



REGULAR MEETING OF THE
BOISE COUNTY PLANNING & ZONING COMMISSION

September 20, 2012
Centerville Fire Station
115 Grimes Pass Road
Idaho City, Idaho 83622

ORIGINAL

ask/

Swearing In of New Planning & Zoning Commissioners

At 6:30 p.m. Acting/Interim Administrator Rora A. Canody sworn in the following new Planning & Zoning Commissioners: Peter Wilson (Garden Valley-Seat 2), Mitchel Tain (Idaho City-Seat 4) and Jayne Reed (Garden Valley-Seat 5).

Election of Chairman and Vice Chairman

Commissioner Peter Wilson made a motion to nominate and elect Rosemary P. Ardinger as Chairman, seconded by Commissioner Mitchel Tain. All Ayes, motion carried. Commissioner Jayne Reed made a motion to nominate and elect Dan Gasiorowski as Vice Chairman, seconded by Commissioner Peter Wilson. All Ayes, motion carried.

Commissioners: Present were: Commissioner Rosemary P. Ardinger, Commissioner Mitchel Tain, Commissioner Jayne Reed and Commissioner Peter Wilson. Absent: Commissioner Dan Gasiorowski.

Staff Present: Planning & Zoning Interim Administrator Rora A. Canody, Administrative Assistant Nola Yonker, Deputy Administrative Assistant Mindy Dorau, Prosecuting Attorney Ian Gee and Assistant Mike Williams.

Roll Call was taken and four of the five members were present. Chairman Rosemary P. Ardinger declared a quorum was present and called the meeting to order at 6:40 p.m.

Review and Approval of the June 21, 2012 Regular Meeting Minutes

Chairman Rosemary Ardinger made a motion to approve the minutes of the Regular Meeting held on June 21, 2012 as written and presented; seconded by Commissioner Peter Wilson. Ayes: Three Nays: One Motion carried.

Review and Approval of July 5, 2012 Special Meeting Minutes

Commissioner Rosemary P. Ardinger made a motion to approve the minutes of the Special Meeting held on July 5, 2012, as written and presented. Motion died for the lack of a second. The minutes of the Special Meeting held on July 5, 2012 were tabled until the next regular meeting.

Mores Creek Family Medicine Conditional Use Permit Application Case #2012-09:

Planning & Zoning Interim Administrator Rora A. Canody appeared before the Commission on the matter of Conditional Use Permit Application #2012-09, Mores Creek Family Medicine and stated that the entire Planning and Zoning Department file was entered into the record at this

time. 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. This application by Mores Creek Family Medicine is represented by Dr. Matthew J. Nelson and Alison M. Nelson, and is requesting a Conditional Use Permit to operate a primary care family practice medical clinic; with services that may include counseling, mental health services, physical therapy, chiropractic and holistic health care services by other providers. The property is on 0.97 acre located at 2607 Highway 21, Assessor's parcel #RP04N04E10752C, Boise County, Idaho.

P&Z Acting/Interim Administrator Canody recommended the following Site Specific Conditions of Approval, if the P&Z Commission approves the application:

1. The days and hours of operation shall be set as Monday through Saturday from 7:00 a.m. to 8:00 p.m.; with extended hours for urgent care and medical emergencies only.
2. The applicant shall obtain an upgraded commercial Boise County building permit prior to remodeling the residential facility and the opening of the medical clinic; and

Standard Conditions of Approval: The Planning and Zoning Commission should select those appropriate Standards from this list found in Resolution #2004-21, 1-18.

Chairman Ardinger called upon the applicant, Dr. Matthew J. Nelson, to present his application. Dr. Matthew J. Nelson appeared before the Commission; explained his application request and answered questions from the Commission. Dr. Nelson also presented the Certification of Neighborhood Meeting; marked as Exhibit #9.

Chairman Ardinger called the public meeting to order and then called upon the public that wished to speak.

Those who gave testimony in support of the application were: Barry Rodabaugh, Richard Murray (presented a letter of support from the Wilderness Ranch Fire Protection District-marked as Exhibit #10) and Albert Wagner.

No one appeared before the Commission to give testimony in opposition to the application.

No rebuttal from the applicant was necessary at this time.

P&Z Acting/Interim Administrator Canody passed Exhibit #9-Certification of Neighborhood Meeting from Dr. Nelson and Exhibit #10-letter of support from Wilderness Ranch Fire Protection District to the Chairman for review by the Commission.

Chairman Ardinger closed the public hearing and brought the issue back to the Commission for deliberation. The Commission reviewed the Standard Conditions and agreed to move Standard Condition #6 to the Site Specific Conditions. The Commission then reviewed the Site Specific Conditions and agreed that all of the Staff proposed Site Specific Conditions apply; adding a Condition #3-The applicant shall be required to dispose of any medical waste through a medical waste disposal service in accordance with State of Idaho Health Standards and moving Standard Conditions #6 to the Site Specific Conditions- the applicant shall obtain Central District Health Department approval for any future vault or plumbed restrooms to be installed on the property.

Chairman Ardinger moved the Commission conditionally approve Conditional Use Permit Application #2012-09 for the Mores Creek Family Medicine to operate a primary care family practice medical clinic; with services that may include counseling, mental health services, physical therapy, chiropractic and holistic health care services by other providers at 2707 Highway 21, Boise, Idaho; with the following conditions:

Site Specific Conditions:

1. The days and hours of operation shall be set as Monday through Saturday from 7:00 a.m. to 8:00 p.m.; with extended hours for urgent care and medical emergencies only.
2. The applicant shall obtain an upgraded commercial Boise County building permit prior to remodeling the residential facility and the opening of the medical clinic.
3. The applicant shall be required to dispose of any medical waste through a medical waste disposal service in accordance with State of Idaho Health Standards
4. The applicant shall obtain Central District Health Department approval for any future vault or plumbed restrooms to be installed on the property. The applicant will comply with all required conditions composed by Central District Health Department.

And, the Standard Conditions:

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. Where applicable the Applicant shall identify the days and hours of operation of CUP activity;
7. Building construction shall meet the requirements of the Idaho Building Code Act, Idaho Code Title 39, Chapter 41;
8. Applicant shall prepare and present to the county its emergency services (specifically, but not limited to, fire and ambulance services) action plan;
9. 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:
 - (a) Commence the use permitted by the permits in accordance with the conditions of approval.
10. 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;

11. 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;
12. 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);
13. The Applicant shall comply with any and all applicable requirements of the U.S. Army Corps of Engineers;
14. 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;
15. 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;
16. 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
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 was seconded by Commissioner Mitchel Tain. Roll call vote was taken, motion passed.

Roll call vote: Commissioner Rosemary P. Ardinger – aye, Commissioner Mitchel Tain – aye, Commissioner Jayne Reed – aye and Commissioner Peter Wilson – aye.

V-1 Propane – Conditional Use Permit Application Case #2012-10:

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 V-1 Propane, represented by George Simpson, is requesting an amendment to the current conditional use permit #2000-06 for bulk storage of

propane, to add a 30,000 gallon tank adjacent to the existing 18, 000 gallon tank. The 312' x 418' parcel is located at 839 Banks Lowman Road, Garden Valley, Idaho (RP#09N04E167056).

Site Specific Conditions of Approval:

1. The days and hours of operation shall be set as Monday through Friday from 8:00 a.m. to 5:00 p.m.
2. The applicant shall obtain an upgraded commercial Boise County building permit prior to any remodeling of the existing facility.
3. All conditions as set forth in the August 1, 2000 original Conditional Use Permit will remain in effect, these are:
 1. *The tank installer shall provide to the Garden Valley Fire Chief and the State Fire Marshal detailed drawings of the planned site installation for approval by the State Fire Marshal.*
 2. *The tank shall be installed in accordance with applicable codes concerning this type of installation and any other recommendations of the Fire Chief.*
 3. *V-1 Propane Co. shall provide industry approved training adequate to respond to an event that would involve this type of propane storage unit. If special materials and/or equipment is necessary, V-1 Propane shall provide such identified items to the Garden Valley Fire Department.*
4. The applicant shall comply with the Zoning and Development Ordinance #2001-07, Chapter 9, Signage for a sign permit prior to installing a new sign.
5. The applicant shall continue to comply with the National Fire Protection Association (NFPA) 58 regulations.

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, 1-18.

Chairman Rosemary P. Ardinger called upon the applicant, George Simpson, to present his application. Mr. George Simpson appeared before the Commission and gave presentation.

Chairman Rosemary P. Ardinger then called upon the public that wished to speak.

No one appeared to give public testimony.

Since there were no comments on the application, Chairman Rosemary P. Ardinger closed the public hearing and brought the issue back to the Commission for deliberation.

The Commission then reviewed the Standard Conditions and agreed all the Standards would apply.

The Commission then reviewed the Site Specific Conditions and agreed that all of the Staff proposed Site Specific Conditions apply to the following:

1. The days and hours of operation shall be set as Monday through Friday from 8:00 a.m.

to 5:00 p.m.

2. The applicant shall obtain an upgraded commercial Boise County building permit prior to any remodeling of the existing facility.
3. All conditions as set forth in the August 1, 2000 original Conditional Use Permit will remain in effect, these are:
 1. *The tank installer shall provide to the Garden Valley Fire Chief and the State Fire Marshal detailed drawings of the planned site installation for approval by the State Fire Marshal.*
 2. *The tank shall be installed in accordance with applicable codes concerning this type of installation and any other recommendations of the Fire Chief.*
 3. *V-1 Propane Co. shall provide industry approved training adequate to respond to an event that would involve this type of propane storage unit. If special materials and/or equipment is necessary, V-1 Propane shall provide such identified items to the Garden Valley Fire Department.*
4. The applicant shall comply with the Zoning and Development Ordinance #2001-07, Chapter 9, Signage for a sign permit prior to installing a new sign.
5. The applicant shall continue to comply with the National Fire Protection Association (NFPA) 58 regulations.

Commissioner Mitchel Tain moved the commission approve CUP 2012-10, V-1 Propane to amend the current CUP, #2000-06 for bulk storage of propane, to add a 30,000 gallon storage tank adjacent to existing 18, 000 gallon tank.

Site Specific Conditions:

1. The days and hours of operation shall be set as Monday through Friday from 8:00 a.m. to 5:00 p.m.
2. The applicant shall obtain an upgraded commercial Boise County building permit prior to any remodeling of the existing facility.
3. All conditions as set forth in the August 1, 2000 original Conditional Use Permit #2000-06 will remain in effect, these are:
 - A. *The tank installer shall provide to the Garden Valley Fire Chief and the State Fire Marshal detailed drawings of the planned site installation for approval by the State Fire Marshal.*
 - B. *The tank shall be installed in accordance with applicable codes concerning this type of installation and any other recommendations of the Fire Chief.*
 - C. *V-1 Propane Co. shall provide industry approved training adequate to respond to an event that would involve this type of propane storage unit. If special materials and/or equipment is necessary, V-1 Propane shall provide such identified items to the Garden Valley Fire Department.*
4. The applicant shall comply with the Zoning and Development Ordinance #2001-07, Chapter 9, Signage for a sign permit prior to installing a new sign.
5. The applicant shall continue to comply with the National Fire Protection Association (NFPA) 58 regulations.
6. Copies of the Inspection Compliance by the Garden Valley Fire Protection District and/or the State Certified State Inspector shall be provided to the Planning & Zoning Department on an annual basis.
7. The applicant shall maintain and show annual proof of current liability insurance on propane storage site as required by law to the Planning and Zoning Department.

And, the Standard Conditions:

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:
 - (a) 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.

Motion was seconded by Commissioner Peter Wilson.

Chairman Rosemary P. Ardinger made a friendly amendment to the motion to include the Standard Conditions of approval.

Commissioner Mitchel Tain made a motion to include the Standards Conditions to the motion.

Amendment was seconded by Commissioner Peter Wilson.

Roll call vote: Chairman Rosemary P. Ardinger – aye, Commissioner Mitchel Tain – aye, Commissioner Jayne Reed – aye and Commissioner Peter Wilson. *Aye*

General Discussion:

Having no further business, Commissioner Rosemary P. Ardinger adjourned the meeting at 8:45 p.m.

Approved by the Commission this 17th day of ~~October~~, ^{Jan} 2013, 2012.

Rosemary P. Ardinger
Chairman Rosemary P. Ardinger

Attest:
Corall Canady
P+Z Interim Admin