Commissioner Dan Gasiorowski stated for the record that Chairman Ardingner recused herself from the proceedings due to a conflict of interest and that he will be conducting the rest of the hearing.

Commissioner Wilson excused himself from the proceedings to attend to a personal matter.

Mores Creek Campground and Cabin Rentals Conditional Use Permit Application Case #2013-003: Continued Public Hearing & Review.

Vice Chair Gasiorowski called the public hearing to order for the Mores Creek Campground and Cabin Rentals Conditional Use Permit Application #2013-003.

Vice Chair Dan Gasiorowski called upon the applicant, Lindsay Schramm, to present her application. Ms. Schramm informed the Commission that she did not have anything new to add and would turn it over to her general manager, Ray Gore. Mr. Gore informed the Commission of the conditions that they have completed.

1. Instead of waiting for a permit through the Forest Service, a 20 foot wide road was put on the property.

2. Culvert installed.
3. Fire pit installed, with screens, at every cabin.
4. Obtained a permit for the pit privy.
5. Applied for the Commercial Building Permit.
6. Water test has been done through the State.

Vice Chair Gasiorowski called upon P & Z Acting/Interim Administrator Canody for the Staff Presentation. P & Z Acting/Interim Administrator Canody appeared before the Commission on the matter of the Mores Creek Campground and Cabin Rentals Conditional Use Permit Application #2013-003 continued hearing and stated that the entire Planning and Zoning Department file was entered into the record. 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. The application is requesting approval to operate a campground and cabin rentals. The property is owned by Lindsay Schramm. The Assessor's parcel number is RP06N06E031850, Boise County, Idaho.

Vice Chair Gasiorowski next called upon the public for comments, starting with those in favor of the application. Terry Teeter, Idaho City Volunteer Fire Chief, is in support of the application. Vice Chair Gasiorowski stated no one else had signed in to give public comments in opposition or neutral to the application.

Mr. Gore gave rebuttal testimony and answered questions from the Commission.

Vice Chair Gasiorowski opened the discussion with the Commission. The Commission asked numerous questions of staff and the applicant.

Vice Chair Gasiorowski closed the public hearing and opened the deliberations with the Commission. After lengthy discussion and deliberation of the information in the record and public testimony, the Commission reviewed the site specific conditions as recommended by Staff and discussed changes to the site specific conditions.

Vice Chair Gasiorowski asked for a motion on Site Specific Conditions 1-10. Commissioner Wilson made a motion to approve site specific conditions 1-10 omitting #4.

1. Applicant shall be limited to a maximum of three (3) cabins, two (2) teepees and one (1) deck with a wall tent for this Conditional Use Permit. However, the applicant may submit an Amended Conditional Use Permit application to expand their facilities.
2. Applicant shall develop a maximum of five (5) fire pits; which shall be built to the Boise County Wildland Urban Interface (WUI) Ordinance standards. Applicant shall obtain written approval of each fire pit from the Idaho City Volunteer Fire Department Chief and provide a copy of the written approval to the P&Z Department.
3. Applicant shall have established days and hours of operation as: 24 hours per day, 7 days per week and 365 days per year.
4. ~~Applicant shall provide to the P&Z Department a signed copy of the Agreement between the applicant and the US Forest Service regarding use of the egress easement on US Forest Service land, if US Forest Service land is used.~~
5. Applicant shall provide proof to the P&Z Department that the two approaches, ingress/egress, meet the ITD standard separation of 650 feet, if both will be used.

6. Applicant shall provide proof to the P&Z Department that a gate has been installed if the separation between the two approaches does not meet the 650 feet requirement.
7. Applicant shall provide proof to the P&Z Department of contact with ITD District 3 for the Approach Permit application and a copy of the application and approval, if necessary.
8. Applicant shall provide proof to the P&Z Department of proper drainage if the approaches are paved in the future.
9. Applicant shall not place any commercial sign within the public right-of-way.
10. Applicant shall bring all roads and drives within the property up to the minimum 20 foot width and provide turn arounds for emergency vehicles. Inspection by the County Engineer for compliance of this requirement shall be at the expense of the applicant.

Commissioner Faull seconded the motion. All ayes, motion carried.

11. Applicant shall provide to the P&Z Department a copy of the Central District Health Department permit and final inspection report for one (1) pit privy.

Commissioner Faull made a motion to approve condition #11. Commissioner Jaugueri seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	recused		
Dan Gasirowski	aye	Peter Wilson	excused
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	nay	John Jaugueri	aye

12. Applicant shall obtain commercial building permits from the P&Z Department for the gazebo, deck and wall tent, and pit privy.

Commissioner Jaugueri made a motion to approve condition #12, Commissioner Faull seconded the motion. All ayes, motion carried.

13. Applicant shall meet all requirements set forth by Central District Health Department regarding no running water supplied to any structure. ~~and, any grey water generated must be hauled off site and disposed of in an approved RV wastewater dump.~~

Commissioner Jaugueri made a motion to approve condition #13 as modified. Commissioner Faull seconded the motion. All ayes, motion carried.

14. Applicant shall provide to the P&Z Department a Fire Evacuation Plan as approved and signed by the Idaho City Volunteer Fire Department Chief and shall post this on site.

Commissioner Jaugueri made a motion to approve condition #14 as staff recommended.

Commissioner Faull seconded the motion. All ayes, motion carried.

15. Applicant shall include in the "campground rules": no fireworks allowed, ~~and all lighting must be downwards and inwards to each cabin, teepee or the wall tent.~~ any and all United States Forest Service fire restrictions shall also be followed on the property.

Commissioner Tain made a motion to approve condition #15 with the amendment. Commissioner Faull seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	recused		
Dan Gasiorowski	aye	Peter Wilson	excused
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	nay	John Jaugueri	aye

16. Applicant shall provide the P&Z Department with a copy of their current paid insurance policy suitable for this type of business, and each year thereafter.
17. Applicant shall, at their expense, install a "stop" sign at the exit of Mores Creek Campground and Cabin Rentals road onto Highway 21.
18. Applicant shall place boundary signage at the property boundaries; adjacent to other private property.
19. Applicant shall comply with all federal, state and county applicable laws.
20. Failure of applicant to comply with all conditions of this Conditional Use Permit will be cause for revocation of the Conditional Use Permit.

Commissioner Jaugueri made a motion to approve conditions #16-#20 as recommended. Commissioner Faull seconded the motion. All ayes, motion carried.

Commissioner Faull made a motion to approve the following condition.

21. Applicant shall post in each cabin, in a prominent place, a "how to properly dispose of human waste" and provide a copy of the "how to" to the Planning and Zoning Department.

Commissioner Reed seconded the motion, All ayes, motion carried.

Vice Chair Gasiorowski entertained a motion to accept the following standard conditions. Commissioner Tain moved to approve the standard conditions for Mores Creek Campground & Cabin Rentals Conditional Use Permit #2013-003.

STANDARD CONDITIONS OF APPROVAL:

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 and the Wildland Urban Interface Ordinance.
6. The applicant will provide necessary information to Central District Health in order to obtain their comment. Further, the applicant will comply with any required conditions imposed by the 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 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 and 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 the applicant'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 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. Failure to abide by any condition of this Conditional Use Permit shall be grounds for revocation by the Boise County Planning and Zoning Commission.

Commissioner Jaugeri seconded the motion.

Motion carried.

Roll call vote:

Rosemary Ardinger	recused		
Dan Gasiorowski	aye	Peter Wilson	excused
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	nay	John Jaugeri	aye

General Discussion:

Acting/Interim Administrator Canody discussed the Commission meeting on July 18th at 10 a.m. at the Garden Valley School for the Unified Development Ordinance, breaking for dinner and continuing with the public hearing. Commission thought it was a good idea. Mrs. Canody stated that she would set the meeting location and request the Commission review the time and send her any comment that they might have.

Acting/Interim Administrator Canody informed the Commission that there might be an application for the August meeting on an amended CUP to an existing tower. The pre-application meeting has been conducted and the applicant would be out of town on the regularly scheduled meeting date and asked the Commission if a letter from the applicant would suffice or if they should change the meeting date to the following week. The Commission agreed that a letter would suffice and the meeting date would remain on August 15, 2013.

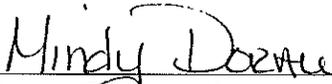
Chairman Ardinger made a motion to adjourn at 11:20. Vice Chair Gasiorowski seconded the motion.

Approved by the Commission this 3 day of October, 2013.



Rosemary P. Ardinger, Chair

Attest:



Mindy Dorau, Deputy Administrative Assistant