REGULAR MEETING OF THE
BOISE COUNTY PLANNING & ZONING COMMISSION
May 19, 2011
Garden Valley School Flex Room
1053 Banks Lowman Road
Garden Valley, Idaho 83622

ORIGINAL

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

Staff Present: Planning & Zoning Administrator Patti Burke, Administrative Assistant Rora Canody and Deputy Administrative Assistant Nola Yonker.

Roll Call was taken; four of the six members were present.

Chairman Evans declared a quorum was present and called the meeting to order at 6:30 p.m. Chairman Evans reminded the Commission and public present of the process for the public hearings. Chairman Evans requested a motion to add approval of the Findings of Fact, Conclusions and Order for the Fry Gravel Pit Conditional Use Permit to the agenda. Commissioner Murphy moved the agenda be amended to add approval of the Findings of Fact, Conclusions and Order for the Fry Gravel Pit Conditional Use Permit; seconded by Commissioner Kane. All ayes, motion carried.

Fry Gravel Pit Conditional Use Permit Findings of Fact, Conclusions and Order:
P&Z Administrator Burke stated that the Commission had approved the Fry Gravel Pit Conditional Use Permit, with conditions, during the April meeting and the document had been emailed out. Commissioner Gasiorowski moved the Commission approve the Findings of Fact, Conclusions and Order for the Fry Gravel Pit Conditional Use Permit as presented (and emailed out); seconded by Commissioner Murphy. All ayes, motion carried.

Review and Approval of the April 21, 2011 Regular Meeting Minutes
Commissioner Murphy requested that the minutes reflect that she had arrived to the meeting late, right after review and approval of the March 17, 2011 meeting minutes. Commissioner Gasiorowski requested additions to the minutes: that all those present for the Joint Training be listed and 2 points under the training be listed; 1) all nine (9) standards of a our ordinance regarding Conditional Use Permit applications must be reviewed and discussed during the P&Z meeting; and 2) for approval of Findings, Facts and Conclusions and Order (FCO's) this could be done with a Special Meeting being posted 24 hours in advance, with one P&Z member physically at the P&Z office and all others by telephone, and the meeting taped. Commissioner Gasiorowski made a motion the Commission approve the regular meeting minutes of April 21, 2011, as amended; seconded by Commission Murphy. All ayes, motion carried.

Deputy Prosecuting Attorney Cherese McLain arrived to the meeting at this time.

Fox Portable Welding Conditional Use Permit Application:
Chairman Evans called the public hearing to order for the Fox Portable Welding Conditional Use Permit application, reviewed the public hearing process and asked for the staff report.
P&Z Administrative Assistant Canody appeared before the Commission and presented the visual supplemental report, as the staff report had been emailed to all members of the Commission and the applicant. The applicant is H. Dewey Fisher and the property owner is Dale Hanson. The application is for a fabrication shop/show room located on parcel RP07N02E236050, on Hanson Drive, Horseshoe Bend, Idaho. Staff recommends the following conditions if the P&Z Commission approves the request by Fox Portable Welding to operate a fabrication shop/show room: 1-Applicant shall comply with BCZDO, Chapter 3, Section 3-9 Conditional Use Approval-If an allowed conditional use is abandoned for more than twelve (12) months it (the CUP) shall expire; 2-Applicant shall not engage in any additional activity or construction other than what has been applied for without first making application for an Amended Conditional Use Permit; 3-Applicant shall provide to the P&Z Department a copy of their Business Liability Insurance, yearly, in an amount that is practical for this industry; 4-Applicant shall comply with BCZDO, Chapter 9; specifically Sections 3-Procedures; 4-Standards; and 5-Land Use Standard for Signage, if applicant intends to install any on-site signs. A sign permit will be required, along with applicable fees; 5-Applicant shall not exceed operating hours as set forth in the application: Monday through Saturday from 8:00am to 5:00pm; and, closed on Sunday; 6-Applicant shall comply with BCZDO, Chapter 6, Section 6-6(f) (lighting and glare) throughout the facility and for all exterior lighting. (6.2.7) The applicant shall provide documentation to the Planning & Zoning Administrator, for any exterior lighting fixtures, that they are designed and located so as to minimize glare and direct light to adjoining properties and Highway 55; 7-Applicant shall comply with BCZDO, Chapter 7, off-street parking for a commercial development; 7-Applicant shall obtain appropriate permits from Central District Health Department prior to enclosing a portion of the existing structure; 8-Applicant shall provide the P&Z Department a copy of the approved permit from ITD for the second access onto Highway 55 or a letter stating one is not necessary; and 9-Comply with all federal, state, and local applicable laws.

H. Dewey Fisher, applicant, appeared before the Commission and gave comments on his proposed business. He informed the Commission of the location of the fabrication shop and office within the existing building and stated he would like to be open on Sundays and later on the weekends.

Beau Fisher appeared before the Commission stating his comments were the same as H. Dewy Fisher's comments.

Chairman Evans then called upon the public who had signed up to testify:

Margaret Drake stated she supports the application 100%.
Dale Hanson stated he supports the application and that it is important that the show room be open on Sundays, as there is lots of traffic on the weekends.

Betty Barker and Roger Miller had marked neural and did not wish to speak.
Ken Rich stated he is opposed to the application. He owns the residential lot adjacent to the proposed site and is concerned about noise; adequate parking for customers and 3-4 employees.
Steve Semels stated he supports the application and that he had rented to Mr. Dewey and knows him to be a courteous neighbor. Mr. Semels also stated that the nursery that had been on the parcel prior had 4-5 employees and up to 15 cars parked at one time, felt the parking area is adequate.

H. Dewey Fisher appeared to give rebuttal to the opposition: he feels the parking is adequate and stated the shop will be well insulated to minimize the noise level.

Chairman Evans closed the public hearing and reminded the Commission of the nine (9) standards. Each of the Commissioners discussed their views of the different standards; the concerns were noise, hours of operation, fire and ambulance services. P&Z Administrator Burke stated the standard used by the Commission in the past for noise level issues has been to set the rate of 65 decibels at the adjoining property boundary line. The Commission asked if the HSB Fire Protection District had been contacted by the applicant.

Chairman Evans asked for a motion to re-open the public hearing on the Fox Portable Welding Conditional Use Application. Commissioner Gasiorowski moved the Commission re-open the public hearing on the Fox Portable Welding Conditional Use Application; seconded by Commissioner Kane. All ayes, motion carried.

Chairman Evans recognized Beau Fisher to answer the inquiry regarding HSB Fire Protection District (HSBFPD) contact question. Mr. Fisher stated he had contacted Bruce Harrold, HSBFPD, and there were no issues to resolve.
Dale Hanson informed the Commission that the property has an adequate well with hydrants scattered around the property; and, he himself keeps the surrounding grass mowed.

Chairman Evans closed the public hearing and the Commission resumed their deliberation of the application.

After discussion, Commissioner Gasiorowski made a motion that the Commission approve the Conditional Use Permit for Fox Portable Welding with the following conditions: 1-that noise emitting from the shop may not exceed 65 decibels at the property line; 2-that the hours for the shop be set at 8 am to 6 pm and the retail store maintain normal business hours seven (7) days per week; 3-that the HSBFPD sign off on the application; 4-Applicant shall comply with BCZDO, Chapter 3, Section 3-9 Conditional Use Approval-If an allowed conditional use is abandoned for more than twelve (12) months it (the CUP) shall expire; 5-Applicant shall not engage in any additional activity or construction other than what has been applied for without first making application for an Amended Conditional Use Permit; 6-Applicant shall provide to the P&Z Department a copy of their Business Liability Insurance, yearly, in an amount that is practical for this industry; 7-Applicant shall comply with BCZDO, Chapter 9; specifically Sections 3-Procedures; 4-Standards; and 5-Land Use Standard for Signage, if applicant intends to install any on-site signs. A sign permit will be

required, along with applicable fees; 8- Applicant shall comply with BCZDO, Chapter 6, Section 6-6(f) (lighting and glare) throughout the facility and for all exterior lighting. (6.2.7) The applicant shall provide documentation to the Planning & Zoning Administrator, for any exterior lighting fixtures, that they are designed and located so as to minimize glare and direct light to adjoining properties and Highway 55; 9-Applicant shall comply with BCZDO, Chapter 7, off-street parking for a commercial development; 10-Applicant shall obtain appropriate permits from Central District Health Department prior to enclosing a portion of the existing structure; 11-Applicant shall provide the P&Z Department a copy of the approved permit from ITD for the second access onto Highway 55 or a letter stating one is not necessary; 12-Comply with all federal, state, and local applicable laws; seconded by Commissioner Kane.

Roll call vote:

Commissioner Evans	Aye	Commissioner Kane	Aye
Commissioner Murphy	Aye	Commissioner Gasiorowski	Aye

Commissioners Ardinger and Bart—absent

Rowland's Auto Body & (reopen) Craig Creek Tool Rental Conditional Use Permit Application:

Chairman Evans called the public hearing to order for the Fox Portable Welding Conditional Use Permit application, reviewed the public hearing process and asked for the staff report.

P&Z Administrative Assistant Canody appeared before the Commission and presented the visual supplemental report, as the staff report had been emailed to all members of the Commission and the applicant. The applicant/property owner is Steve Semels. The application is for an auto body shop and to reopen a tool rental business located on parcel RP001770010030, at 840 Banks/Lowman Road, Garden Valley, Idaho. Staff recommends the following conditions if the P&Z Commission approves the request by Steve Semels to for Rowland's Auto Body and Tool Rental Store: 1)Applicant shall comply with BCZDO, Chapter 3, Section 3-9 Conditional Use Approval-If an allowed conditional use is abandoned for more than twelve (12) months it (the CUP) shall expire; 2)Applicant shall not engage in any additional activity or construction other than what has been applied for without first making application for an Amended Conditional Use Permit; 3)Applicant shall provide to the P&Z Department a copy of their Business Liability Insurance, yearly, in an amount that is practical for this industry; 4)Applicant shall comply with BCZDO, Chapter 9; specifically Sections 3-Procedures; 4-Standards; and 5-Land Use Standard for Signage, if applicant intends to install any on-site signs. A sign permit will be required, along with applicable fees; 5) Applicant shall not exceed operating hours as set forth in the application: Monday through Saturday from 9:00 am to 8:00 pm; and, closed on Sunday; 6) Applicant shall comply with BCZDO, Chapter 6, Section 6-6(f) (lighting and glare) throughout the facility and for all exterior lighting. (6.2.7). The applicant shall provide documentation to the Planning & Zoning Administrator, for any exterior lighting fixtures, that they are designed and located so as to minimize glare and direct light to adjoining properties and Banks/Lowman Road; 7)Applicant shall comply with BCZDO, Chapter 7, off-street parking for a commercial development; 8) Applicant shall obtain appropriate permits from Central District Health Department prior to remodeling of Building #2 and provide proof of permits to the P&Z Department; 9) Applicant shall provide the P&Z Department a copy of

the proof of installation of the fire suppression system in Building #1, Auto Body shop; 10) Applicant shall provide the P&Z Department a copy of the completed inspection report from Garden Valley Fire Protection District Fire Chief Delvalle, noting the finished ceiling and installation of at least two (2) ten pound ABC extinguishers; and 11) Comply with all federal, state, and local applicable laws.

Steve Semels, applicant, appeared before the Commission and stated that he would like to re-open the tool rental business as that type of business is needed in the Garden Valley area. Mr. Semels also stated that there had been an auto body business in the Garden Valley area, but it closed; there is a need for this type of business. Mr. Semels informed the Commission that the parcel is very well landscaped; the prettiest commercial property on the Banks/Lowman Road. Mr. Semels stated he would like to change his request on the business hours to include being open on Sundays by appointment only for tool rentals to be returned.

Chairman Evans then called upon the public that had signed up to testify:
Eric Rowland stated he supports the application.

Having no other public Chairman Evans closed the public hearing and brought the application back to the Commission for deliberations.

Commissioner Murphy stated she felt the staff report had adequately covered the nine standards as outlined in the BCZDO. Chairman Evans agreed and stated the business would be good for the community. P&Z Administrator Burke informed the Commission that the residence above the auto body shop had been removed from the application. After further discussion, Commissioner Gasiorowski made a motion that the Commission agree that all nine standards of the BCZDO have been met and conditionally approve the CUP application for Rowland's Auto Body and Tool Rental Store with the following conditions: 1)Applicant shall comply with BCZDO, Chapter 3, Section 3-9 Conditional Use Approval-If an allowed conditional use is abandoned for more than twelve (12) months it (the CUP) shall expire; 2)Applicant shall not engage in any additional activity or construction other than what has been applied for without first making application for an Amended Conditional Use Permit; 3)Applicant shall provide to the P&Z Department a copy of their Business Liability Insurance, yearly, in an amount that is practical for this industry; 4)Applicant shall comply with BCZDO, Chapter 9; specifically Sections 3-Procedures; 4-Standards; and 5-Land Use Standard for Signage, if applicant intends to install any on-site signs. A sign permit will be required, along with applicable fees; 5) Applicant shall not exceed operating hours as set forth in the application: Monday through Saturday from 9:00 am to 8:00 pm; and, open on Sundays by appointment only; 6) Applicant shall comply with BCZDO, Chapter 6, Section 6-6(f) (lighting and glare) throughout the facility and for all exterior lighting. (6.2.7). The applicant shall provide documentation to the Planning & Zoning Administrator, for any exterior lighting fixtures, that they are designed and located so as to minimize glare and direct light to adjoining properties and Banks/Lowman Road; 7)Applicant shall comply with BCZDO, Chapter 7, off-street parking for a commercial development; 8) Applicant shall obtain appropriate permits from Central District Health Department prior to remodeling of Building #2 and provide proof of permits to the P&Z Department; 9) Applicant shall provide the P&Z Department a copy of the proof of installation of the fire

suppression system in Building #1, Auto Body shop; 10) Applicant shall provide the P&Z Department a copy of the completed inspection report from Garden Valley Fire Protection District Fire Chief Delvalle, noting the finished ceiling and installation of at least two (2) ten pound ABC extinguishers; 11) Comply with all federal, state, and local applicable laws and 12) that there will be no residential dwelling above the auto body shop; seconded by Commissioner Murphy.

Roll call vote:

Commissioner Evans	Aye	Commissioner Kane	Aye
Commissioner Murphy	Aye	Commissioner Gasiorowski	Aye

Commissioners Ardinger and Bart—absent

Timber Creek Meadow Minor Subdivision Public Hearing

Chairman Evans called the public hearing to order for the Timber Creek Meadow Minor Subdivision. Commissioner Murphy informed the Commission that she knows the applicant Jason Crawforth but feels she has no conflict of interest. Chairman Evans determined Commission Murphy did not have a conflict of interest and could remain.

P&Z Admin Asst Canody reviewed the staff report with the Commission: the application is for a three lot minor subdivision in the Garden Valley area, on parcel #RP001560010030A, is owned by JCBS Enterprises, LLC, represented by Brian J. Sielaff, and the application was submitted in August 2007. Staff proposed the following conditions if the Planning and Zoning Commission approves recommending approval of this application to the Boise County Board of County Commissioners: 1) Applicant shall include the Army Corps of Engineers approved Nationwide Permit 29, any/all Mitigation Plans conditions or requirements, and monitoring requirements in the CCR's for this minor subdivision prior to recording of same; 2) Applicant shall comply with all issues in the County Engineer letter dated January 11, 2011, received February 10, 2011; 3) Applicant shall comply with the requirements of Central District Health and obtain final approval prior to signing of the final plat; 4) Applicant shall complete a Road Development Agreement with the Boise County Board of Commissioners, prior to signing of the final plat; 5) Applicant shall pay to the County Treasurer all taxes due prior to signing of the final plat; 6) Applicant shall obtain Assessor certification prior to the signing of the final plat; 7) Applicant shall comply with all conditions and terms of the US Army Corps of Engineers Nationwide Permit 29 and any/all Mitigation Plan conditions or requirements; 8) Applicant shall show on the final plat a building envelope on each parcel, including setback requirements from the property boundaries; 9) Applicant shall add an additional Plat note stating there is a "community septic system" and shall be maintained between the three lots (not just one). This could be done in CCR's; 10) Applicant shall increase the sewer easement to 15' on parcel 2 along the road to match the 15' sewer easement as shown on parcel 3; 11) Applicant shall comply with all local, state, and federal requirements and permits that may be required.

Commissioner Gasiorowski established for the record that his public hearing was renoticed to all agencies and surrounding property owners. P&Z Administrator Burke informed the Commission that notice of the public hearing was mailed to all agencies and surrounding property owners on March 25, 2011, was legally advertised in the Idaho World. One new response had been received by the P&Z Department, a letter from the City of Crouch, which

was read into the record. P&Z Administrator Burke gave further comments on the application regarding the applicant's compliance with the October 20, 2007 direction of the P&Z Commission to obtain the Joint 404 Permit.

Chairman Evans called upon the county engineer, Trevor Howard, to review his letter of record. Mr. Howard informed the Commission he had reviewed the plat for closure and did review the Joint 404 Permit and Mitigation Plans.

Chairman Evans called upon the applicant for testimony. Doug Bergey, ALS Land Surveying & Planning, appeared on behalf of the applicant, Brian Sielaff. Mr. Bergey informed the Commission that Mr. Sielaff had complied with the Commission's request to obtain the Joint 404 Permit, has partially constructed the road, and presented a revised Preliminary Plat for consideration reflecting the easement for the irrigation district, building envelopes, a plat not stating there is a "community septic system" and shall be maintained between the three lots; and reflects the sewer easement on parcel 2 as a 15' easement.

Chairman Evans asked that the record reflect no public was in attendance to speak on this application and he closed the public hearing.
The Commission discussed the need to show the irrigation easement (shown on the revised Preliminary Plat), the application meets the criteria of the Boise County Comprehensive Plan. Commissioner Gasiorowski recommended that the Commission move forward on the application. Commissioner Murphy made a motion that the Commission approve sending the Minor Subdivision application for Timber Creek Meadows to the Board of County Commissioners, with the following conditions: 1) Applicant shall include the Army Corps of Engineers approved Nationwide Permit 29, any/all Mitigation Plans conditions or requirements, and monitoring requirements in the CCR's for this minor subdivision prior to recording of same; 2) Applicant shall comply with all issues in the County Engineer letter dated January 11, 2011, received February 10, 2011; 3) Applicant shall comply with the requirements of Central District Health and obtain final approval prior to signing of the final plat; 4) Applicant shall complete a Road Development Agreement with the Boise County Board of Commissioners, prior to signing of the final plat; 5) Applicant shall pay to the County Treasurer all taxes due prior to signing of the final plat; 6) Applicant shall obtain Assessor certification prior to the signing of the final plat; 7) Applicant shall comply with all conditions and terms of the US Army Corps of Engineers Nationwide Permit 29 and any/all Mitigation Plan conditions or requirements; 8) Applicant shall show on the final plat a building envelope on each parcel, including setback requirements from the property boundaries; 9) Applicant shall add an additional Plat note stating there is a "community septic system" and shall be maintained between the three lots (not just one). This could be done in CCR's; 10) Applicant shall increase the sewer easement to 15' on parcel 2 along the road to match the 15' sewer easement as shown on parcel 3; 11) Applicant shall comply with all local, state, and federal requirements and permits that may be required; seconded by Commissioner Gasiorowski.
Roll call vote:

Commissioner Evans	Aye	Commissioner Kane	Aye
Commissioner Murphy	Aye	Commissioner Gasiorowski	Aye

Commissioners Ardinger and Bart—absent

Re-schedule of Subdivision Ordinance Public Hearing
P&Z Administrator Burke informed the Commission that Deputy PA McLain is not available on June 9, 2011, for the Commission meeting; which has both a CUP application and the public hearing for the Subdivision on the agenda. Discussion was held on changing the meeting dates. Commissioner Murphy moved that the Commission change the June 9th P&Z Regular Meeting to Thursday June 23rd and re-notice for 6:30 p.m. at the Garden Valley High School auditorium; and re notice the Subdivision Ordinance public hearing at the normal meeting date in July (July 21st, 2011); seconded by Chairman Evans. All ayes, motion carried.

General Discussion
The Commission discussed how to handle the approval of the FCO's for applications. In the past the FCO's were prepared and approved during the next month's meeting; currently the prepared FCO's are emailed to all Commission members, reviewed, and if no comments/changes the Chairman signs and returns to the P&Z office and the FCO's are mailed out. Commissioner Gasiorowski stated that at the training last month it was stated that a special meeting could be noticed, with one Commission in the P&Z office and others by telephone to approve the FCO's. Deputy McLain stated that is an option.

It was agreed that at the next P&Z meeting Deputy PA McLain would have an "Order" template ready and from the decision of the Commission she would fill in the Order for their review, approval and signature before leaving the meeting. The Commission agreed that plan A would be do prepare the FCO's that night and plan B would be to approve the FCO's on the 10th day after the meeting via email.

Commissioner Gasiorowski brought up the topic of Development Agreements. Chairman Evans stated that the Commission currently has agreements for the schools and roads; and that the fire departments usually work with the developer/applicants on an agreement. Deputy PA McLain agreed to have more information for the Commission at their July meeting regarding Idaho Code and Development Agreements.

P&Z Administrator Burke gave the Commission an update on the GV RV and Cottage Resort CUP application, stating a Traffic Study had been prepared and reviewed with the applicant and Road Superintendent Bill Jones. The result was no turn lanes are necessary, nor a reduction in speed.

Having no further business, Chairman Evans adjourned the meeting at 9:05 p.m.

Approved by the Commission this 23rd day of June, 2011.

Clint Evans

Chairman Clint Evans

Attest: Rora A. Canody

Rora A. Canody, P&Z Administrative Assistant