



REGULAR MEETING OF THE  
BOISE COUNTY PLANNING & ZONING COMMISSION  
November 18, 2010  
Boise County Court House  
419 Main Street  
Idaho City, Idaho

ORIGINAL

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

**Staff Present:** Planning & Zoning Administrator Patti Burke, Administrative Assistant Rora Canody, and Deputy Administrative Assistant Mindy Dorau.

**Introduction of New Commissioner**

Chairman Bart introduced newly appointed Commissioner Dan Gasiorowski.

Roll Call was taken; all of the six members were present. Chairman J Bart declared a quorum was present and called the meeting to order at 6:31 p.m.

**Amendment to the Agenda**

Commissioner Ardinger made a motion to amend the agenda to include Review & Approval of the September 16, 2010 and October 6, 2010 meeting minutes. Commissioner Evans seconded the motion. All Ayes, motion carried.

**Review and Approval of the September 16, 2010 Regular Meeting Minutes**

Commissioner Evans made a motion to approve the minutes of the September 16, 2010 regular meeting, as written; seconded by Commissioner Murphy. All ayes, motion carried.

**Review and Approval of the October 6, 2010 Regular Meeting Minutes**

Commissioner Evans made a motion to approve the minutes of the October 6, 2010 regular meeting, as written; seconded by Commissioner Murphy. All ayes, motion carried.

**Election of Vice Chair**

Commissioner Evans moved to nominate Commissioner Jack Kane for Vice Chairman, seconded by Commissioner Murphy. All ayes, motion carried.

**Micki's Clear Creek Café Conditional Use Permit Application**

Chairman J Bart declared the public hearing convened for the Micki's Clear Creek Café Conditional Use Permit Application and requested the staff report be presented. Planning & Zoning Administrative Assistant R Canody presented a power point presentation for the record: the subject property is located on the corner of Clear Creek Road and Deadman Gulch Road. The applicant Michele Coles and property owner Red Dixon are requesting approval to operate a café. If the Commission approves the Micki's Clear Creek Café Conditional Use Permit application, the staff recommends the following conditions: 1. 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. No additional activity or construction other than what existed or applied for may commence without application for an Amended Conditional Use Permit. 3. If the Applicant decides to construct any additional seating, etc. it will be considered commercial facilities and must conform to the State of Idaho Building Codes and Fire Codes, a commercial building permit from Boise County will be required. 4. Prior to opening for business, 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. 5. Obtain the appropriate food service permit from Central District Health Department and submit a copy to the P&Z Department prior to opening for business. 6. The building permit for the well house shall be completed as issued and the drinking water from the well house shall be protected. No living quarters may be installed within the well house structure. 7. If applicant intends to install a sign, a sign permit will be required, with applicable fees paid within ten (10) working days of approval; and, any on-site signage shall comply with BCZDO, Chapter 9, specifically Sections 3-Procedures; 4-Standards; and 5-Land Use Standard for Signage. 8. Applicant has requested the days and hours of operation be set at 6:00 a.m. to 10:00 p.m., Tuesday through Sunday. 9. A Fire Evacuation Plan must be developed and posted in three places within the café and a copy provided to the P&Z Department. 10. Compliance with BCZDO, Chapter 6, Section 6-6(f) (lighting and glare) shall be used throughout the facility and for all exterior lighting. The applicant shall provide documentation to the Planning & Zoning Department, that the exterior lighting fixtures are designed and located so as to minimize glare and direct light to adjoining properties. 11. Comply with all federal, state, and local applicable laws.

Applicant Michele Coles appeared before the Commission and gave testimony regarding the Micki's Clear Creek Café' Conditional Use Permit application.

Public Testimony received from: Barry Kreis, Owner Red Dixon and Debra Rush. John Beaubien, Don Mitchell and Camille Beaubien spoke in opposition of the Application.

Michele Coles was given the opportunity to give further comments regarding the issues raised by the public testimony.

Chairman J Bart declared the public hearing closed. After Commission deliberation, Chairman J Bart entertained a motion regarding action on the Micki's Clear Creek Café Conditional Use Permit application. Chairman J Bart made a motion to approve Micki's Clear Creek Café' Conditional Use Permit Application 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 perform additional activity or construction other than what existed or applied for without first making application for an Amended Conditional Use Permit. 3. Applicant shall obtain a Boise County building permit if she decides to construct any additional seating and must conform to the State of Idaho Building Codes and Fire Codes. 4. Prior to opening for business, 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. 5. Applicant shall obtain the appropriate food service permits from Central District Health Department and submit a copy to the P&Z Department prior to opening for business. 6. Applicant shall insure that the building permit issued for the construction around the well house is completed as issued and the drinking water from the well house shall be protected. Living quarters shall not be installed within the well house structure. 7. Applicant shall follow BCZDO prior to installing any signs: a sign permit will be required, with applicable fees paid within ten (10) working days of approval; and, any on-site signage shall comply with BCZDO, Chapter 9, specifically Sections 3-Procedures; 4-Standards; and 5-Land Use Standard for Signage. 8. Applicant shall be approved for the following days and hours of operation: 6:00 a.m. to 10:00 p.m., Tuesdays through Sundays. 9. Applicant shall develop a Fire Evacuation Plan and posted the plan in three places within the café and a copy provided to the P&Z Department. 10. Applicant must comply with BCZDO, Chapter 6, Section 6-6(f) regarding lighting and glare throughout the facility and for all exterior lighting. The applicant shall provide documentation to the Planning & Zoning Department, that the exterior lighting fixtures are designed and located so as to minimize glare and direct light to adjoining properties. 11. Applicant shall comply with all federal, state, and local applicable laws. 12. Applicant shall insure the café grounds are kept clean and free of debris at all times. 13. Applicant shall submit a parking plan for a minimum of 8 vehicle parking spaces necessary for the café, insuring they do not interfere with the route to the mail boxes or the bus route. Seconded by Commissioner Dan Gasiorowski.

Roll Call: Chairman J Bart - y, Vice Chairman J Kane - y, Commissioner C Evans - y, Commissioner R P. Ardinger - y, Commissioner L K. Murphy - y, Commissioner Dan Gasiorowski - y. All Ayes, Motion Carried.

**General Discussion:**

Vice Chairman J Kane requested the Prosecuting Attorney to be present at the Planning & Zoning meetings. Discussion held. Chairman J Bart made a motion for the Chair to be directed to write a letter to the Board of County Commissioners requesting the County Attorney to be present at all Planning & Zoning meetings to answer questions from Planning & Zoning Commission and Staff. Seconded by Vice Chairman J Kane. All Ayes, motion carried.

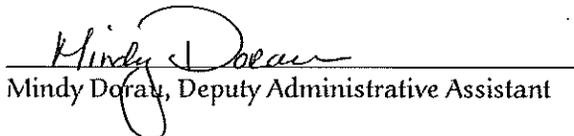
Commissioner C Evans request the meeting between Planning & Zoning Commission and the Board of County Commissioners be delayed until the new County Commissioner has been sworn in. Planning & Zoning Administrator P Burke stated she will talk to the Board of County Commissioners after the first of the year.

Having no further business, Chairman J Bart adjourned the meeting at 7:41 p.m.

Approved by the Commission this 16th day of December, 2010.

  
Chairman J Bart

Attest:

  
Mindy Doray, Deputy Administrative Assistant