



REGULAR MEETING OF THE
BOISE COUNTY PLANNING & ZONING COMMISSION

May 16, 2013
Garden Valley School Flex Room
1053 Banks Lowman Road
Garden Valley, Idaho 83622

ORIGINAL

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

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

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

Minutes:

Vice Chair Gasiorowski tabled the minutes of the Regular Meeting held April 18, 2013, and the minutes of the Special Meeting/Joint Workshop of May 8, 2013 until the next regular meeting. Commissioner Jayne Reed requested changes in the order of events of the April 25, 2013 Special Meeting. Vice Chair Gasiorowski requested the change be made and the approval of the April 25, 2013 Special Meeting be tabled until the next regular meeting. Commissioner Wilson made a motion to approve the minutes of the Joint Workshop/Special meeting held on April 25, 2013; seconded by Commissioner Faull. All ayes, motion carried.

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

Crossfit 462 Conditional Use Permit Application Case #2013-002:

Vice Chair Gasiorowski called the public hearing to order for the CrossFit 462 Conditional Use Permit Application #2013-002 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 Janice Castillo and the location of CrossFit 462, if approved, would be at 1109 Banks Lowman Road, Garden Valley, Boise County.

Vice Chair Gasiorowski next called upon the applicant, Janice Castillo, to present her application for CrossFit 462. Mrs. Castillo appeared before the Commission and explained her application request for a fitness center, CrossFit 462, and, answered questions from the Commission. Owner of the property Jennifer Ward was also present and answered question from the Commission.

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 CrossFit 462 Conditional Use Permit Application #2013-002 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 physical fitness facility. The property is owned by Jennifer Ward. The Assessor's parcel number is RP09N04E26460, 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.

Vice Chair Gasiorowski next called upon the public for comments, starting with those in favor of the application. Mrs. Jennifer Ward spoke highly of the applicant and is in support of the application. Vice Chair Gasiorowski stated no one else had signed in to give public comments in favor, in opposition, or neutral, to the application. And therefore, no rebuttal testimony was necessary.

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

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.

Commissioner Faull moved that the Commission approve the following site specific conditions for CrossFit 462 Conditional Use Permit #2013-002; seconded by Commissioner Tain:

1. Applicant shall provide the Planning & Zoning Department and Central District Health Department with a copy of a written agreement for a portable toilet and a maintenance plan; and
2. Applicant shall sample the water for total coli form bacteria and nitrate and send a copy of the results to the Central District Health Department and the P&Z Department; unless there is no public access provided to water; and
3. Applicant shall establish operating days and hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday; and
4. Applicant shall comply with all federal, state and county applicable laws; and
5. Applicant shall provide the P&Z Department with a copy of their current paid insurance policy, suitable for this type of business; and
6. Failure of Applicant to comply with all conditions of this CUP will be cause for revocation of the CUP.

Motion carried.

Roll call vote:

Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jauregui	absent

Commissioner Faull made a motion the Commission approve the following Standard Conditions for CrossFit 462 Conditional Use Permit #2013-002, with an amendment noted on Condition #5; seconded by Commissioner Wilson.

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 Standards Ordinance; and Wildland Urban Interface Ordinance driveway width requirements;
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 Applicant shall have up to twenty four (24) months to initiate 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 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; and
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:

Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jauregui	absent

Commissioner Tain made a motion the Commission approve the CrossFit 462 Conditional Use Permit Application #2013-002 with the Site Specific Conditions and Standard Conditions, as approved and amended in the two previous motions; seconded by Commissioner Faull.

Motion carried

Roll call vote:

Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye	John Jauregui	absent

Mores Creek Campground and Cabin Rentals Conditional Use Permit Application Case #2013-003:

Vice Chair Gasiorowski called the public hearing to order for the Mores Creek Campground and Cabin Rentals Conditional Use Permit Application #2013-003 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 Lindsay Schramm and the location of Mores Creek Campground and Cabin Rentals, if approved, would be at 4629 Hwy 21, Northeast of Idaho City, Boise County.

Vice Chair Dan Gasiorowski called upon the applicant, Lindsay Schramm, to present her application. Ms. Schramm informed the Commission that Ray Gore is her husband and would also be giving testimony regarding the application. Ms. Schramm and Mr. Gore explained the

application request: wish to have three (3) cabins, two (2) teepees, a deck with a walled tent and one pit privy. The applicants answered questions from the Commission.

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 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. P&Z Acting/Interim Administrator Canody recommended that the application be tabled until the following documents have been provided to P&Z Department:

1. A copy of the signed egress document/agreement between the applicant and the United States Forest Service is provided to the P&Z Department.
2. Final approval from Central District Health Department.
3. Commercial building permits are obtained for the gazebo, the deck and wall tent.
4. An approved Fire Plan is signed and copy provided to the P&Z Department.

P&Z Acting/Interim Administrator Canody further stated she had included eleven (11) Site Specific Conditions for consideration if the Commission were to approve the conditional use permit application requested; along with the seventeen (17) Standard Conditions of Approval. All conditions referenced were in the Staff Report and in the Power Point Presentation.

Vice Chair Gasiorowski moved onto public comments. No one from the public had signed in to give testimony in favor, opposed or neutral. No one from the public was in attendance.

Vice Chair Gasiorowski closed the public hearing and opened the deliberations with the Commission. The Commission discussed the Site Specific and Standard Conditions. Commissioner Reed made a motion the Commission table a final decision on the Mores Creek Campground and Cabin Rental Conditional Use Permit Application #2013-003 until the regular meeting on June 27, 2013 to be held at the Public Safety Building, 3851 Hwy 21, Idaho City; seconded by Commissioner Tain.

Motion carried:

Roll call vote:

Dan Gasiorowski	aye	Peter Wilson	aye
Mitchel Tain	aye	Thomas Faull	aye
Jayne Reed	aye		

The Commission discussed the proposed eleven (11) Site Specific Conditions and made changes to them as follows:

1. 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.
2. Application shall provide proof to the P&Z Department that the two approaches, ingress/egress, met ITD standard separation of 650 feet.

3. Application 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.
4. 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.
5. Applicant shall provide proof to the P&Z Department of proper drainage if the approaches are paved in the future.
6. Applicant shall not place any commercial sign within the public right-of-way.
7. Applicant shall bring all roads and drives within the property up to the minimum 20 foot width and provide a forty foot turn around for emergency vehicles. Inspection by the County Engineer for compliance of this requirement shall be at the expense of the applicant and a signed letter of approval by Terry Teeter, Idaho City Volunteer Fire Chief, or the Boise County Emergency Manager that the roads are sufficient for fire equipment ingress and egress.
8. Applicant shall provide to the P&Z Department a copy of the Central District Health Department permit and final inspection report for one pit privy.
9. Applicant shall obtain upgraded commercial building permits from P&Z Department for the gazebo, deck and wall tent, and pit privy.
10. 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 dispose of in an approved RV wastewater dump.
11. Applicant shall provide to the P&Z Department a Fire Evacuation Plan as approved and signed by the Idaho City Volunteer Fire Department, Chief Teeter.
12. Applicant shall test the water well for use by the public.
13. Applicant shall bring all fire pits up to the Boise County Wildland Urban Interface (WUI) Ordinance standards and obtain approval from the Idaho City Volunteer Fire Department.
14. Proper disposal methods of human waste within each cabin and teepee.

Commissioner Faull moved to let the record reflect the reason for tabling was to allow for compliance with the recommended Site Specific conditions and the four (4) issues under the Staff Recommendation in the Staff Report; as discussed; seconded by Commissioner Tain. All ayes, motion carried.

General Discussion:

Acting/Interim Administrator Rora Canody informed the Commission that she met with one of the two County Engineers and is still waiting on a response from the other. The cost from the County Engineer to review the Ordinance would be \$200.00. Information will be given to the Board on Tuesday and discussed at the next Unified Development Ordinance.

Vice Chair Gasiorowski reminded the Commission that they will have four items on the agenda for regular meeting on June 27, 2013.

Commissioner Reed requested that the Acting/Interim Administrator Canody write a letter to the Idaho World explaining what a Conditional Use Permit is and why one is required. Suggestions were made to wait until the Unified Development Ordinance was changed then notify everyone.

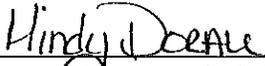
Having no further business, Vice Chair Gasiorowski adjourned the meeting; on a motion from Commission Faull; seconded by Commissioner Wilson; at 8:54 p.m.

Approved by the Commission this 27th day of June, 2013.



Vice Chair Dan Gasiorowski

Attest:



Mindy Dorau Deputy Administrative Assistant and



P&Z Acting/Interim Administrator Rora A. Canody