



REGULAR MEETING OF THE
BOISE COUNTY PLANNING & ZONING COMMISSION

May 17, 2012

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

ORIGINAL

Commissioners: Present: Chairman Clint Evans, Vice-Chairman Jake Kane, Commissioner Rosemary P. Ardinger, and Commissioner Dan Gasiorowski.

Absent: Commissioners Lois K. Murphy and Jon Bart.

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 four 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.

Selection of Chairman and Vice Chairman

Commissioner Jack Kane made a motion that Clint Evans continue as the Planning and Zoning Commission Chairman; seconded by Commissioner Rosemary Ardinger. All ayes, motion carried. Chairman Evans made a motion that Jack Kane continue as the Planning and Zoning Vice-Chairman; seconded by Dan Gasiorowski. All ayes, motion carried.

Review and Approval of the April 19, 2012 Regular Meeting Minutes

Commissioner Rosemary Ardinger made a motion to approve the minutes of the regular meeting held on April 19, 2012 as presented; seconded by Commissioner Dan Gasiorowski. All ayes, motion carried.

Approval of Findings of Fact and Conclusions of Law:

The Commission reviewed the Findings of Fact and Conclusions of Law for the Severance Sand and Gravel Amended Conditional Use Permit application that was heard on April 19, 2012. Commissioner Dan Gasiorowski made a motion that the Commission approve and sign the Findings of Fact and Conclusions of Law for the Severance Sand and Gravel Amended Conditional Use Permit application, as presented; seconded by Commissioner Jack Kane.

Roll call vote:	Clint Evans	aye	Rosemary Ardinger	aye
	Jack Kane	aye	Dan Gasiorowski	aye

All ayes, motion carried.

Kirkness Diamond Drilling Employee RV Park Conditional Use Permit Application:

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 Kyle McClay for Kirkness Diamond Drilling Co., Inc., is requesting a Conditional Use Permit to operation a recreational vehicle park and a common toilet/shower facility for seasonal housing of employees of Kirkness Diamond Drilling Co., Inc. on their parcel RP#09N04E236502 located at 1069 Banks/Lowman Road, Garden Valley, Idaho. Staff recommended the following site specific conditions of approval and the standard conditions of approval provided below be considered by the Commission if their decision is to Conditionally Approve the request by Kyle McClay to operation a recreational vehicle park and a common toilet/shower facility for seasonal housing of employees of Kirkness Diamond Drilling Co., Inc.:

Site Specific Conditions of Approval:

1. The recreation vehicle park (consisting of 10-RV pads) and common toilet shower facility are the only uses approved with this conditional use permit.
2. The recreation vehicle park shall only be utilized by employees of Kirkness Diamond Drilling Company.
3. The applicant shall make necessary changes to the existing driveways to meet Boise County Road Standards and Wildland Urban Interface Ordinance standards.
4. The applicant shall comply with all requirements of the Boise County Road and Bridge Department including but not limited to approval of the driveway access upgrade, drainage system, and new road. A letter of approval from the Boise County Road and Bridge Department shall be submitted to the Planning & Zoning Department prior to commencement of the recreation vehicle park use and the issuance of any building permit.
5. The applicant shall provide written approval from the Idaho Department of Water Resources and Central District Health Department for all well water and any shared or commercial well. The written approval shall be provided to the Planning and Zoning Department prior to commencement of the recreation vehicle park use and the issuance of any building permits.
6. The applicant shall provide written approval from the Central District Health Department approving the septic system serving the site prior to commencement of the recreation vehicle park use and the issuance of any building permits.

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. 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:
 - i. 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.

Chairman Evans called upon the applicant, Kyle McClay, to present his application. Mr. McClay appeared before the Commission and explained that his company currently rents houses in the area. He would like to provide his employees an area where they may bring their families and he can have better control over the employee's activities. His company has been working the area the past two years and will continue for another five years. Mr. McClay stated he would like to put in the 10 concrete pads, upgrade the access road with road mix not pave it, install a berms on the south between his property and the Garden Valley School property and to the west between his property and the neighbor, and work with Central District Health Department on the septic system and permits.

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

Those who gave testimony in support of the application were: Charlie Johnson.

Those who gave neutral testimony were: Marlo Glauser, on behalf of the Garden Valley Chamber of Commerce; Linda Bass, Alan Ward, and Jayne Reed.

Those who gave testimony in opposition to the application were: Richard Goetsch, Peter E. Wilson, Jimmy & Jacque Cadotte, Georgianna Goetsch, Ken Patterson.

Chairman Evans requested rebuttal from the applicant. Mr. McClay responded to concerns raised by the public regarding berms and stated his company does background checks on prospective employees and does not hire sex offenders.

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 septic issue will be regulated by the Central District Health Department.

Commissioner Gasiorowski stated upon his review the issues he would like defined were: seasonal be defined as April 15th to December 15th each year, that the recreational vehicles placed in the RV park be ten years old or newer, he would prefer a berm to a fence between the properties, and that criminal background checks be done for prospective employees.

Commissioner Ardinger stated upon her review the issues she would like to have conditions for are: the fire department concerns addressed, CDHD approval is received, that the property taxes are current, and a possible privacy fence on top of any berm.

Commissioner Kane stated he agreed that conditions need to be agreed upon for any berms and/or privacy fences and criminal background checks for potential employees.

The Commission then reviewed the Standard Conditions and agreed to the following:

- Standard Conditions #1, 2, 3, 4, 5, 8, 9, 13, 14, 15, 16, 18 would apply as presented.
- Standard Condition #6 will apply with the addition of dates.
- Standard Condition #7 be moved to Site Specific Conditions.
- Standard Condition #10 apply with the correction of twenty four (24) months to 60 months or 5 years.
- Standard Conditions #11, 12 & 17 be struck and not applied to this application.
- Standard Condition #19 be added: a privacy berm will be landscaped that reasonably blocks the view between the RV park and Garden Valley School to the south and another privacy berm to the west between the RV park and neighbor's house.
- Standard Condition #20 be added: applicant will take necessary steps to prevent convicted sex offenders from residing within the RV park.

The Commission then reviewed the Site Specific Conditions and agreed to the following:

- Site Specific Conditions #1, 2, 3, 4, 5 would apply as presented.
- Site Specific Condition #6 read as follows: The applicant shall provide written approval from the CDHD approving a central septic system serving the site prior to commencement of the recreation vehicle park use and the issuance of any building permits.

Commissioner Gasiorowski moved the Commission approve CUP 2012-06, Kirkness Diamond Drilling Co., Inc. to operate aaaa; with the following conditions:

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- Standard Condition #7 be moved to Site Specific Conditions.
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Motion was seconded by Commissioner Kane.

Roll Call vote was taken:

Chairman Clint Evans –yes

Commissioner Jack Kane -yes,

Commissioner Rosemary Ardinger – yes

Commissioner Dan Gasiorowski - yes

Commissioners Jon Bart and Lois K. Murphy were absent.

Motion carried.

General Discussion:

The Commission discussed the issue of late exhibits. The public notice that is mailed and the one published in the newspaper provide a deadline for the public to submit written comments. The notices also inform the public that oral testimony may be given at the public hearing. Deputy PA McLain informed the Commission that the process they have used regarding late exhibits is appropriate (the Chairman determining if a late exhibit is accepted or not) and they may continue to use that process. The Commission agreed to continue to handle any late exhibits with the Chairman making the determination as to whether or not the late exhibit is accepted and put into the record.

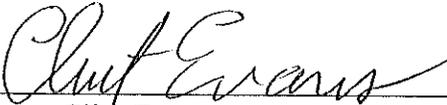
Interim P&Z Administrator Canody reminded the Commission that re-appointments would be coming up in July, to start in August, and asked Chairman Evans and Vice-Chairman Kane if they would be willing to continue to volunteer and serve on the Commission. Both agreed to volunteer and serve again if re-appointed by the Board of County Commissioners.

Mike Williams asked the Commission for feedback on the new staff report format, stating this is a very new form to P&Z staff and input is needed. The Commission agreed to give feedback at a later date. Chairman Evans did state that the new format seemed to be redundant.

Mr. Williams next discussed with the Commission the Boise County Land Use Ordinance re-write. He informed the Commission that once he has a completed draft that has been reviewed by legal counsel and the Interim P&Z Administrator a workshop will be set up with the Commission, himself, Interim P&Z Administrator and legal counsel to review the document. The process after Commission review will be a public hearing before the Commission, then on to the Board of County Commissioners for their review and public hearing and final adoption. Mr. Williams stated that Idaho Code on Land Use Planning Act is very clear with regards to the process that needs to be followed, as he outlined.

Having no further business, Chairman Clint Evans adjourned the meeting at 8:55 p.m.

Approved by the Commission this 21 day of June 2012.



Chairman Clint Evans

Attest:



Rora A. Canody, Planning & Zoning Interim Administrator