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2 **GEM COUNTY PLANNING AND ZONING PUBLIC HEARING**

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6 **Date: July 9, 2007**

7 **Time: 7:00pm - 11:40pm**

8 **Place: Gem County Courthouse**

9

10 **MEMBERS PRESENT:**

11 **Don Wilkerson, Lawrence Whitsell, David Poole, Debbie**

12 **Rouwenhorst, and Will Maupin**

13

14 **MEMBERS ABSENT WITH PRIOR NOTICE:**

15 **J.B.**

16

17 **MEMBERS ABSENT WITHOUT PRIOR NOTICE:**

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19

20 **OTHERS PRESENT:**

21 **Brad Hawkins-Clark - Planning Director/Administrator, Wendy**

22 **Akins - Planner 1, and David Hargraves - Deputy**

23 **Prosecuting Attorney**

24

25 **This is a summary, not verbatim.**

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ITEMS REFERENCE PAGE

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4 **Consent Agenda:**

5 **Item No. 1 - Approval of the Minutes of May 21, 2007 and**
6 **June 11, 2007Page 4**

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8 **Public Hearing:**

9 **Item No. 1 - (Continued) Preliminary Subdivision Plat**
10 **(River Ranch Estates) - Steve and Jeanette Mednicoff**
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13 **Item No. 2 - Special Use Permit #SUP-07-001**
14 **Edward and Betty RiedelPage 38**

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16 **Item No. 3 - Special Use Permit #SUP-07-002**
17 **Tami LarsonPage 62**

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19 **Item No. 4 - Special Use Permit #SUP-07-003**
20 **STP Concrete CompanyPage 80**

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22 **Regular Meeting:**

23 **Item No. 1 - Items from the PublicPage 117**

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25 **Item No. 2 - Election of Vice ChairmanPage 117**

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PROCEEDINGS

3

City of Emmett, Gem County, July 9, 2007

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5 *Consent Agenda - Item No. 1 Approval of the Minutes of May 21,*

6 *2007 and June 11, 2007*

7

8 *MR. DAVID POOLE: First thing on our agenda is the approval*

9 *of the minutes for May 21 and June 11, 2007. Anybody want to*

10 *propose a motion? Any changes or omissions we need to make?*

11 *MR. DON WILKERSON: I make a motion that we approve the*

12 *minutes of May 21st, 2007 and June 11th, 2007 as presented.*

13 *MR. DAVID POOLE: Do we have a second to that?*

14 *MS. DEBBIE ROUWENHORST: I'll second it.*

15 *MR. DAVID POOLE: All those in favor signify by saying 'I'.*

16 *Opposed same sign. Motion carries.*

17

18 *(Vote unanimous.)*

19

20 *(Mr. David Poole explained the public hearing process.)*

21

22 *Public Hearing - Item No. 1 (Continued) Preliminary Subdivision*

23 *Plat (River Ranch Estates) - Steve and Jeanette Mednicoff*

24

25 *MR. DAVID POOLE: Okay now we have public hearing portion*

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1 of this meeting. We have a continuance with the River Ranch
2 Estates. In that particular continuance, we need to address
3 those issues that we continued for. So will the applicant or
4 their spokesman step forward please?

5 MR. BRAD HAWKINS-CLARK: Chairman, can I just give a little
6 overview?

7 MR. DAVID POOLE: Yes. Please.

8 MR. BRAD HAWKINS-CLARK: I'll just give a quick summary of
9 where we were and why we're here. There were six reasons why
10 the Commission continued it last time.

11 This is the project that was located on North Plaza Road,
12 on the west side of Plaza, right near the intersection of Fuller
13 and Plaza. So you did open up the hearing at your last meeting.
14 The six reasons that I have down all were primarily requests for
15 the applicant's engineer, Elk Mountain Engineering, to take some
16 of your comments and then to come back.

17 The common lots got a lot of discussion, the Payette River
18 in particular, and is the Department of Lands going to require a
19 25 foot easement. Will the Commission consider that an easement
20 versus a common lot? You asked them to go back and look at
21 that. You also talked to them about wanting to preserve the
22 common lot at the entrance and also the pedestrian access to the
23 river. The main issue there is the 5% calculation. They are
24 required to have 5% of the gross area be in common area. So I
25 think that's probably one of the main things that needs to be

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*1 talked about tonight, and whether or not the Commission feels
2 what they are proposing for common area meets the intent of the
3 subdivision ordinance. We had also asked them to provide a
4 calculation of the net area on the two large open space lots
5 subtracting out the ditch easements.*

*6 My staff report had talked about the Last Chance Canal,
7 which runs along the eastern border. They had included that
8 ditch in their open space. So we asked them to pull that out
9 and see if they still come up with 5% excluding the actual ditch
10 channel.*

*11 Secondly, the Plaza Road intersection, examine the trip
12 counts and the turn lane options.*

*13 Third is the guardrail. The Gem County Engineer had
14 recommended guardrails for our protection at that entrance to
15 the Last Chance Canal.*

*16 Fourth was the power line exception. They needed to
17 request an exception to the ordinance that says that dwelling
18 units need to be 150 feet from the center of a power line.
19 Specifically, the center of a transmission line. So they were
20 asked to look more at that and submit a request for an
21 exception, which they have done.*

*22 Fifth, the school bus. They were asked to do follow up
23 with Tom Carlson with the Emmett School District and/or the
24 Transportation Bus coordinator and talk about the turn outs and
25 the safety measures for bus drop-off at the entrance.*

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1 The last one I had was regarding the bridge. I think there

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2 was a question about the capacity of the bridge. Anyway, unless
3 you have questions of staff, I'll just turn it over to the
4 applicant to let them discuss those six items.

5 MR. OSCAR WILLIAMSON: Oscar Williamson, work address is
6 4286 East Amity Suite 101 in Nampa.

7 We got some information late in the game but we're passing
8 it out. It's a couple of items, one is the request for waiver
9 for one of the issues was the cul-de-sac length and one of the
10 issues was the power line easements. On the power line
11 easements, we got a letter both from Idaho Power and Bonneville
12 Power stating what their easements are currently and what they
13 would like to maintain. Last time there was a request to get an
14 additional letter from Bonneville Power. So that's part of that
15 package.

16 A couple things that I'm going to address, one was the bus
17 safety issue that was brought up last time. We actually went
18 back and talked with the School District and addressed any
19 concerns that they had. We met them out at the project site.
20 If you look just to the west of the intersection, there's a
21 proposed turn out. It's labeled. It's kind of on the south
22 side of the road. We worked with them to get the bus off of the
23 main street, off of Plaza Road for the safety of the kids. So
24 hopefully that will alleviate any questions that you had as far
25 as safety.

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1 There was also a question about the fence along the canal.

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2 We had talked with the Last Chance Ditch Company and they said
3 that right now there's no plans to put in the ditch. They don't
4 request it. They're next hearing's coming up. It wasn't prior
5 to this meeting. I talked to Paul Derrick, the president. He
6 said that they don't anticipate that coming up because they have
7 reviewed the project and it didn't come up in the first session.

8 So those were a couple of items I was going to cover. We
9 were going to kind of spread out who covers what topics. If you
10 have any questions on those topics, I would be more than happy
11 to address them.

12 MR. DAVID POOLE: Questions?

13 MR. DON WILKERSON: On the proposed bus stop turn around,
14 will the bus be -- let's say the bus is entering from the south,
15 they'll be able to go in there, turn around, stop, pick up the
16 children, and pull out without backing up?

17 MR. OSCAR WILLIAMSON: That is correct.

18 MR. DON WILKERSON: Okay. Do you have any dimensions on
19 the width of that turn around?

20 MR. OSCAR WILLIAMSON: The radius on it is 45 feet.

21 MR. DON WILKERSON: Do you have anything on the width of
22 it?

23 MR. OSCAR WILLIAMSON: The width of the road itself?

24 MR. DON WILKERSON: Yes.

25 MR. OSCAR WILLIAMSON: It will be the standard roadway

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1 width of 12 feet.

2 MR. DON WILKERSON: So that will just be a one-way?

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3 MR. DAVID POOLE: *An entrance and an exit.*

4 MR. OSCAR WILLIAMSON: *And actually, as they were coming*
5 *in, they were going to approach it from the other direction.*

6 MR. DON WILKERSON: *They were going to approach it from the*
7 *north?*

8 MR. OSCAR WILLIAMSON: *No. They were going to approach it*
9 *on the first entrance. So they said for the safety of the kids*
10 *walking up to the bus stop that way, it's a sight deal. So they*
11 *can see any last minute kids running up to the bus.*

12 MR. DAVID POOLE: *Any other questions, Commissioners?*

13 MR. LAWRENCE WHITSELL: *Has there been any discussion about*
14 *the left turn lane to protect the bus turning into the*
15 *subdivision?*

16 MR. OSCAR WILLIAMSON: *Yeah. There has been some*
17 *discussion. That's going to come up next.*

18 MR. LAWRENCE WHITSELL: *Okay.*

19 MR. OSCAR WILLIAMSON: *As far as from the bus standpoint?*

20 MR. LAWRENCE WHITSELL: *Well, any vehicle that's turning*
21 *in.*

22 MR. OSCAR WILLIAMSON: *He will address that.*

23 MR. DAVID POOLE: *Okay. Any other questions,*
24 *Commissioners?*

25 MR. DON WILKERSON: *I'm looking at your plat here. Isn't*

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1 *the Bonneville a 40 foot easement? I know Idaho Power was like*
2 *an 80.*

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3 **MR. OSCAR WILLIAMSON:** *It was 40 for the Bonneville.*

4 *That's correct.*

5 **MR. DON WILKERSON:** *So what your saying on your waiver*

6 *here, you're asking that it be 20 feet from the center line?*

7 **MR. OSCAR WILLIAMSON:** *For the Bonneville. That's correct.*

8 **MR. DON WILKERSON:** *Bonneville says most structures within*

9 *their easement and you're in agreement with that.*

10 **MR. OSCAR WILLIAMSON:** *That's correct.*

11 **MR. WILL MAVPIN:** *Where do they propose to gain access*

12 *along that easement? Are they saying they're going to be able*

13 *to drive across anybody's lot or are they going to drive*

14 *directly down the easement to maintain?*

15 **MR. OSCAR WILLIAMSON:** *I'm actually not sure where they're*

16 *going to access that.*

17 **MR. DAVID POOLE:** *I think they have the right-of-way to go*

18 *through the private property.*

19 **MR. WILL MAVPIN:** *I see there's two locations on the*

20 *roadway that the easement crosses the access.*

21 **MR. BRAD HAWKINS-CLARK:** *That's correct.*

22 **MR. DON WILKERSON:** *While we're talking the easements for*

23 *the Idaho Power and the Bonneville, is that going to reduce or*

24 *eliminate a buildable lot on lot number 30? That's where both*

25 *power lines cross each other.*

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11

1 **MR. DAVID POOLE:** *So what your saying, with the easement*

2 *taken out, is there going to be enough land in that particular*

3 *lot?*

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4 MR. DON WILKERSON: To put a house on there.

5 MR. OSCAR WILLIAMSON: As it sits, there's enough setbacks.

6 MR. DON WILKERSON: But you can't build within that
7 easement.

8 MR. OSCAR WILLIAMSON: That's correct.

9 MR. DON WILKERSON: I see Mr. Welch is here. An extra turn
10 around halfway down his lane --

11 MR. RICK WELCH: That's what's already installed.

12 MR. DON WILKERSON: That's what's on that River View Lane.
13 I thought that might have been an addition.

14 MR. DAVID POOLE: Any further questions, Commissioners? If
15 not, we'll move on.

16 MR. OSCAR WILLIAMSON: I appreciate your time.

17 MR. WARREN STEWART: My name is Warren Stewart. I'm
18 engineer for the owners. I was out of town at the last meeting.
19 My business address is 4286 East Amity Road, Suite No. 101 in
20 Nampa.

21 I'm going to address a few other issues that came up as
22 part of those six points. One of the questions that did come up
23 was the Plaza Road intersection and whether there needed to be
24 some changes made. I wanted to let you know that we have done
25 some calculations to calculate the stopping sight distance that

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1 would be necessary if somebody were coming down Plaza Road and
2 somebody pulled out to make sure that there's adequate
3 visibility. We've also taken a look at the site for angles to

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4 make sure that there's adequate visibility in both directions.
5 So if somebody was sitting at the stop bar, coming out of the
6 subdivision, that they would have the ability to look far enough
7 down the road at the posted speed of 45, to know whether they
8 could pull out safely. We've done this based on practices that
9 are described in the Highway District Standards Policy Manual.
10 Actually, it's called the ASTRO Green Book and is published by
11 the American Association of State and Highway Transportation
12 Officials. They kind of set the standard for how to design
13 intersections, and highways, and so forth. We've used their
14 methodologies to calculate those distances. The intersection
15 meets all those design requirements. They basically say that at
16 the posted speed of 45 miles an hour, that we need to have 360
17 feet of visibility in both directions. We have about 424
18 minimum in both directions. So it's our feeling that the
19 intersection meets all of the standard requirements for an
20 intersection at that design speed. Therefore, we have not
21 proposed to add any deceleration lanes or acceleration lanes.
22 In fact, it would be difficult to do so. An acceleration lane
23 coming out of there would require an additional right-of-way,
24 would actually encroach upon the canal, etc. The ASTRO policies
25 and standards would basically say it's not warranted in this

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1 case because of the number of cars that are going to be coming
2 out there and the sight distance that you have.
3 One of the other issues was in regards to the guardrail on
4 the bridge. We looked at that again. There again went to the

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5 *ASTRO* book to see what the recommendations were. That question
6 was also posed to Keller and Associates, which is the County
7 Engineer. They came back with a letter. That letter contained
8 recommendations. Those recommendations basically stated that
9 they felt it was necessary to extend the guardrail, on the Plaza
10 Road side, out and around the bridge a little bit in order to
11 protect people from sliding into the canal. We concur with
12 that. We believe that is something that would be advisable in
13 this case. We do plan to design and install guardrail. We're
14 also going to do some things to reinforce the slope at the wing
15 wall of the bridge so the slope is stable. It won't sluff off
16 or anything like that.

17 One thing that Keller and Associates talked about was
18 possibly putting guardrail into the subdivision side, away from
19 the bridge. We don't want to do that for two reasons. One,
20 that's the access for the Last Chance Canal. If we put
21 guardrail across there, it would eliminate their access down the
22 canal bank on that side.

23 Two, at that point, cars are actually coming onto that
24 bridge. They're not turning at that point. They're coming
25 straight up the roadway. Therefore, they're not in a turning

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1 situation where they would be inclined to slide.

2 Three, the embankment or dirt on that side is significantly
3 lower. It's not nearly as steep or deep as it is on the other
4 side of the bridge. Just beyond the bridge, there's another

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5 *draining ditch to the west. We're going to have to extend the*
6 *culverts on that drainage ditch in order to put a nice roadway*
7 *that meets the Highway District standards. That will improve*
8 *the shoulders on that side of the bridge. It will be a more*
9 *safe condition. Therefore, we feel that a guardrail on that*
10 *side of the bridge will ultimately be unwarranted and actually*
11 *impede the ability of the Irrigation District to maintain their*
12 *ditch and have access to the canal.*

13 *MR. DON WILKERSON: Can we ask questions as he talks?*

14 *MR. DAVID POOLE: Certainly.*

15 *MR. DON WILKERSON: I've been down that road twice in the*
16 *last week going camping. I'm glad that you're looking at*
17 *guardrails on the Plaza side; on both sides right?*

18 *MR. WARREN STEWART: That's correct.*

19 *MR. DON WILKERSON: Because as you know, you lost all your*
20 *soil behind the wing walls. What does it look like on the west*
21 *side? Is the soil gone behind the wing walls?*

22 *MR. WARREN STEWART: In fact, it isn't. One of our*
23 *concerns, on the Plaza side, was that the soil had eroded back*
24 *to where we couldn't even pave out to the outer edge of the*
25 *bridge without filling in that area. If you go to the other*

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1 *side of the bridge that actually extends about 2 foot beyond the*
2 *bridge. You actually have shoulder on that side, which is still*
3 *there and still stable.*

4 *MR. DON WILKERSON: You have shoulder against the wing*
5 *walls?*

6 **MR. WARREN STEWART:** *That's correct. So it's a much better*
7 *condition on that side of the road. What we intended to do with*
8 *the improvements of the other irrigation ditch and so forth will*
9 *only improve that.*

10 **MR. DON WILKERSON:** *How do you propose to hold the soil*
11 *behind the wing walls that's on the Plaza side?*

12 **MR. WARREN STEWART:** *We talked about that a little bit. We*
13 *haven't actually designed that yet. We talked about using some*
14 *barriers or there's a couple of new products that are concrete*
15 *inserts that you can put down in there. We'll try and establish*
16 *the most cost-effective way of doing that and probably the way*
17 *that requires the least permitting. I know that there was some*
18 *issues when the bridge was originally put in.*

19 **MR. DON WILKERSON:** *To me, it looks like the wing walls*
20 *there today are to short.*

21 **MR. WARREN STEWART:** *Well, one option would be to extend*
22 *the wing walls. There are other less expensive options that can*
23 *stabilize that bank out to an area that is safe.*

24 **MS. DEBBIE ROUWENHORST:** *When you're coming out of the*
25 *subdivision and you say the line of sight is a minimum of 423*

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1 *feet, is there any recommendation or study for people coming*
2 *south on Plaza Road, that there has to be a line of sight for*
3 *them to see that intersection?*

4 **MR. WARREN STEWART:** *That is the same. They would be able*
5 *to see, at 45 miles an hour, coming around that corner, they*

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6 will have 424 feet to make a decision. So, based on the
7 recommendations of the ASTRO Green Book, at 360 feet, they would
8 have enough time to see that obstacle and safely stop before
9 they got to it.

10 MS. DEBBIE ROUWENHORST: I drive that road a lot. There's
11 large trees, on the left side, that blocks your view.

12 MR. WARREN STEWART: We did take that into consideration.
13 I agree with you. It would be nice if some of those trees were
14 cut back, but the line of sight distance does exist. There's
15 enough line of sight for somebody coming around either one of
16 those corners to see a car and stop before it was a problem.

17 MS. DEBBIE ROUWENHORST: On the wing walls, and you talked
18 about possibly stabilizing them. If you take culverts and
19 extend that, would that be cost-efficient? I know that the
20 canal company can engineer that through the ASCS office for
21 that.

22 MR. WARREN STEWART: Right. The bridge already exists and
23 the bridge has the capacity to pass all the water that's
24 necessary. It's wide enough.

25 MS. DEBBIE ROUWENHORST: I'm talking about the safety

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1 factor of having more space for traffic to turn in and turn out.

2 MR. WARREN STEWART: Right. Maybe I'm not understanding
3 you. The bridge itself is already 28 feet wide, which is two 12
4 foot roadway widths plus a 2 foot shoulder. That's more than
5 most highways in a lot of places. So from a capacity
6 standpoint, the bridge is plenty wide enough. Two lanes of

7 traffic can easily go across that.

8 So what we have to do is make sure on those wing wall
9 areas, where that soil comes out, that that's stable. We're
10 actually talking about extending the culvert on the next little
11 ditch to the west. There's a big canal. There's a drainage
12 ditch that sits 50 feet, maybe 40 feet further to the west.
13 We'll have to extend the culverts on that one in order to make a
14 nice, wide street going into the project. But because we will
15 do that, we'll actually bring those shoulders up and improve
16 that side.

17 MR. DON WILKERSON: On the west side, I think it's the
18 guardrail that comes up and curves a little bit at the ends of
19 it.

20 MR. WARREN STEWART: It's just got a little curve on it.

21 MR. DON WILKERSON: With vehicles coming out of the
22 subdivision to where they missed the road, they could run into
23 the canal. Have you thought about maybe just putting a sharp
24 radius there? Put a sharp radius there that maybe comes out 5
25 or 10 feet.

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1 MR. WARREN STEWART: We could certainly entertain that. I
2 suppose there's even other issues or other things you could put
3 up. You know, in that condition, your coming straight and you
4 also know you've got a stop maybe 50 feet ahead. I doubt you're
5 going to be going real fast as you approach the bridge.

6 MR. DON WILKERSON: Just a thought.

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7 **MR. WARREN STEWART:** *I appreciate that.*

8 **MR. LAWRENCE WHITSELL:** *If your northbound on Plaza Road,*
9 *what is the sight distance for somebody approaching somebody in*
10 *the left turn mode? I mean, you show a sight distance here of*
11 *424 feet if you're behind the stop bars, but if you move the*
12 *east 30 or 40 feet, what is that sight distance?*

13 **MR. WARREN STEWART:** *I'd have to calculate that again.*

14 **MR. LAWRENCE WHITSELL:** *Okay. It should be at least 360*
15 *feet.*

16 **MR. WARREN STEWART:** *Yeah. It has to be 360 feet. That*
17 *calculation can be done. We can go out there and take a look at*
18 *that. I would want to make sure that's a safe condition. We*
19 *would make sure that is not an issue.*

20 **MR. DON WILKERSON:** *You got a good point by moving the bus,*
21 *because if you have 30 kids there getting on the bus, they're*
22 *going to be there for a while. That bus can't move until all of*
23 *them are sitting in their seat. So you've relieved a little bit*
24 *of my concern by getting that bus off of the road.*

25 **MR. WARREN STEWART:** *Good. There was only one other issue*

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1 *that came up a little bit. There was some concern regarding*
2 *possible historical drainage ways on the site and whether those*
3 *were going to be maintained. The only significant structure*
4 *that we're placing on the site is the roadway, which would*
5 *impede if we were crossing ditches or so forth. The roadway*
6 *itself does not cross an existing ditch other than at those*
7 *intersections that are already established. The existing*

8 drainage ways going around the perimeter of the site will be
9 maintained and stay in place. We don't intend to eliminate any
10 of those. I think Keller, in their letter, actually addressed
11 that issue as well. That any kind of a drainage survey was
12 probably unwarranted, other than the fact that the type of
13 development we're doing, the road does not cross any existing
14 drainage ditches or channels.

15 MR. DON WILKERSON: Have you done any looking studies to
16 see if that is true? What about somebody that's wasting water
17 across that property that you're not aware of.

18 MR. WARREN STEWART: There's ditches that surround the
19 property, that if they were wasting property, would be caught
20 into one of those ditches. We don't intend to fill those
21 ditches in or eliminate those. If there are existing drainage
22 patterns there, wastewater that comes off of neighboring fields,
23 it is our responsibility. We except that we have to maintain
24 that drainage way. We would route that around the site. If we
25 had to pipe it, we would do that. Our intent is to maintain

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20

1 those existing drainage ways.

2 MR. DON WILKERSON: Well, we do have a requirement per
3 ordinance that you look at that in an official way, a half mile
4 outside of the proposed development. That's something we'll
5 have to discuss among ourselves.

6 MR. DAVID POOLE: Any further questions, Commissioners?

7 MR. DON WILKERSON: In this study you gave us here, you

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8 mentioned about surface water drainage, and Highway District

9 required that you have some type of cut-off every 400 feet. You

10 said you wouldn't need it.

11 MR. WARREN STEWART: The Highway District, they were under

12 the assumption that we were going to put curb and gutter along

13 the road. In fact, they called us back to say they didn't

14 realize that there is no curb and gutter. The water drains off

15 into drainage swales continually along the road. So that issue

16 kind of went away.

17 MR. DAVID POOLE: So the storm water isn't going to change

18 much at all from the way it is right now?

19 MR. WARREN STEWART: That's correct. All storm water will

20 be retained on site from that roadway. It will come off into a

21 borrow ditch. The borrow ditches will be grated so that they

22 will flow to a certain point. We're going to create storm drain

23 ponds where that water will be collected and infiltrate.

24 MR. DON WILKERSON: My concern was, your not going to have

25 storage for surface water in the barrow pits that could get up

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21

1 into the subgrade of the road. So you're just going to use it

2 as a means to get to a pond.

3 MR. WARREN STEWART: That's correct. They're conveyances.

4 They're not designed as the ultimate storm system.

5 MR. DAVID POOLE: Any further questions, Commissioners?

6 Thank you.

7 MR. WARREN STEWART: Thank you.

8 MR. LADD CLUFF: Ladd Cluff with Elk Mountain Engineering,

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9 4286 East Amity Road. I'm going to cover the last two or three
10 items. Oscar kind of touched base on one of them pertaining to
11 the request for waiver on the easements for Idaho Power and
12 Bonneville Power. I wanted to reiterate that Idaho Power and
13 Bonneville Power both have based the easement that they
14 requested on the National Electric Safety Code. That's why
15 we're requesting that waiver, to narrow those up to what they've
16 requested on that.

17 Then there's the other issue pertaining to the easements.
18 The lot that you had asked about, Mr. Wilkerson, where they
19 converge. In that lot, we have taken a couple different
20 scenarios as far as the footprint of the home, 2,000 to 3,000
21 square foot and placed that in different areas on the lot.
22 There is ample room for that, with a garage and other amenities
23 that they would need for a home. It will work with that parcel
24 the way it is.

25 The next issue is the common lots and the ditch easement.

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1 It was requested that we do a calculation to remove the ditch
2 easements from the common area calculation. We have gone
3 through that scenario. I just want to make it clear that if
4 your looking at the project, the easement for the Last Chance
5 Canal, when you take that easement that's requested by the canal
6 company and offset that the distance that they've requested, it
7 doesn't meet our boundary line from the south of the bridge, all
8 the way down the property. The boundary line of the property is

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9 actually the center line of the smaller ditch that's adjacent to
10 the Last Chance Canal. So that portion of the Last Chance Canal
11 was never included in that area calculation for the open space.
12 The two lots at the front of the entrance, we have just a little
13 over 5 acres. We did include with that, the easement for the
14 Last Chance Canal because that is the only portion that the Last
15 Chance Canal does actually go across the property. When we take
16 that easement out of there, that easement area for the Last
17 Chance Canal in that area is .96 acres, which would drop that
18 park area down to 4.04 acres.

19 When we go through and we read through the subdivision
20 ordinance of Gem County, where it defines what open space is, it
21 states that easements, canals, streams, rivers, and that type of
22 stuff can be included as common area. It is a common lot. The
23 easement is an easement for the canal company, but it is fee
24 simple for that entire lot. That's kind of our contention that
25 that all be included as a common lot. If we made that a

□

23

1 buildable lot there, then that lot would still be encumbered by
2 the easement just as a common lot will be.

3 So again, if we include all of that area on the two lots up
4 at the front, we're clustering our common area to make it not
5 necessarily a park, but having it all in one centralized
6 location like that, then we're keeping a nice 5 acre area for
7 common space. If we exclude the easement out of there, then
8 it's only 4 acres. Then again I mentioned before the definition
9 of open space in the ordinance does include streams, rivers, and

10 *bodies of water, and canals. That's why we're including that*
11 *with that.*

12 *MR. DON WILKERSON: On lot 31, did you calculate how much*
13 *of that 2.8 acres is actually ditch company?*

14 *MR. LADD CLUFF: All of that area. It includes on 31 and*
15 *lot 1, the common area on those combined is the .96 acres that I*
16 *mentioned.*

17 *MR. DON WILKERSON: So you're down to 4.04 or something*
18 *like that.*

19 *MR. LADD CLUFF: If you're excluding easement area. Going*
20 *by the ordinance it can be included in that calculation.*

21 *MR. DON WILKERSON: I'd like to refer a question to staff.*
22 *Are you in agreement with the gentleman's thought that open*
23 *space includes easements?*

24 *MR. BRAD HAWKINS-CLARK: I'm not. I've told them that. My*
25 *thought is that water features would be constructed water*

□

24

1 *features like a waterfall, or a pond, or something like that.*
2 *Not a canal, which is not a water feature. I think the code is*
3 *intending to mean an amenity and not a canal where we want to*
4 *encourage people to go and play by.*

5 *MR. DON WILKERSON: So it's your opinion that they still*
6 *need to take the ditch easement out of the open space to meet*
7 *the requirement?*

8 *MR. BRAD HAWKINS-CLARK: That's my opinion. We have a*
9 *landscape chapter in the zoning ordinance that has a definition*

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10 of common open space. We have a definition to the subdivision
11 ordinance. So we have two ordinances that we're looking at with
12 this and any subdivision, both zoning and subdivision.

13 Unfortunately, they don't totally match up with each other.

14 The definition of the landscape ordinance of common open
15 space does state that it may include trees, natural
16 environmental features, playgrounds, water features, swimming
17 pools, community centers, and recreation facilities.

18 MR. DON WILKERSON: No canal company ditch easements.

19 MR. BRAD HAWKINS-CLARK: Yeah. So I can understand where
20 they're coming from. To me, the easement would be if it was
21 like a pedestrian easement or a fairly usable thing that would
22 add to the recreational or sort of natural features of the
23 project. In my opinion, it would be within your bounds, if you
24 looked up the definitions and decided to agree with the
25 applicant, it's not one of those black and white things.

□

25

1 MR. DAVID HARGRAVES: Where do you get that it can be on an
2 easement? Can you point us to that?

3 MR. LADD CLUFF: When your reading in the subdivision
4 ordinance where it defines what open space is, it actually
5 states it can be set aside, dedicated, or reserved. All of
6 those are definitions of easement. An easement is dedicated,
7 reserved, set aside.

8 MR. DAVID HARGRAVES: Why aren't you using the landscape
9 ordinance definition?

10 MR. LADD CLUFF: We're going by the subdivision ordinance

11 also. I guess when the two are conflicting, as far as which one
12 holds on that --

13 MR. BRAD HAWKINS-CLARK: Right. I think that the
14 definition in the subdivision ordinance is public open space.

15 MR. LADD CLUFF: Well that's actually the definition of
16 open space in the subdivision ordinance. Then in the
17 subdivision ordinance it also has a separate definition for
18 public open space. It says a parcel of land or right of use
19 conveyed or otherwise dedicated as State, County agency, or
20 other public body for recreational or conservation uses by the
21 public. Again, that states in there for right of use, which is
22 definition of easement.

23 MR. DAVID HARGRAVES: Are you suggesting that the
24 definitions in the landscape ordinance don't apply?

25 MR. LADD CLUFF: I'm not suggesting that at all.

□

26

1 MR. DAVID HARGRAVES: I just need to understand where your
2 coming from.

3 MR. LADD CLUFF: The subdivision ordinance is what I'm
4 using to justify the reasoning for the easement in the
5 calculation.

6 MR. DON WILKERSON: I'm looking at the definition of open
7 space in the subdivision ordinance and it says land essentially
8 free of structures. To me, an irrigation canal is a structure.
9 I take it that your open space can not include that canal.

10 MR. LADD CLUFF: I guess we disagree on that one.

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11 **MR. DON WILKERSON:** *I'd like to bring up one other item.*

12 *There was something in Brad's original staff report we missed*

13 *last time. Let's look at lots 8 and 10. I think, Brad, your*

14 *recommendation that 10 foot access easement to that open space*

15 *by the river be all moved to one lot. You remember that in your*

16 *staff report?*

17 **MR. BRAD HAWKINS-CLARK:** *Commissioners, that's correct.*

18 **MR. DON WILKERSON:** *Instead of splitting that access*

19 *between two lots, move it all onto one lot. To me, if I own lot*

20 *10, I could put a fence right down the middle of that access*

21 *easement.*

22 **MR. LADD CLUFF:** *No you could not.*

23 **MR. DON WILKERSON:** *Why is that?*

24 **MR. LADD CLUFF:** *Because the easement prohibits the*

25 *construction of fences within the easement.*

□

27

1 **MR. DON WILKERSON:** *You got that written into something*

2 *then?*

3 **MR. LADD CLUFF:** *That will be within the easement*

4 *dedication.*

5 **MR. DON WILKERSON:** *So if a gentleman wanted to farm that,*

6 *he'd have to put the fence outside the easement.*

7 **MR. LADD CLUFF:** *That is correct.*

8 **MR. DON WILKERSON:** *Okay. I'm just bringing up Brad's*

9 *recommendation with that easement be either all moved in your*

10 *lot 8 or lot 10.*

11 **MR. LADD CLUFF:** *We have taken the recommendation under*

12 *advisement and still wish to proceed with it as an easement the*
13 *way that it is at this time.*

14 *MR. DON WILKERSON: I'm just going to bring up one other*
15 *item that's on this plat here. I don't think your typical road*
16 *section detail is correct. The reason is I think the subbase is*
17 *supposed to extend beyond the asphalt.*

18 *MR. LADD CLUFF: Well once we get to the design process and*
19 *the plans are reviewed by the Highway District, those issues*
20 *will be resolved.*

21 *The last issue that had come up in the last meeting was the*
22 *disclaimer of interest process with the State. I think we've*
23 *addressed that one with a letter to Development Services. I'm*
24 *not sure if you received that letter or not. That is a*
25 *voluntary process. The land owner is not volunteering to go*

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1 *through that process and will not be dedicating that easement*
2 *along there.*

3 *MR. DON WILKERSON: Did you read a little item that's in*
4 *the Idaho Statesman? Land Board okay's the 25 foot easements.*
5 *Are you aware of that?*

6 *MR. LADD CLUFF: I am aware of that. Before, they still*
7 *had the disclaimer of interest as a voluntary process, which*
8 *they still have as a voluntary process and with that, they ask*
9 *that you dedicate a 25 foot easement along there and didn't have*
10 *a set standard policy that that was policy to do that. That was*
11 *the decision that the Land Board made this time. When you do*

12 volunteer to go through to the disclaimer of interest process,

13 you are required to dedicate that 25 foot easement.

14 MR. DON WILKERSON: But your saying your not willing to do

15 that.

16 MR. LADD CLUFF: We're saying we're not doing that at this

17 time.

18 MR. DON WILKERSON: But it says here that it will become a

19 formal policy.

20 MR. LADD CLUFF: A formal policy to grant the easement if

21 you volunteer to go through the disclaimer of interest process.

22 MR. DON WILKERSON: I'm just reading this. We are still

23 concerned about the access along the river.

24 MR. LADD CLUFF: I understand your concern. The public

25 still has access as long as they're below the high water mark.

□

1 MR. DAVID POOLE: Any other questions?

2 MR. LAWRENCE WHITSELL: Why is there such a reluctance to

3 include that?

4 MR. LADD CLUFF: A 25 foot pedestrian access easement along

5 that, the river bank will devalue the lots along the river. The

6 land owners do not want to grant 25 foot access for the general

7 public to be walking along those rivers.

8 MR. DON WILKERSON: They're going to eliminate public

9 access to it.

10 MR. LADD CLUFF: There's not any public access to it right

11 now. They're not eliminating anything.

12 MR. WILL MAVPIN: I have a question about establishment of

13 *the high water mark. Who established that?*

14 *MR. LADD CLUFF: A licensed land surveyor.*

15 *MR. WILL MAVPIN: Couldn't the land owners eventually run*
16 *into title problems later on? Wouldn't it make a little more*
17 *sense to have the state come out and establish where the high*
18 *water mark is?*

19 *MR. LADD CLUFF: I'll refer you to Idaho Code, 54-12-02,*
20 *the terms land surveying and professional land surveying mean*
21 *responsible charge of surveying land to determine the corner.*
22 *The correct boundary description to convey to establish land*
23 *boundaries or to plat lands and subdivisions there of. The only*
24 *authorized person in the state to establish that line is a*
25 *licensed land surveyor.*

□

1 *MR. DAVID POOLE: Any questions? Thank you. Have you got*
2 *any further presentation? If not, we'll take public input on*
3 *these six items. We have none at this point. You don't have*
4 *anything to rebut, gentlemen. I guess we can close that portion*
5 *of the public hearing to the Commission. So, Commissioners,*
6 *discussion?*

7 *MR. DON WILKERSON: I'd like to get staffs input on the*
8 *disclaimer process along the river.*

9 *MR. DAVID HARGRAVES: I don't know of any requirement that*
10 *they go through that process. I don't have any experience with*
11 *this process though. I'm not aware of any in our ordinance that*
12 *would require it. It's been represented to me that there is no*

13 mandatory requirement for doing that. I haven't researched the
14 issue.

15 MR. DAVID POOLE: Okay. Commissioners, any further
16 questions of staff? Comments? Discussion?

17 MS. DEBBIE ROUWENHORST: So is it my understanding that the
18 new Comprehensive Plan, which requires greenbelt availability,
19 does not apply to this?

20 MR. BRAD HAWKINS-CLARK: Commissioner, that is correct.
21 The new Comprehensive Plan can not be used to assess this
22 project. However, I did include three Comprehensive Plan
23 policies that I found to be neutral on this project. I put
24 those on page 7 of 12 of the staff report. The only policy in
25 the 1995 Comprehensive Plan that deals with that is in the

□

1 recreation parks and open space chapter on G3,2 "support
2 development of a greenbelt pathway system along the Payette
3 River in Gem County." I would say it's much less strong than
4 what the current Comprehensive Plan is. You can't use that to
5 assess this project. So I think that's the only policy in the
6 plan that you are using to look at. The 1995 land use map
7 doesn't have the greenbelt on it. So in my opinion, we don't
8 have in ordinance or on the map the legal ability to say you
9 shall build it. We have a comp plan policy that says this is
10 the County's desire. We want to support a development of a
11 greenbelt system.

12 MR. DAVID POOLE: So it's a suggestion at this point, is
13 what your saying.

14 MR. BRAD HAWKINS-CLARK: *The Comprehensive Plan is a guide.*

15 MR. LAWRENCE WHITSELL: *David, would this totally stop the*
16 *development of a greenbelt eventually in that section?*

17 MR. DAVID HARGRAVES: *No. I don't think so.*

18 MR. LAWRENCE WHITSELL: *On that easement, there still could*
19 *be a development put on that right-of-way from the river.*

20 MR. DAVID HARGRAVES: *I can't explain the easements along*
21 *there, like the low water mark. Typically, if a public entity*
22 *wants to acquire a piece of property from a private property*
23 *owner, it has to go through the condemnation proceedings. So*
24 *that's one way you pay fair market value for what that is.*

25 MR. LAWRENCE WHITSELL: *The County or whatever could buy*

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1 *that property then. Well, where there's a right-of-way already,*
2 *a public domain, that's not something that can be used for a*
3 *greenbelt down the road.*

4 MR. DAVID HARGRAVES: *What's the public right-of-way?*

5 MR. LAWRENCE WHITSELL: *The easement from the high water*
6 *mark.*

7 MR. DAVID HARGRAVES: *From the high water mark into the*
8 *waterway. I think what that means, and maybe they'll want to*
9 *respond to this, how can you access it? I don't know the answer*
10 *to that.*

11 MR. DAVID POOLE: *When the water is down you can access it.*
12 *If the water is high, you've got to swim.*

13 MR. DAVID HARGRAVES: *A fisherman can walk into it from*

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14 *that direction but I don't know if that means that there's*

15 *access from the property itself. I think that's my*

16 *understanding of how that works.*

17 *MR. DAVID POOLE: Further questions, Commissioners?*

18 *MR. DON WILKERSON: The access across lots 8 and 10, to get*

19 *to that area on the lot, is that strictly for use of people*

20 *that's in the subdivision?*

21 *MR. LADD CLUFF: That is a common lot owned by the Home*

22 *Owners Association.*

23 *MR. DON WILKERSON: It's not open to the public for access*

24 *to the river?*

25 *MR. LADD CLUFF: That would be correct.*

□

33

1 *MR. DAVID POOLE: Commissioners, are we ready to make a*
2 *decision here?*

3 *MR. LADD CLUFF: The land owners did say they would open*
4 *that up for the public access, the 10 foot easement along there,*
5 *for the river.*

6 *MR. DON WILKERSON: I'm just going to make my comments for*
7 *or against it. I like their approach on getting the school bus*
8 *off of Plaza. I really appreciate that. I still think you need*
9 *to look at the 5% common open space excluding any easements,*
10 *which our concern is the ditch company. So if you want to*
11 *include that, you make your 5% but we request that you exclude*
12 *it. Then you're going to have to come up with some additional*
13 *acreage to cover the open space.*

14 *You addressed my concerns on the bridge. I wish that the*

15 property developer would come to an agreement to provide an
16 access for possibly a future pathway along that river. So it's
17 something that we have up front versus we have to maybe buy land
18 or go through some other type of process to get that. That's a
19 long term goal of Gem County to have a greenbelt. Other than
20 that, you pretty well answered my concerns. Thank you.

21 MR. DAVID POOLE: Any further comments, Commissioners?

22 MR. WILL MAVPIN: I wanted to be clear on something that
23 has to do with the strata report that you provided. I just want
24 some reassurance. It may already be a condition of the approval
25 that there be some more studies done on the stratus. It's

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34

1 really insufficient for them to make a conclusion. That should
2 be part of the final process.

3 MR. WARREN STEWART: Which portion of the strata report are
4 you referring to?

5 MR. WILL MAVPIN: The hydraulic evaluation.

6 MR. WARREN STEWART: Okay.

7 MR. WILL MAVPIN: It's on Exhibit A, in the last few
8 comments.

9 MR. WARREN STEWART: There's going to be some additional
10 work that has to be done before our final is complete. We've
11 worked with Strata many times. Typically, in the preliminary
12 plat stage, you don't want to invest an incredible amount of
13 money. Once the approval of the preliminary plat is in place,
14 then you will be able to move forward in the project and finish

15 the research.

16 MR. DON WILKERSON: I think at our last meeting we made
17 that commitment that you would do the hydraulic studies and such
18 because this gentleman right here in front brought that up. I
19 believe at the last meeting you did make some commitments that
20 would be done.

21 MR. DAVID POOLE: The one you weren't at.

22 MR. WARREN STEWART: Yeah, the one I wasn't at.

23 MR. DAVID POOLE: Commissioners, further comments? If not,
24 we do need to move along.

25 MR. BRAD HAWKINS-CLARK: If you do decide to make a motion

□

35

1 tonight, if you could include in your motion the two requested
2 waivers specifically, to address those in any recommendation to
3 the Board of County Commissioners.

4 MR. DAVID POOLE: All right.

5 MR. DON WILKERSON: If we look at our staff report, we have
6 several conditions that the staff has recommended.

7 MR. BRAD HAWKINS-CLARK: That number 12 on those
8 recommendations of approval would need the Commissioners to fill
9 that in. That's about the intersection. So you could just
10 refer to the, if you'd like, refer to their testimony and we can
11 insert that.

12 MR. DON WILKERSON: On item 1 on page 12, do we need to add
13 the School District as one of the impacted agencies? They
14 submitted a letter I think.

15 MR. BRAD HAWKINS-CLARK: Yes we do.

16 MR. DON WILKERSON: On page 10 there's a list of special
17 considerations. You're probably waiting for a motion now.

18 MR. DAVID POOLE: Yes. I'm trying to allow you to put it
19 together.

20 MR. DON WILKERSON: I make a recommendation to the Board of
21 County Commissioners that we approve the preliminary plat for
22 River Ranch Estates Subdivision file No. PT 07-006. I'm looking
23 at page 10, special conditions. One change I'd like to see that
24 on F., open space calculations, the open space will be required
25 to be calculated at the 5% of the gross of the subdivision

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36

1 excluding any easements, canal company, etc.

2 Power transmission lines, we approve request for waivers

3 both for Idaho Power and the Bonneville Power Company. Roadway

4 section, that they provide line of sight calculation. If

5 somebody's parked to turn into the subdivision, which will

6 probably be somewhat less than the 420 feet, that be provided.

7 So if somebody's parked there on the left hand turn, we'd want

8 to know what the line of sight is. South. Excuse me. Mr.

9 Whitsell just mentioned the south.

10 There's no reference in the special conditions but let's

11 address the bridge. There will be a guardrail on both sides of

12 the bridge on the Plaza Road side. Means will be developed that

13 will stabilize the back field against the wing walls on the

14 Plaza Road side.

15 Under draft for conditions of approval, we add the School

16 *District on the list of impacted agencies. On item 12, the*
17 *intersection of Plaza and River Ranch Road, the plan to*
18 *stabilize the wing wall areas and put in the guardrail and also*
19 *by moving the bus will alleviate any need for a turn lane there.*
20 *Also, amend the plat to include the 10 foot access easement*
21 *located between lots 8 and 10 as a part of lot 9. I think that*
22 *should be corrected to part of lot 8. So in other words, put*
23 *that access all on one lot and it would match up best by being*
24 *on lot 8. Anything else that somebody wants to bring up, staff*
25 *or anything, that you feel we're missing?*

□

37

1 *MR. BRAD HAWKINS-CLARK: Can I just ask for clarification*
2 *on that last point?*

3 *MR. DON WILKERSON: About the road intersection?*

4 *MR. BRAD HAWKINS-CLARK: No, about the 10 foot easement.*

5 *MR. DAVID POOLE: Placing it on lot 8 as opposed to*
6 *splitting it.*

7 *MR. DON WILKERSON: Right now it's split between lots 8 and*
8 *10. In your staff report, you said to put it as part of lot 9,*
9 *but I think you probably meant lot 8.*

10 *MR. BRAD HAWKINS-CLARK: So your not saying it should be a*
11 *common lot?*

12 *MR. DON WILKERSON: No. We just need to move that 10 foot*
13 *access all onto one lot, lot 8. It doesn't show it here as a*
14 *common lot.*

15 *MR. BRAD HAWKINS-CLARK: Okay. Thanks.*

16 *MR. DAVID POOLE: It may turn out being common lot if they*

17 *have to meet the other requirement. They may have to find some*
18 *ground somewhere.*

19 *MS. DEBBIE ROUWENHORST: Could that be included in it?*

20 *MR. DON WILKERSON: Or they could increase the size of that*
21 *lot number 9. It's up to them how they do that.*

22 *So, that is my motion.*

23 *MR. DAVID POOLE: Does anybody need clarification? I think*
24 *it's pretty clear. Do we have a second on the motion?*

25 *MS. DEBBIE ROUWENHORST: I second it.*

□

38

1 *MR. DAVID POOLE: Any more discussion on the motion? If*
2 *not, all those in favor signify by saying 'I'. Opposed? It*
3 *passes unanimously.*

4

5 *(Vote unanimous.)*

6

7 *MR. DAVID POOLE: Thank you, gentlemen, for your time.*

8

9 *Public Hearing - Item No. 2 Special Use Permit #SUP-07-001*

10 *Edward and Betty Riedel*

11

12 *MR. DAVID POOLE: We'll move on to the next item on our*
13 *agenda. They have an opportunity to have them or the spokesman*
14 *make comments. So if you will step forward, state your name and*
15 *address.*

16 *MS. WENDY AKINS: Would you like an overview first?*

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17 MR. DAVID POOLE: I'm sorry. Yes.
18 MS. WENDY AKINS: This is a special use permit request by
19 Open Country Motor Sports to allow ATV sales an accessory show
20 room located at 1321 West 12th Street. The location is west of
21 Mill Road on 12th Street. It is approximately 8 acres.
22 This is the site plan. There is an existing residence on
23 the east side of the property. On the north east property
24 boundary there's an existing residence. There is an existing,
25 approximately 40 foot gravel driveway with an existing

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39

1 approximately 60 foot length building that's about 20 feet long.
2 It's divided in to three sections. The southern section is, I
3 believe it was storage. The middle section is an existing small
4 engine repair business. That is allowed out right in the M-1
5 zone. The north section is the trash and refuse area.
6 The applicant is proposing to build approximately an 18 by
7 36 metal building, consistent with what's on site, on the north
8 end, closest to us, running the opposite direction, parallel
9 with the road.
10 This is the existing residence. This is the site viewing
11 east. It shows the residence as well as the metal building. If
12 you come back to the site plan, there is an existing pasture
13 that will not be developed if this is approved.
14 One thing that I do point out in my staff report is the
15 required street buffer. I was unsure if the required street
16 buffer should run the entire length of the site, which would
17 include the existing residence and what would be the left over

18 pasture area. So that's one area I would like Commission to
19 discuss and make a determination as to what they see that street
20 buffer should be. The other issue I did have is the applicant
21 has proposed a 10 foot street buffer. By code, it does require
22 a 20 foot. So that is a change that would need to be made if
23 this is approved.

24 As I mentioned, this is an 8 acre parcel. The applicant is
25 proposing to use, approximately, the northern 25 feet. By code,

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40

1 your supposed to install a different use buffer that buffers
2 different uses. It goes in to categories of intensity. Staff
3 needed further clarification. Does that buffer also have to
4 extend the continuous length of the entire site or just the
5 portion of area being used? So that's another area that is to
6 be determined.

7 Staff is recommending denial based on the uses allowed on
8 the zoning matrix. This is an M-1 zone. It's a split zone M-1
9 MX, which means industrial, which is typically manufacturing.
10 The request is to sell motorcycles, which is typically a retail
11 type use. The matrix does call out the selling of RV's, which
12 staff has determined to be recreational vehicles. Does that
13 also mean motor coaches or motorcycles and off road vehicles of
14 that nature?

15 MR. DAVID POOLE: I think the off road vehicles are ATV not
16 RV's.

17 MS. WENDY AKINS: Okay. If the Planning and Zoning

18 Commission makes the recommendation to approve this, I would
19 like to recommend a condition to have the landscape be
20 maintained. That was not a recommended condition, but I think
21 it should be added.

22 I do have one more point. This is an 8 acre site. We
23 recommend that trial runs not be allowed on the existing site.
24 They can be started but no track or anything of that nature.

25 MR. DON WILKERSON: Do you have their site drawing on

□

41

1 there.

2 MS. WENDY AKINS: Sure. Right there.

3 MR. DON WILKERSON: Where you were talking about the buffer
4 between noncompatible zones, are you talking about that west
5 side in the parking area?

6 MS. WENDY AKINS: Yes. Actually, it is past the west side
7 to the property line. Now the Planning and Zoning Commission
8 could state that there is an existing buffer with the pasture.
9 That is a possibility.

10 MR. DAVID POOLE: And that's 43 and a half feet?

11 MS. WENDY AKINS: Correct.

12 MR. DON WILKERSON: It shows up there, whether you show an
13 existing easement, that's really public road right-of-way. That
14 can't be an easement. So if you look at the measurements of the
15 20 foot buffer, everything changes.

16 MS. WENDY AKINS: Correct. The other thing is that the
17 site plan does not show a perimeter landscaping around the
18 parking lot.

19 MR. BRAD HAWKINS-CLARK: *Just to clarify, you have final*
20 *approval.*

21 MR. DAVID POOLE: *Any further questions?*

22 MS. DEBBIE ROUWENHORST: *It's M-1, and I believe the buffer*
23 *was to be on the west side, but if it's compatible on the west*
24 *side, it's M-1, M-2, and C-2. If this is the same, why would*
25 *they need a buffer on the west side?*

□

1 MS. WENDY AKINS: *The site is actually M-1 on the north*
2 *and it's MX on the south. From the south moving north is*
3 *approximately 200 feet of zoned MX. Everything else north,*
4 *west, and east is also M-1. So it's all zoned industrial.*

5 MR. DON WILKERSON: *If you go further west, some of it's*
6 *zoned as C-2.*

7 MS. DEBBIE ROUWENHORST: *When you were doing the proposed*
8 *uses, you had that there was a class 1 and a class 4. I was*
9 *just concerned. As reading this, it sounded like it was in the*
10 *same class. Therefore, why would you need a 25 foot buffer?*

11 MS. WENDY AKINS: *Right. But it's not.*

12 MR. BRAD HAWKINS-CLARK: *There's a difference between*
13 *zoning and actual use.*

14 MS. DEBBIE ROUWENHORST: *Well, that was my question. Okay.*
15 *You answered my question. Thank you.*

16 MR. DAVID POOLE: *Okay. Do we have a spokesperson for*
17 *Edward and Betty Riedel?*

18 MS. BETTY RIEDEL: *I'm Betty Riedel and I live at 1321 West*

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19 12th Street. I'm new at this process. Do I hand these out

20 first?

21 MR. DAVID POOLE: Yeah. Go ahead.

22 MR. DAVID HARGRAVES: I don't know if there's anybody in

23 here that would like to see that but you may want to provide a

24 copy of this to people in the audience.

25 MS. BETTY RIEDEL: All right. To begin with, we would like

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1 to open up a showroom. We have the small engine repair shop

2 that my son runs. He does small engine repair work and

3 motorcycle repairs. Our intention was to supplement that income

4 with a building that we could show ATV's, ORV's, and possible

5 motor bikes. The main purpose of the business would be for farm

6 ranch use. For example a mule, where you would buy accessories,

7 use it on the ranch and such.

8 We realize that we have neighbors. We'd try to make the

9 hours of business fall within a time frame of 9 to 6 so it

10 wouldn't interfere with school buses coming to pick up children

11 or dropping them off. Our hours wouldn't be late at night. We

12 don't want a car dealership. We just want to sell a couple of

13 ATV's and ORV's just to kind of keep the flow of income going.

14 MR. DAVID POOLE: So RV's are not something that you're

15 entertaining.

16 MS. BETTY RIEDEL: RV's are absolutely nothing that we are

17 interested in.

18 MR. DAVID POOLE: Motor homes, trailers, none of that sort

19 of thing.

20 MS. BETTY RIEDEL: No.

21 MR. DAVID POOLE: Okay. Well, possibly a trailer for the
22 ATV's or something like that.

23 MS. BETTY RIEDEL: Possibly but we would probably refer
24 them to another company.

25 MR. DAVID POOLE: Okay.

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1 MS. BETTY RIEDEL: All right. The first part of the letter
2 that we received from Wendy addressed the issue of what an RV
3 was and what an ATV was. So I'm going to skip all that
4 argument.

5 The next issue was G1.1, take actions to help existing
6 businesses and industries expand. Approval of the special use
7 permit would create another business in Gem County. However,
8 the applicant does not intend to higher any employees at this
9 time. We would consider hiring employees if the business
10 warranted it or if my health or my husbands health were to fail.

11 Issue three, regarding businesses will be required to meet
12 the landscape requirements of the zoning ordinance. We have
13 proposed to put in a native plant landscape. Native plants
14 require far less water. The first year, and I've checked with
15 one of the local nursery's here, they require weekly watering.
16 After that, unless your in a drought system, they rely on the
17 normal rainfall of the area. The fact that the name of the
18 business is Open Country, we're trying to keep the same theme
19 going within the landscape part. So that's where we came up

20 with that landscape, hoping that it would fall within the

21 alternative landscape design.

22 The fourth issue was on street buffers. At first, we were

23 told that the 10 foot street buffer would be sufficient; 62 feet

24 long and 10 feet wide. It seems after they looked at it, 12th

25 Street is considered an urban collector. I'm not sure what that

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1 is.

2 MR. DAVID POOLE: More traffic.

3 MS. BETTY RIEDEL: More traffic. Okay. Does what you call

4 the road have any reference to the area that you live in? If I

5 live in a residential area, is it considered local road or are

6 what you call the roads totally different than a street, or a

7 local road, or an urban collector?

8 MR. DON WILKERSON: If the traffic is served by that road,

9 it's not so much whether it's residential or business.

10 MR. DAVID POOLE: And I think those roads are all

11 predesignated anyway. We kind of have to live with what's

12 there. So if they're calling it an urban collector, that's

13 where we got to go.

14 MS. BETTY RIEDEL: And that just means there's more traffic

15 on it, right?

16 MS. DEBBIE ROUWENHORST: The Highway Department is the one

17 that has determined what streets are what.

18 MS. BETTY RIEDEL: Okay. That's fine.

19 MR. DAVID POOLE: Therefore, you need 20 feet and not 10.

20 MS. BETTY RIEDEL: No problem there.

21 *Number six, street buffer and trees. The staff finds the*
22 *length of the subject area is approximately 62 feet. This would*
23 *require two trees. If the buffer area is extended to either/or*
24 *both the existing residential or pasture area, the number of*
25 *required street trees also increases. My question is, the*

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1 *landscape plan did have two trees in it.*

2 *MR. DAVID POOLE: I think what Wendy was meaning by that*
3 *was the fact that she wanted to bring it to our attention. We*
4 *need to make that decision whether that's 62 or we should*
5 *require more. In that case, if we require more, it's going to*
6 *require more trees.*

7 *MS. BETTY RIEDEL: Okay.*

8 *MR. DON WILKERSON: In your landscape plan it says dwarf*
9 *arctic willows. Those aren't a tree. That's a shrub.*

10 *MS. BETTY RIEDEL: Oh, she informed me that they were a*
11 *tree. Can they be formed into a tree if they're pruned?*

12 *MR. DON WILKERSON: No. They don't grow into a tree.*
13 *They're just a shrub.*

14 *MS. BETTY RIEDEL: Okay. The buffer that they were*
15 *suggesting go down the west side of our property, and the west*
16 *side of the property goes straight down and forms an 'L'. As I*
17 *understood it, you were concerned that maybe we should have a*
18 *buffer planted along there.*

19 *MR. DAVID POOLE: That's another thing I think she was just*
20 *trying to bring to our attention for a decision making*

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21 situation. She was just making recommendations.

22 MS. BETTY RIEDEL: All right. I'm new at this. I guess

23 that was it other than the irrigation for the buffer zone area.

24 Hopefully, the fact that they're native plants, I won't have to

25 spend the money to put in an underground irrigation system.

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1 MR. DAVID POOLE: There's a lot of systems you can use that

2 don't require a lot of water. The landscaping is important.

3 What we and the public really need to know is the operation of

4 your business. Your going to be 9 to 6, right?

5 MS. BETTY RIEDEL: 9 to 6.

6 MR. DAVID POOLE: ATV's, motorcycles, small engine repair,

7 that sort of thing. Interested in putting a showroom floor in,

8 right?

9 MS. BETTY RIEDEL: Yes.

10 MR. DAVID POOLE: Okay. Also, you're going to need parking

11 for your customers. It's going to be a retail business. It's

12 going to be open how many days a week?

13 MS. BETTY RIEDEL: Six days. Monday through Saturday.

14 MR. DAVID POOLE: Okay. Those are important things.

15 You'll hire people if the business gets great. We've just got

16 to hear from you what your plans are. All right. Thank you

17 very much. You'll have an opportunity to listen to the public

18 input and rebut anything that comes up.

19 MS. BETTY RIEDEL: All right.

20 MR. DAVID POOLE: Those in favor of this special use

21 permit, please step forward. Give us your name and address.

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22 *MS. MARY JO BENSON: Marry Joe Benson, 3471 Fuller Road. I*
23 *just think we need some more businesses in the area.*

24 *MR. DAVID POOLE: Thank you. Any questions, Commissioners?*

25 *MS. DEBBIE ROUWENHORST: No.*

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1 *MS. MARTHA BURGERT: My name is Martha Burgert and I live*
2 *at 3480 Fuller Road. I too would like to see this business go.*

3 *I think it would be good for Emmett.*

4 *MR. DAVID POOLE: Thank you.*

5 *MR. BILL BURGERT: I'm Bill Burgert. I live at 3480 Fuller*
6 *Road also. I think that we really need this business in this*
7 *area. There isn't hardly any of them here. Thank you.*

8 *MR. DAVID POOLE: Thank you very much. Any further input*
9 *in favor? If not, is there any neutral input?*

10 *MS. JONI WURST: I'm Joni Wurst. I live at 1317 West 12th*
11 *Street, which is just east of the property. I share the*
12 *property line with them. My family's lived in that house for*
13 *over 31 years. The entire neighborhood is a family*
14 *neighborhood. My concern is that we share the driveway*
15 *entrance. Where would they be bringing in their business and*
16 *where are they going to designate it permanently?*

17 *I have a nine year old. Neighbors have been her family.*
18 *They've moved in and they've become her close attachment. She*
19 *was always running over to their house to acknowledge them. The*
20 *business hours was a good thing I need to know. She also*
21 *crosses the street. She's nine. She's old enough to stop and*

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22 look in both directions.

23 MR. DAVID POOLE: So this 40 foot wide access you share
24 with them, do you?

25 MS. JONI WURST: No. On the picture, if your looking east,

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1 I'm in the picture. You see the white house just past the two
2 story? That's my house. They're driveway and my driveway but
3 up against the turnout. They have that center turnout in front
4 of their house. That tree is on their property line, but right
5 about 3 feet past the tree is my property line. Our driveways
6 meet to enter onto 12th Street.

7 So my concern is about revving up engines, the track. Are
8 they going to allow people to run on the property? Because of
9 my daughter, it's my concern. I think they're wonderful people.
10 Thank you.

11 MR. DAVID POOLE: Thank you. Any questions from the
12 Commissioners? Further neutral input?

13 MR. DOUG HUNSAKER: I guess you can call me neutral. My
14 name's Doug Hunsaker. I live at 1226 West Highway 52. Our
15 property but's directly behind up to their property line. I'm at
16 this point neutral. I have some concerns as I think the rest of
17 us that live back there do. I thought that I heard there is no
18 planned track or demo area back in the back.

19 MR. DAVID POOLE: That was a recommendation from staff to
20 us to recommend that they don't put that in the special use
21 permit.

22 MR. DOUG HUNSAKER: Are we talking a full mechanic shop

23 here?

24 MR. DAVID POOLE: If you will, just address us.

25 MR. DOUG HUNSAKER: That would be one of my concerns, a

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1 full mechanic shop. We're concerned with the noise. Is the

2 zoning request a change for the entire 9 acres?

3 MR. DAVID POOLE: It's a special use permit in that zone.

4 It's not a zoning request. So, for this particular business, we

5 just allow these specific things to happen with these

6 conditions.

7 MR. DOUG HUNSAKER: So we wouldn't be changing the zoning

8 here?

9 MR. DAVID POOLE: No. No zone change at all. Is there

10 neutral?

11 MR. LARRY RANETRUM: My name is Larry Ranetrum. I live

12 right next to Doug at 1214 Highway 52. I was looking at this

13 picture from the south. My place sits right directly in back of

14 theirs. I heard about these buffer zones but I never heard any

15 buffer zones going south. I don't know if there is one.

16 MR. DAVID POOLE: At the other end of the 8 acres is what

17 your saying?

18 MR. LARRY RANETRUM: Yeah. There's a ditch that divides my

19 property and their property.

20 MR. DAVID POOLE: And about what distance is that from

21 where they're proposed business is?

22 MR. LARRY RANETRUM: Well, it's quite a ways from the shop.

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23 *I'm not against businesses coming into Gem County or anything*
24 *like that. My concern and my family's concern is them starting*
25 *shop and selling these ATV's or motorcycles, whichever they do,*

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1 *and they got 8 acres out there in back. What if they ask to try*
2 *them out and they go out there in that pasture? That is my*
3 *concern. If they decide to do that, I think they should be able*
4 *to put up like an 8 feet fence to keep us from getting the dust,*
5 *and the noise, and bothering the horses, the cattle, the dogs,*
6 *and everything.*

7 *MR. DAVID POOLE: Okay. Thank you. Further neutral input?*
8 *If not, those opposed.*

9 *MS. LINDA NEWELL: My name is Linda Newell. I live at 1270*
10 *West 12th Street. My main concern is if the building runs*
11 *directly along the road, where is the parking going to be? When*
12 *they haul stuff in there, they're going to be using a truck to*
13 *haul in these ATV's and stock. How often are these big trucks*
14 *going to be coming down this road? How are they going to turn*
15 *into that driveway? I'd like that addressed. We do have a lot*
16 *of large farming equipment that goes up and down. There are hay*
17 *trucks that come up and down that road. You can't hardly get a*
18 *vehicle past those, let alone a truck. If this is going to be*
19 *just a steel building, how far does it set back from the road?*
20 *Just for the amenities, the way the residential neighborhood*
21 *looks. It will be just another steel building but we've all had*
22 *to set ours back a certain distance from the road.*

23 *MR. DAVID POOLE: They will too.*

24 *MS. LINDA NEWELL: Okay. And the noise issue has already*
25 *been addressed. As long as nothing is allowed in the back, I'm*

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1 *fine.*

2 *MR. DAVID POOLE: Okay. Thank you. Questions? I guess*
3 *not.*

4 *MR. BRENT HYDE: I'm Brent Hyde. I live at 1273 West 12th.*
5 *We were opposed to this project going in. We live three houses*
6 *down to the east of where this is. We have our concerns because*
7 *of the noise. That's been addressed. We also have a concern*
8 *because of the increase in traffic it could bring with people*
9 *going to that place of business. The road is not very wide, as*
10 *was mentioned. We have schools at both ends. The high school*
11 *is just across 12th Street. At the other end of this street is*
12 *the Christian school and there are school children walking on*
13 *that. There's not very much room for pedestrians because there*
14 *are no sidewalks. Those are our concerns.*

15 *MR. DAVID POOLE: Thank you. Further comment?*

16 *MS. CHERIE ROLLAND: My name is Cherie Roland. My address*
17 *is 1238 West Highway 52. My property butts up against the back*
18 *side of their property as well. My concerns of dust and noise*
19 *has already been addressed. We have highway noise on that. We*
20 *all go to our backyards and patios, which we all have. That's*
21 *our tranquility from the road noise that we have. Our main*
22 *concern is not allowing the use of the machines in that back*
23 *section to where it will disrupt things. We have a lot of*

24 pheasant, quail, dove, natural habitat that we all enjoy. We

25 don't want any disruption of that we all have. We would like to

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1 have the insurance that the pasture will not be disrupted with

2 that use. There's the noise of traffic and the noise of

3 motorcycles going to that for repairs and so forth.

4 My children are grown. I have grandchildren, which come to

5 my place. Because of the highway out front, they're not allowed

6 to play there. They play in the back. I just want to assure

7 their safety in the back that there's not ATV's or something

8 coming through there and going through the ditch and into my

9 property. That's pretty much it. Thank you.

10 MR. DAVID POOLE: Further negative input?

11 MS. NICHOLE HUNSAKER: My name is Nichole Hunsaker. I live

12 at 1226 West Highway 52. Our property butts up to the back of

13 that. Most everything has been addressed. However, I have a 12

14 year old who has a horse for 4-H. They often times are working

15 on showmanship in our pasture. I'm concerned that if the noise

16 from an ATV is out there and spooks the horse, I then got an

17 injured child and horse. Sometimes when you're dealing with

18 livestock, you don't know that the slightest revving of an

19 engine is going to drag a 12 year old around a pasture. Thank

20 you.

21 MR. DAVID POOLE: Thank you. Further public input? If

22 not, we're going to give the applicant an opportunity to address

23 these issues.

24 MR. EDWARD RIEDEL: I'm Edward Riedel. I'm the other

25 applicant. First of all, you can see how many neighbors we have

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1 in the back. We have a large area. There's not going to be any
2 use of the property back there for ATV's or motorcycle use at
3 all.

4 MS. BETTY RIEDEL: There will be no track. I have a horse.
5 I want some cows. I, like you, do not want a lot of noise.

6 MR. EDWARD RIEDEL: We just want the area that is
7 designated right there to use as a business. We're building the
8 set back far enough off the street, per the measurements Brad
9 gave us. So that's how we drew up the plan.

10 MR. DAVID POOLE: So your business is going to be held in
11 that 60 foot by 100 feet or whatever.

12 MR. EDWARD RIEDEL: You're looking at 62 by 97 feet
13 distance right there.

14 MR. DAVID POOLE: That's basically where your business is
15 going to be held. If somebody's going to try an ATV, it will be
16 in the parking lot.

17 MR. EDWARD RIEDEL: I got a trailer. I'll hook it up and
18 take you up the mountain.

19 MS. BETTY RIEDEL: We have a cycle park here, correct?

20 MR. DAVID POOLE: We do. Yes.

21 MS. BETTY RIEDEL: I prefer not to let them try the ATV's
22 or motorcycles. If they insist and they sign a waiver, then we
23 can put the vehicle on a trailer and take them up to the
24 motorcycle park where that's allowed. The noise doesn't seem to

25 *bother people over there.*

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1 *MR. DON WILKERSON: You can stand here and say all that but*
2 *you may get somebody out there that gets on it, revs it up in*
3 *your parking lot, and the first place he goes is out on 12th*
4 *street.*

5 *MR. EDWARD RIEDEL: We're not going to allow that. That*
6 *can happen anywhere.*

7 *MS. BETTY RIEDEL: We're hoping things like that won't*
8 *happen.*

9 *MR. DAVID POOLE: I think, basically, the noise and that*
10 *sort of thing is the concerns.*

11 *MR. EDWARD RIEDEL: The half circle driveway in front of*
12 *our residence, no business will be going out there. If we have*
13 *any delivery at all, they'll go on the east side of the shop and*
14 *we'll unload them right there and put them in storage. Being*
15 *that we're already allowed a small engine repair shop, why not*
16 *be able to sell to the public also?*

17 *MR. DON WILKERSON: Retail is a different use then what*
18 *your doing now. That's why you're here.*

19 *MS. DEBBIE ROUWENHORST: A concern was delivery. How often*
20 *do you anticipate delivery?*

21 *MS. BETTY RIEDEL: Once a month. I don't know.*

22 *MS. DEBBIE ROUWENHORST: This addresses one of the concerns*
23 *about delivery trucks and traffic.*

24 *MS. BETTY RIEDEL: I'm not sure what the rate is of how*
25 *fast ATV's sell.*

□

1 **MR. DAVID POOLE:** *If you need 30 semis a week or a month --*

2 **MS. BETTY RIEDEL:** *No.*

3 **MR. EDWARD RIEDEL:** *No.*

4 **MS. BETTY RIEDEL:** *We would show maybe four or five units*
5 *in the show room.*

6 **MR. EDWARD RIEDEL:** *Kind of a "mom and pop business".*

7 **MS. DEBBIE ROUWENHORST:** *So your not talking trucks coming*
8 *daily?*

9 **MR. EDWARD RIEDEL:** *Not at all.*

10 **MR. DON WILKERSON:** *If you order even six ATV 's, they may*
11 *pull up with a 53 foot van. Can a 53 foot semi pull into that*
12 *lane when you said 12th Street's already narrow? I think he's*
13 *going to want to park out on the street and unload. Can a 53*
14 *foot van get in there and back out on 12th Street and not cause*
15 *a problem?*

16 **MR. DAVID POOLE:** *Do you have a fork lift?*

17 **MR. EDWARD RIEDEL:** *Yes we do.*

18 **MR. DAVID POOLE:** *So unloading 6 ATV's wouldn't take long.*

19 **MR. DON WILKERSON:** *That's a concern that they may end up*
20 *using 12th Street instead of your driveway.*

21 **MR. DAVID POOLE:** *Is there any other concerns that you need*
22 *to address?*

23 **MR. EDWARD RIEDEL:** *The buffer that you proposed going down*
24 *is a contiguous property, correct? So it's still the same*
25 *zoning.*

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1 **MR. DAVID POOLE:** *I think really, at this point, that*
2 *decision is probably up to us. Any other questions for the*
3 *applicants?*

4 **MR. DON WILKERSON:** *I'd like to make a comment to Wendy. I*
5 *thought I read in your staff report that you recommended a*
6 *nonscalable fence.*

7 **MS. WENDY AKINS:** *Yeah. So that it couldn't be used as a*
8 *track.*

9 **MR. DON WILKERSON:** *That would be on the south side and the*
10 *west side?*

11 **MS. WENDY AKINS:** *Correct, and the parking area.*

12 **MR. DON WILKERSON:** *Well, it would go from the existing*
13 *building on the south east corner across the south of the*
14 *parking area and up the west side of the parking area.*

15 **MS. WENDY AKINS:** *Correct.*

16 **MR. EDWARD RIEDEL:** *And we could even go to the existing*
17 *property line also.*

18 **MR. DON WILKERSON:** *Is there a recommendation in the*
19 *ordinance of what that's constructed of? Is it wood, vinyl, or*
20 *as long as it's 6 foot and they can't climb it? Is that what*
21 *you're saying?*

22 **MS. WENDY AKINS:** *Correct.*

23 **MR. DAVID POOLE:** *Further questions for the applicants?*
24 *Thank you.*

25 **MR. EDWARD RIEDEL:** *Thank you.*

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1 *MR. DAVID POOLE: So we'll close the public portion of this*
2 *meeting and bring it before the Board. Commissioners, comments?*

3 *MR. DON WILKERSON: One of the first statements here by the*
4 *staff was, their doing a retail trade and it's not allowed in an*
5 *M-1. They provided us circled pictures here of produce company,*
6 *could be retail; Robecker's Elk Farm, could be retail. I don't*
7 *know if a storage unit is considered retail.*

8 *MR. DAVID POOLE: I always thought that engine repair was*
9 *retail as well.*

10 *MR. DON WILKERSON: It's all in M-1 areas, unless those*
11 *particular businesses are outside the M-1. So, I don't know if*
12 *I can support your thought that you can't have retail in that*
13 *area when you already have several existing. You can go to*
14 *several of these places and buy items of merchandise.*

15 *MR. DAVID POOLE: In a lite manufacturing zone, I think*
16 *truck traffic is going to be allowed regardless as well. If*
17 *they used it for the existing use, they could still wind up with*
18 *truck traffic in there. So I don't think that's because of the*
19 *zoning. I don't think they can say that they shouldn't be*
20 *allowed truck traffic.*

21 *MR. DON WILKERSON: I mean, staff is saying that it's not*
22 *compatible with the zoning because it should be in a C-2 zone*
23 *but it seems like we have several. Maybe they're in violation*
24 *of the zoning.*

25 *MR. DAVID HARGRAVES: I have a comment on that. I don't*

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1 know that we know what happened with those other parcels in that
2 area. The Idaho Code and our own zoning ordinance, I believe,
3 states that a special use permit shall not be considered as
4 establishing a binding precedent to grant other special use
5 permits. We really need to follow the legal framework for
6 special use permits.

7 One of the first requirement that Wendy has pointed out is
8 that special use has to be authorized on the zoning matrix. If
9 the particular use that is being requested is not on that zoning
10 matrix, you look at the most similar use. Then you look across
11 the matrix where that similar use is allowed. Then that is the
12 zone where that use is allowable or may be only allowable by
13 special use permit. If there's nothing similar in that zoning
14 matrix, there's another provision in our ordinance that says if
15 it's not specifically listed, it may be allowed by special use
16 permit.

17 So I think what you need to do is decide which is the most
18 similar use and look at the matrix and see whether it's allowed.
19 Wendy's done that and it points to the commercial areas. So
20 it's a real uphill battle for the applicant to overcome that.
21 That use doesn't look like it's allowed in the zone.

22 MR. DAVID POOLE: The engine shop that's there now, is that
23 under a special use?

24 MR. DAVID HARGRAVES: It is considered a different use.
25 It's a small engine, small appliance repair. It's specifically

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1 authorized in the M-1 or M-2 zone.

2 MR. BRAD HAWKINS-CLARK: As is the storage.

3 MS. WENDY AKINS: The storage unit is also allowed.

4 MR. DAVID POOLE: Was there an intelligent reason to make
5 that decision? Small engine repair and motorcycles, to me, kind
6 of go hand in hand. That's why I ask that silly question.

7 Okay.

8 MR. DAVID HARGRAVES: Well, unfortunately we often times
9 interpret other peoples decisions.

10 MR. DAVID POOLE: Okay. My concern is that here's one of
11 those cases that maybe we need to correct a problem.

12 MR. DAVID HARGRAVES: The process for doing that is
13 amending the ordinance like we've done with gravel pits.

14 MR. DAVID POOLE: Okay. Commissioners, any further
15 questionings for staff?

16 MS. DEBBIE ROUWENHORST: Yes. In the staff report it said
17 that the parking lot would be paved and striped. It's on page
18 10. The gravel is a no parking area. On the one paper, it
19 showed the whole parking as all gravel. So I just wanted that
20 clarified.

21 MS. WENDY AKINS: When I looked at the site plan, there's
22 a line. I interpreted that line to be the distinction between
23 gravel versus paved.

24 MS. DEBBIE ROUWENHORST: Okay.

25 MS. WENDY AKINS: And it says no parking in that gravel

□

1 area.

2 MR. DAVID POOLE: Any further comments? We need to try to
3 make a determination here.

4 MS. DEBBIE ROUWENHORST: We had decided if they had to
5 landscape the entire part or is that something we needed to
6 discuss?

7 MR. DAVID POOLE: We need to discuss that. Any discussion
8 on the landscaping?

9 MR. DON WILKERSON: I think the applicant needs to abide by
10 the ordinance and the recommendation that's stated in the staff
11 report. If we approve this, even though it's a retail in an
12 M-1, we still need to follow the landscape ordinance.

13 One concern I had, there's a lot of discrepancies in the
14 measurements they gave us. Again, that changed a little bit
15 when the buffer went from 10 feet to 20. I think that we maybe
16 should look at continuing this until the applicant comes back
17 with a drawing that is in relation to what's actually out there.
18 They show on one drawing the gravel parking lot is 30 feet wide.
19 If you do the measurements by taking out the easement against
20 the road right-of-way, and the 5 foot sidewalk, and some other
21 things, it only becomes a 16 foot gravel parking area. So, I
22 don't feel comfortable with approving this because if that gets
23 smaller, then the 5 parking lots over there should possibly be
24 in jeopardy. There's going to be a lot of room there.

25 MR. DAVID POOLE: Any further comments, Commissioners? If

□

1 not, does somebody want to make a motion?

2 **MR. DON WILKERSON:** *I make a motion that we deny this*
3 *special use permit because under the current ordinance, retail*
4 *sales are not approved in an M-1 zone.*

5 **MR. DAVID POOLE:** *Do we have a second to that motion?*

6 **MR. WILL MAVPIN:** *I'll second that.*

7 **MR. DAVID POOLE:** *Okay, it's been seconded. Discussion on*
8 *the motion? All those in favor of the motion signify by saying*
9 *'I'. Motion carries to deny.*

10

11 *(Vote unanimous.)*

12

13 **MR. DAVID POOLE:** *You'll have an opportunity to bring it*
14 *before the Board of County Commissioners for appeal if you like.*
15 *The Zoning Administrator's office will send you the*
16 *determination on this. Thank you very much.*

17

18 *Public Hearing - Item No. 3 Special Use Permit #SUP-07-002*

19 *Tami Larson*

20

21 **MR. DAVID POOLE:** *The next item on our agenda is special*
22 *use permit 07-002.*

23 **MS. WENDY AKINS:** *This is a special use permit request by*
24 *Tami Larson to allow the operation of a daycare facility for up*
25 *to ten children in her home located at 353 East Central Road.*

□

1 *Tami currently runs a daycare facility and currently cares for*

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2 approximately five kids. She plans to expand that care to ten.

*3 She is located on east central, East of Highway 52, West of
4 Lower Bluff Road. She is on the south side of Central. This is
5 her site plan that she submitted. She shows a circular driveway
6 coming off of Central with a loading area and a parking area
7 slightly to the west of that. This house is a 2 story home with
8 the daycare in what I believe to be an old garage that has been
9 converted. This is looking south. There is an existing pasture
10 on the east side of the residence. There is a shop that is
11 located behind the residence. There is a driveway that runs
12 between the pasture and the residence. The reason I mention
13 this is because we come back again to that buffer zone. Again
14 we're talking about intensity of use. A day care facility is
15 considered a 2 and Agriculture is a 1. So it would require a
16 buffer, but there is a driveway back to the back shop. So that
17 is an issue.*

*18 This is the pasture that is on the east side of the
19 facility. Right in front of the horses there is a concrete wall
20 that appears to be 8, 9 feet tall. That is probably for a
21 daylight basement. Staff is recommending that the applicant
22 provide three parking spaces on site. We're recommending that
23 two be located in the loading area, which is consistent with
24 residential type parking and to provide a third parking space
25 somewhere on the site. I wasn't convinced that the area she*

□

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*1 shows parking, just west of the loading area, would be adequate
2 to have somebody parked there and still have a safe turning*

3 radius, but you can not back the parking up because of that
4 concrete area. It isn't a flat ground there. So another
5 parking space would be required. She doesn't show parking right
6 off of Central but staff didn't think that was a safe area. It
7 is a road.

8 MR. DON WILKERSON: Isn't that parking area that you were
9 talking about, it's against the road but it's still on private
10 property.

11 MS. WENDY AKINS: That is correct. It is pulled back away
12 from the road but it still is adjacent to the road.

13 The one issue that we did want to talk about is the
14 required parking. The off street parking matrix identifies
15 daycare facilities as caring for five or more children. She is
16 proposing to go to ten. If you use your off street parking
17 matrix for that, it states that they should be required to
18 provide six parking spaces. Staff did feel that was more for a
19 commercial type daycare facility and felt that three could be
20 adequate. One of those parking spaces should be ADA compliant.
21 So we have recommended that the two parking spaces that we
22 recommend to be provided in the loading area be paved or
23 concrete. Something that somebody in a wheelchair can maneuver.

24 The other thing that we do want to question about is if we
25 do provide the two parking spaces in that loading area, do we

□

1 have to provide perimeter landscaping? It is adjacent to the
2 home. You do have the buffer that would be required on the east

3 side of the site for the different use, and your still also

4 being required for the perimeter parking landscaping as well.

5 I'm not sure how you would like to see that buffer happen. Does

6 that make sense?

7 MR. DAVID POOLE: Yep.

8 MS. WENDY AKINS: Okay. We do recommend approval for this

9 one.

10 MR. DAVID POOLE: Questions from Commissioners for the

11 staff?

12 MR. DON WILKERSON: In your staff report, where her mother

13 is going to be helping her, I think you mentioned that there

14 needed to be a parking space designated for the mother. Do you

15 have a recommendation where that would be? You know where the

16 parking is over there in the little triangle and it says fence?

17 Is that a driveway just to the south of that or is that lawn

18 between the two fences?

19 MS. WENDY AKINS: There's a concrete barrier that is right

20 here. The parking is right up here. So it would be very --

21 MR. DAVID POOLE: It's above grade.

22 MS. WENDY AKINS: It's above grade about 8 or 9 feet.

23 MR. DON WILKERSON: But if you go back to her plot plan,

24 what would you propose?

25 MS. WENDY AKINS: If the applicant wanted to bring it down

□

1 here, then it would bring it down below the grade. This appears

2 to be like a daylight basement. She also has like a

3 construction type fencing above it.

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4 **MR. DON WILKERSON:** *This area right here could be used for*
5 *parking, couldn't it? So, like you said, we need to know maybe*
6 *where that should be designated, and that one will be the third*
7 *parking spot.*

8 **MS. WENDY AKINS:** *Right.*

9 **MR. DON WILKERSON:** *Over where the loading is, if you*
10 *designate two parking spots that come in right up against the*
11 *house and one of them is concrete or asphalt for ADA, I think*
12 *the question was if it needs to have a landscape strip in front*
13 *of it.*

14 **MS. WENDY AKINS:** *Right. I wouldn't see that it would*
15 *actually need it. I would definitely say that you need*
16 *landscaping here, but I wouldn't say that it would be part of*
17 *the parking but it would be part of the different use buffer.*

18 **MR. DAVID POOLE:** *Thank you, Wendy. Now if the applicant*
19 *would please step forward.*

20 **MS. TAMI LARSON:** *Tami Larson, 353 East Central Road. I've*
21 *got a couple pictures here that may help you guys understand the*
22 *driveway and the parking a little better. These are two frontal*
23 *views. This is directly in front of the house. This one right*
24 *here, where it says loading is where you would be coming into my*
25 *driveway. Then this is the way that they exit.*

□

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1 *In one of the pictures she had shown you, there was a blue*
2 *suburban parked there in the loading area. That is my personal*
3 *car, which is normally parked up right along where it says*

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4 loading. That's a long driveway that comes back toward where
5 the gate is at. I would park back there, as well as my mother
6 when she helps me.

7 MR. DAVID POOLE: So she can actually park beside or behind
8 the house?

9 MS. TAMI LARSON: Yes.

10 MR. DAVID POOLE: So the customers could use the front.

11 MS. TAMI LARSON: Yes. The front can be used for them.

12 In applying for my special use permit to expand my daycare,
13 my intention in expansion is to accommodate current clients. I
14 won't be bringing in any new clients. When I say up to ten,
15 that is my personal maximum that I would feel comfortable taking
16 into my home. A lady that I currently do daycare for, I have
17 her two children in daycare. She has two more children that
18 reside with her in the summer time, which she's requiring me to
19 take care of them and she has a new baby. So in me taking in
20 these new kids, I will not be bringing in any new traffic into
21 my home. Having these new children would bring me up to eight
22 if I were to get my permit. They're all divided up between
23 three families. I have provided care for them for at least a
24 year.

25 My mother, Linda Larson, is a volunteer who will be able to

□

68

1 help me if I call upon her to do so. She's not paid wages.

2 It's just my mom coming up to help me out if I need it.

3 I have no intentions of advertising my daycare. All of the

4 clients that I have had in the past for all the years that I

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*5 have done it have all been by word of mouth or simply friends of
6 mine that need daycare.*

*7 My hours of operation are from 4:30 in the morning, if it
8 needs to be, to 5 o'clock in the evening. I am pretty strict
9 because that allows me time with my family and my boys play
10 sports. If somebody's late in traffic then they give me a phone
11 call and let me know what's going on. I'm not trying to do a
12 business facility. I'm just trying to fit the needs of my
13 current clients.*

*14 A couple things that I wanted to review in the letter I had
15 received are about the paved handicapped spot in my front drive.
16 I will not be accepting any handicapped. It's not because I
17 don't feel comfortable with it. I just don't think it would be
18 fair to my other children that I have. It would require me to
19 bring somebody else in because a handicapped child would require
20 more care on a one to one.*

*21 I think that having it paved and having a handicap spot in
22 front of my home when the drive and the parking is simply for
23 daycare, it's going to take away the look from my home. It
24 would make it look too commercial. This is my home; I just
25 happen to provide care for children that I've had in my life.*

□

69

*1 Second is the 6 foot fence. I do have a fence. It's not
2 quite done yet. We still have some rails we're putting up in
3 there but the fence is done and the gates to where the kids
4 can't get out. I think a 6 foot fence, I feel it would be*

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5 institutional in my backyard. Many daycare's in Gem County only
6 require a 4 foot fence. I don't have swimming pools. I don't
7 have a hazard to any of the children's health. I just think a 6
8 foot fence is a little much.

9 I'm just asking for the permit so I can go above the five
10 number. I'm also a state provider and these children that I
11 would be taking into my home if this is passed, are also on the
12 state program. For me to get my permit would allow me to get my
13 license. Then I would be allowed to carry more state children,
14 allowing room for those children on my roster. Right now you're
15 allowed up to six with the ICCP program without having a license
16 and six to twelve if you do have a license.

17 The other was the two more trees needed for a sound
18 barrier. Two of the three children I will be bringing in for
19 the summer time. So in August, two of the three will be going
20 back to their father, which will leave me with the newborn. I
21 can't see where that would create excess noise. If anything, it
22 will be less noise because my boys will be back in school and we
23 won't have as many kids outside anymore. So I kind of have a
24 hard time understanding why I have to put up more sound barriers
25 when there's adequate trees everywhere.

□

70

1 I have no intentions of hiring people to come into my home.
2 Once again, this is my home. I'm not intending to make it a
3 business.

4 When I bought my home, the concrete walls were currently
5 there anticipating access for a handicapped person that used to

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6 live there. That is the big room, what I call the daycare room,
7 which is converted from the garage. It is one big open room
8 that has ramp access if we needed it for anything. As far as
9 coming down that way and then into where the concrete barrier is
10 I said no parking because that's access to my downstairs
11 basement. As you can see, daycare has no access to that. They
12 have access to the backyard, which there's two ways to get from
13 there. You can go out the front of the house and go around to
14 the back to that gate or there's a back door from the house. So
15 the daycare kids have no need to be anywhere else besides in the
16 house or right there in the backyard. The downstairs is
17 lockable on the inside so I can separate the two parts of the
18 house. That's about all.

19 MR. DAVID POOLE: Questions for the applicant,
20 Commissioners?

21 MR. DON WILKERSON: I have several. Number one, do you
22 have a swimming pool on premise?

23 MS. TAMI LARSON: No I don't. Well we do have two small
24 kiddy pools. If we play with them at all, I'm out back with the
25 kids and then I dump them when we're done and put them away.

□

71

1 MR. DON WILKERSON: Are they behind your secure fence to
2 where they are locked up?

3 MR. DAVID POOLE: She said she dumps them when they're
4 done.

5 MS. TAMI LARSON: I empty them when we're done.

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6 MR. DON WILKERSON: *But they're still swimming pools. The*
7 *code says a swimming pool should be under locked fence.*

8 MS. TAMI LARSON: *Okay. I could very well put them in the*
9 *garage, which is locked.*

10 MR. DON WILKERSON: *Question to Wendy, is it really a 6*
11 *foot fence or is it a 4 foot? I thought I remember on previous*
12 *daycares it was a 4 foot.*

13 MR. BRAD HAWKINS-CLARK: *I have not, Commissioners, had*
14 *processed another day care.*

15 MR. DON WILKERSON: *We did one out at Letha. They had a*
16 *swimming pool. I thought it only required a 4 foot fence. It*
17 *had to have a lockable gate, but it had to be a 4 foot fence.*
18 *So I question the height of the fence. Is the entire play area*
19 *fenced?*

20 MS. TAMI LARSON: *Yes.*

21 MR. DON WILKERSON: *On the gates, are the locks to where*
22 *the children can't open them?*

23 MS. TAMI LARSON: *Yes. They're on the outside.*

24 MR. DON WILKERSON: *I think on previous daycares we*
25 *required a fire inspection.*

□

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1 MS. TAMI LARSON: *Being a state provider I have a yearly*
2 *home inspection which I've already passed. Upon approval of*
3 *this, I'll have a fire marshall come into my house. I know the*
4 *inspection that they'll do and I've already mad sure that I'd be*
5 *good for that.*

6 MR. DON WILKERSON: *So you're aware of --*

7 MS. TAMI LARSON: Yes I am aware of all the steps I need to
8 take.

9 MR. DON WILKERSON: You mentioned about the paved ADA area
10 is for the children. Wouldn't you consider that the paved ADA
11 area is also for possibly a handicapped driver that's delivering
12 their child?

13 MS. TAMI LARSON: Right, which I stated I have no
14 intentions -- not that I wouldn't want to be able to provide
15 care --

16 MR. DON WILKERSON: The area is for the driver of the
17 vehicle delivering the child, not for the child.

18 MS. TAMI LARSON: And currently I have no handicapped
19 parents. Like I said, I don't intend on taking on more
20 customers.

21 MR. DON WILKERSON: So if I was a handicapped parent, you
22 would turn me down?

23 MS. TAMI LARSON: No I wouldn't turn you down. The loading
24 area, that's right to my concrete porch.

25 MR. DON WILKERSON: I was getting the impression from her

□

1 that she was only concerned about a handicapped child.

2 MS. TAMI LARSON: I was concerned about children. Maybe I
3 should have been concerned with the parents but I was thinking
4 along the guidelines of children coming into my home. As far as
5 handicapped parents, I would find it to be more accessible for
6 my parent to be able to drive in and park right by my front door

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7 rather than have to park in a handicapped spot and then walk all
8 the way around.

9 MR. DON WILKERSON: I think we need to address the height
10 of the fence because, Wendy, I guess you visited the site and
11 you looked at the existing fence around the play area.

12 MS. WENDY AKINS: The fence that I could see from the road
13 was an orange plastic construction type fence.

14 MS. TAMI LARSON: That was my temporary because we've been
15 putting up our own fence. We've been cutting poles and such and
16 we've got that done now.

17 MR. DON WILKERSON: So what type of fence is around your
18 area?

19 MS. TAMI LARSON: It's a lodged pole fencing with wiring
20 behind it.

21 MR. DON WILKERSON: Can they climb it?

22 MS. TAMI LARSON: My boys may be able to. The older
23 children, no. They would not be able to climb that. If need
24 be, I could put chicken wire or something so we could avoid
25 children climbing up. I really don't see that being a problem

□

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1 but if it's a concern, I will address it.

2 MR. DON WILKERSON: It should be nonclimbable.

3 MR. DAVID HARGRAVES: I was looking for the requirement on
4 the fencing around swimming pools. That is in Title 11-6-2F,
5 there shall be a 6 foot high fence with self-latching gates
6 enclosing any swimming pool constructed in the County after July
7 1st, 1991. I think the point that you would argue about is

8 *whether this was constructed. If it's a wading pool, it doesn't*
9 *fit in to that but you guys can debate about that.*

10 *MR. DON WILKERSON: But the ordinance doesn't address the*
11 *fence around the play area.*

12 *MR. DAVID HARGRAVES: That's the swimming pool. I'm not*
13 *sure about the play area. With a special use permit you can*
14 *make requirements that are more strict then what our ordinance*
15 *says.*

16 *MR. DAVID POOLE: Okay. Is there any further questions for*
17 *the applicant? There's not. Thank you very much. We'll open*
18 *it up for the public input. Those that are in favor of this*
19 *application please step forward.*

20 *MR. JIM HUTCHINS: Jim Hutchins, 350 East Central Road,*
21 *directly across the road from Ms. Larson. She got this letter*
22 *from Planning and Zoning on Saturday morning. She came across*
23 *the road and asked me if I could shed some light on some of*
24 *these things. Number 1 was the parking on the west side of her*
25 *house. I have seen two cars parked on that west side up against*

□

1 *that concrete wall. There's a truck with a construction type*
2 *trailer can go around there with plenty of turning radius and*
3 *not have a problem. I've seen that. Her driveway, they*
4 *questioned dust onto it. The way it's designed, I've never seen*
5 *any dust come off of that driveway at all. This is a good,*
6 *packed driveway.*
7 *They wanted two more trees. Two more trees in that area*

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8 would particularly -- one of them would have to be planted in

9 the middle of the parking area on the east corner.

10 The handicapped parking and the paved parking, the past 6
11 years I've seen numerous cases that we've never required paved
12 parking, and not only on daycares but on numerous other special
13 use permits.

14 The 6 foot high fence, the only time we've ever restricted
15 a fence was the time down on Central Road, and I think Don was
16 referring to it, is where there was a swimming pool and we
17 required a 4 foot fence with locked gates on it.

18 Toward the end there was a question of buried sprinklers,
19 etc. Her water is delivered from Emmett irrigation through a
20 buried pipe. A sprinkler system would be quite impractical to
21 put into this area.

22 The landscape that's there, I don't see that would require
23 any more buffers. I'm across the street. I'm within 150 feet
24 and I haven't heard a kid over there yet. I feel a lot of these
25 conditions and recommendations are more for a commercial area

□

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1 than what they would be in her residential area. I think it
2 would be disturbing to her residential to require all of those
3 extra buffers and so on. The noise is not there.

4 MR. DAVID POOLE: How big is her sign?

5 MR. JIM HUTCHINS: No sign.

6 MR. DAVID POOLE: Okay. So she's not advertising for
7 business?

8 MR. JIM HUTCHINS: No.

9 MR. DAVID POOLE: Okay. Thank you, Jim.

10 MR. JIM HUTCHINS: Thank you.

11 MR. DAVID POOLE: Further positive input or in favor? Any

12 neutral? Opposition? I assume then, Tami, you don't want to

13 rebut anything. Okay. If that's the case, we will close this

14 portion of the public meeting and bring it before the Board.

15 Questions for staff?

16 MS. DEBBIE ROUWENHORST: The 6 foot fence, since it hasn't

17 been established that we need to have a 6 foot fence, I'm for a

18 4 foot fence.

19 MR. DAVID POOLE: That makes sense. Any other discussion?

20 If not, does somebody want to bring this up in the form of a

21 motion? I guess we need to address the seven issues for a

22 special use permit.

23 MR. DAVID HARGRAVES: Commissioners, I think you can take

24 the analysis that the staff has done and if you agree with

25 those, you can just say that. If you disagree, just point out

□

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1 the ones you disagree with.

2 MR. DAVID POOLE: Okay.

3 MR. DON WILKERSON: I do have a comment on page 4, G1-1,

4 encourage business to install and maintain landscaping as

5 needed. Staff recommendation is this business will be required

6 to meet the landscape requirements of the zoning ordinance.

7 Looking at these pictures, where they show up there by where it

8 says yard there's a tree, but looking at these pictures, looks

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9 like there's three or four out there and one is dead. Looks

10 like there's three small ones along the front. They may not

11 meet ordinance because of size. There's shrubbery around the

12 power pole. There's trees there. I don't know if it requires

13 additional trees out front there. Also, we can look at the

14 pasture to the east and her own pasture to the west is a natural

15 buffer. So that's the comment I have on that item.

16 MR. DAVID POOLE: So you don't feel that the landscaping is

17 needed and you do have the buffer areas already.

18 MR. DON WILKERSON: I don't know if she has a sprinkler

19 system but in this picture the lawn is green. It looks like

20 it's well taken care of.

21 MR. DAVID POOLE: Further comments?

22 MR. WILL MAVPIN: I'd have to agree. I think to enforce

23 that, in this case, is cost prohibitive. I happen to know a

24 little bit about the margins daycares run on and what happens

25 when you change the price. My concern with this one is more --

□

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1 I've had kids and dropped them off in the morning and most

2 everybody works 8 to 5. I would like to see as much net parking

3 as we can produce. Other than that I'm okay with it.

4 MS. DEBBIE ROUWENHORST: On page 5, section 1-1, and I know

5 we were just talking landscape, but if we look at this

6 specifically, it requires a buffer area, the length of the

7 continuous property. So as long as the pastures are sufficient,

8 then we're okay.

9 MR. DAVID POOLE: Further comment, Commissioners?

10 MR. DON WILKERSON: I think one thing we need to look at is
11 Item D on page 8, staff recommends the handicapped parking be
12 paved or concrete. That's a hard issue to look at.

13 MR. BRAD HAWKINS-CLARK: I might just clarify, the ADA is a
14 Federal regulation and not a County regulation. We have just
15 pointed that out because the Feds do not have anyone locally
16 that enforces ADA. It's not a Gem County ordinance. It's
17 really the owners responsibility to make sure they're complying
18 if they have to. We usually do like to point it out. If you
19 want to just change the wording, it's a staff recommendation.

20 MR. DON WILKERSON: I would like to change the wording that
21 the parking area remain as dust free as possible and that the
22 applicant or our enforcement officer handle that on a weekly
23 basis.

24 MR. DAVID POOLE: Sounds like your leaning to make a motion
25 here, Don.

□

1 MS. WENDY AKINS: Staff would like to recommend, if you do
2 approve this, that we do add condition J, that the permit shall
3 not be transferred to another daycare provider.

4 MR. BRAD HAWKINS-CLARK: To another property is what the
5 ordinance says.

6 MS. WENDY AKINS: So are you not going to require the ADA
7 parking?

8 MR. DAVID POOLE: Don feels that it's not required.

9 MR. DON WILKERSON: With those changes, I agree with the

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10 staff recommendations and we have a list of A through J under
11 special site conditions. It sounds like we do not have an
12 ordinance that supports the requirement of a 6 foot tall,
13 nonscalable fence around the perimeter of the outdoor play area.
14 So we'll change it to 4.

15 MR. DAVID HARGRAVES: You have some latitude to make
16 requirements that are more strict than what we have in our
17 ordinances. So if you feel that's related to a concern with
18 health, safety, and welfare, you have room to play with that.

19 MR. DON WILKERSON: The only concern I have, by looking at
20 the pictures, I don't think it's a nonscalable fence. To me
21 it's a woven wire fence where if you get up about a foot, you
22 can climb it. Maybe Mr. Hutchins can address that. He's seen
23 it. We require a nonscalable fence and that could be a chain
24 link fence. I would like to see that changed to a 4 foot,
25 nonscalable fence. Don't discount what any child can do.

□

80

1 Under G here, I would say the existing landscaping on site
2 shall be maintained in a healthy and attractive manner. You
3 will provide a revised site plan to address parking and
4 landscape requirements as required. I would think that Item I
5 would be under special conditions.

6 MR. DAVID POOLE: So the new Item I is now?

7 MR. DON WILKERSON: Special use permit cannot be
8 transferable.

9 MR. DAVID POOLE: So have you got that put together in the
10 form of a motion for us?

11 **MR. DON WILKERSON:** *I make a motion that we recommend*
12 *approval of this special use permit per the Items A through I of*
13 *the staff report with the changes we have stated. Also, include*
14 *the specific conditions of approval as was stated with the*
15 *changes.*

16 **MR. LAWRENCE WHITSELL:** *I'll second it.*

17 **MR. DAVID POOLE:** *All those in favor signify by saying 'I'.*
18 *Opposed same sign. Motion carries.*

19

20 *(Vote unanimous.)*

21

22 *Public Hearing - Item No. 4 Special Use Permit #SUP-07-003*

23 *STP Concrete Company*

24

25 **MR. DAVID POOLE:** *The next item on our agenda is special*

□

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1 *use permit number 07-003, STP Concrete Company. First of all we*
2 *have Wendy's presentation.*

3 **MS. WENDY AKINS:** *This is a special use permit request by*
4 *STP Concrete to allow the operation of a Ready Mix concrete*
5 *plant located on East Gatfield Road in Montour.*

6 *I believe this is Gatfield. Here's the area that they're*
7 *saying is going to be the Ready Mix batch plant. Here's the*
8 *site plan. Gatfield Road runs here. There is an existing*
9 *gravel pit on the west side of the site. The applicant is*
10 *proposing a street landscape buffer in this area and employee*

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11 parking in this area. The applicant has said that there is not
12 going to be an on site office. They have identified an
13 equipment truck parking here. The Ready Mix batch plant will be
14 here. A concrete washout pit will be located here and the
15 storage and cement, the silos will be located here.

16 Currently, the site is used as grazing. This is the area
17 east. This area is very sparsely populated. This is across the
18 road, I'd say a few hundred feet south. This is a view of the
19 existing rock quarry.

20 When staff reviewed this application and reviewed the
21 zoning matrix, I determined that this is a concrete production,
22 which is not allowed in the agricultural zone. So I do
23 recommend a denial based on what is permitted in the zone.

24 MR. DAVID POOLE: You say concrete production, you mean
25 concrete products?

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1 MS. WENDY AKINS: Concrete products. Correct. It is not
2 allowed in the zone. I also pointed out that recently you
3 recommended a zoning ordinance to allow extraction businesses,
4 which could be a secondary use to a gravel pit but Ready Mix
5 batch plant is not an extraction business.

6 If the Planning and Zoning Commission recommends approval,
7 I think the areas of concern are the landscape of the employee
8 parking area, as well as the truck parking. We'd run into the
9 required buffer between uses. That was an issue. The gravel
10 pit could be considered a compatible use. This is all part of
11 the 435 acre site. They are leasing approximately 5 to 6 acres

12 from the Gatfield's.

13 MR. DAVID POOLE: I think, from both sides of the road,

14 it's actually more than that isn't it, Wendy? I think it's

15 closer to 1100. It's all contiguous.

16 MS. WENDY AKINS: What I was told was this one site was

17 435.

18 Currently there is no water on site. They will be pumping

19 water in from irrigation ponds to the site because they're going

20 to be adding water to the concrete. So there isn't going to be

21 a proposed well. This is an issue for the landscape because

22 that's supposed to be maintained in a healthy and attractive

23 manner. Again, staff recommended denial just based on the use.

24 MR. DON WILKERSON: Has the item on page 3 of your staff

25 report been taken care of concerning the gravel pit is in

□

1 violation of a zoning ordinance?

2 MS. WENDY AKINS: I'm going to defer that question to our

3 attorney.

4 MR. DAVID POOLE: David, did that come from your office?

5 MR. DAVID HARGRAVES: Yes that letter did.

6 MR. DAVID POOLE: So in fact they were asked to cease and

7 desist?

8 MR. DAVID HARGRAVES: Their previous special use permit had

9 expired.

10 MR. DAVID POOLE: Okay. The reasoning for that was?

11 MR. DAVID HARGRAVES: I can give you a copy of the letter.

12 I can summarize it for you.

13 MR. DAVID POOLE: Well it's kind of a summarization as to
14 why you came to that conclusion that it expired.

15 MR. DAVID HARGRAVES: Yes.

16 MR. DAVID POOLE: Okay. The reason?

17 MR. DAVID HARGRAVES: Basically, the documentation that we
18 have on the record is that the special use permit was granted
19 for a lease to the state. That lease expired after 6 years.

20 That was back in 1987. From the documentation that I also
21 received from Planning and Zoning, the gravel pit ceased
22 operation at some point and then started back up again.

23 MR. DON WILKERSON: Has the applicant approached the P&Z
24 office to initiate a new special use permit for the gravel pit?

25 MS. WENDY AKINS: The gravel pit is a different applicant.

□

1 The applicant for this application is specifically for the batch
2 plant. That's the only use that they've proposed.

3 MR. DON WILKERSON: Have you heard anything from the people
4 that own the gravel pit? Nothing's on file to start that
5 process?

6 MS. WENDY AKINS: No.

7 MR. DON WILKERSON: David, you said the special use permit
8 was for the State of Idaho?

9 MR. DAVID HARGRAVES: Yes. What we have is the approval
10 from the prior Planning and Zoning Commission granting the
11 application to allow gravel to be leased by the State of Idaho.

12 MR. DON WILKERSON: Okay.

13 **MR. DAVID HARGRAVES:** *I think that the applicant will*
14 *disagree that it is limited to that.*

15 **MR. DAVID POOLE:** *Any further questions for staff? If not,*
16 *then the applicant or his spokesman can step forward.*

17 **MR. BILL COLLINS:** *Bill Collins, attorney in Boise. The*
18 *address is P.O. Box 2836, Boise, 83701. The applicant is STP*
19 *Concrete. A young couple, Steve and Brenda, formed it about 5*
20 *years ago. The present location of their business is in*
21 *Meridian. That's one site. What they have are five of these*
22 *trucks that carry cement, sand, gravel, and water in a different*
23 *container. They go to a site and they can mix on site a*
24 *particular quantity. Trucks are very expensive. They're very*
25 *high maintenance.*

□

1 *Last summer they applied for and obtained a special use*
2 *permit for a bulk plant in Garden Valley. That's set up there.*
3 *They would like to have this bulk plant here in Gem County to*
4 *serve Gem County and western Boise County. They think that we*
5 *have one concrete supplier here owned by Idaho Concrete Company.*
6 *They figure that about 40% of the concrete is brought over from*
7 *Ada County to Gem County. This application for a special use*
8 *permit would be obtained. Hopefully, the amount of trucks*
9 *coming back and forth would be less on the road.*
10 *They think that they'll have a minimum of three employees*
11 *for this batch plant. They have nine to ten employees total.*
12 *Three of their employees live here now. One's going to be*

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13 moving here in August and two more are buying homes here.

14 One of the things with concrete is you have to have your

15 place where you make the concrete close to a gravel source that

16 meets certain specifications. That limits where you can have a

17 place that mixes and put it into trucks. You can't move the

18 rock a distance and set up a concrete plant over here because of

19 the cost of transportation. 40% of their cost is tied to

20 transportation whether it's the man hours in the vehicle, the

21 wear and tear on the vehicle, the fuel, and so on. I want to

22 show you what a batch plant looks like.

23 MR. DON WILKERSON: So are they going to go from their

24 current mode of operation to traditional mixer size trucks or

25 are they still going to use the same types of trucks they use

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1 now?

2 MR. BILL COLLINS: These will be 5 to 10 yard trucks.

3 MR. DON WILKERSON: So those are standards mixer trucks?

4 MR. BILL COLLINS: Yeah. They're only small job trucks.

5 Very expensive, small job trucks.

6 What this is, it's a portable unit. The overall length is

7 50 feet, roughly. Looking at that front page, in the front of

8 it you can see a loader dumping into a hopper. That's where the

9 aggregate goes. It's conveyed up on a conveyer belt, which is

10 that black line. The cement is in that trapezoidal tank. On

11 top of that trapezoidal tank is a cylinder, which they call a

12 back house, which is the filtration. It keeps the dust from

13 coming out. It's dumped into a hopper on the end of that, water

14 is added, and then it's put into the truck.

15 There's no dust issue with this. The cement is brought in,
16 loaded through a tube from the bottom up into this hopper. The
17 air escapes through this back house, collects the dust from the
18 back house. A number of years ago, the way that this was mixed
19 was you just dumped this cement on top of the aggregate as it's
20 going up the conveyor belt. That's no longer permitted. DEQ
21 will not allow that. If there's dust, the dust is going to come
22 from the front end loader moving on the gravel surface or the
23 trucks coming in. Noise is going to be a front end loader or
24 the concrete truck itself.

25 MR. DAVID POOLE: The batch plant is electric, right?

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1 MR. BILL COLLINS: Yeah. They're electric.

2 So on this site, when we look at that drawing up there,
3 we're going to have a this unit, which is a batch plant. We're
4 going to have a shipping container to store chemicals and
5 controls in. That's it. That's all your going to have there
6 other than the trucks that are going to be parked there and an
7 employee's vehicle that is there. So the impact on the area is
8 going to be very slight.

9 The square in the upper top of that photo is a washout pit.
10 That's where the trucks come back in. They're washed out at
11 that particular point. The cement accumulates in the bottom.
12 That's eventually picked up, taken out, and hauled away. Excess
13 cement that can be poured still will be poured into blocks and

14 sold.

15 So the only facility that your going to see out there are

16 the trucks that are there on that particular day, this

17 contraption you see out on that front page, and a metal storage

18 shed. That's it.

19 They think that they might get as high as 15 truck trips a

20 day. Some days there won't be any.

21 When you look at the number of homes being built in Gem

22 County according to the Comprehensive Plan, you were running

23 less than 96 homes per year in Gem County. So that's why he's

24 wanting to serve western Boise County and Gem County.

25 Going to the staff report, one of the issues the staff

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1 raised was saying that this is not a permitted use in this

2 particular zone. It's definitely not listed in the matrix for

3 agricultural uses. You see in the M-1 zone, in the M-2 zone,

4 you don't see this particular use permitted in those zones. The

5 M-1 has a concrete products classification. When I think of

6 concrete products, I'm thinking of something like concrete

7 beams. You think of a manhole plant making manhole sections is

8 a concrete product. There's no concrete product made here.

9 When we look at the types of uses that can be made in an

10 agricultural zone, the first one I see is a fertilizer plant.

11 The ordinance says if we don't find it listed here, look at what

12 uses are there and try to determine if there's something similar

13 or whether the other uses are more officious. The first one I

14 see there is fertilizer plant. When I think of fertilizer plant

15 *the first thing I think of is FMC and Simplot at Pocatello.*
16 *They're filled with buildings, and elevators, and lights. We*
17 *don't have any of that here. Feed lots are also a permitted*
18 *use. This is less of an impact than a feed lot. It's less of*
19 *an impact than a dairy or a grainery. Landfill is a permitted*
20 *use. I see that the Commission approved a gravel pit in an Ag-1*
21 *zone with Gary Cunningham's application this spring for that*
22 *gravel pit on the road to Pearl.*
23 *I don't speak for the but the holder of the special use*
24 *permit but I know that they feel they have valid continuing*
25 *special use permit. I look at this use as being somewhat*

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1 *companion to that use. The gravel's all been crushed. There's*
2 *100,000 tons of gravel at this particular site. I suppose they*
3 *just want to haul it off. We want to mix something with it*
4 *before it's hauled off.*
5 *MR. DAVID POOLE: So you would consider the concrete that*
6 *you're making a raw material that's used in concrete products;*
7 *Is that what you're saying?*
8 *MR. BILL COLLINS: Yeah. The concrete product is not made*
9 *here.*
10 *MR. DAVID POOLE: I understand but the concrete that you're*
11 *making, it is a raw product used for concrete products.*
12 *MR. BILL COLLINS: Yes. This is not a concrete products*
13 *site. They're not making concrete products.*
14 *MR. DAVID POOLE: They're just making concrete.*

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15 MR. BILL COLLINS: Yes.

16 MR. DAVID POOLE: Okay.

17 MR. BILL COLLINS: I can see why there should be that
18 difference. I mean, if we're going to have 500 manhole sections
19 sitting out here, it can look like kind of an eyesore. There's
20 not going to be anything here. It's just this little machine.

21 MR. DAVID POOLE: And it's portable.

22 MR. BILL COLLINS: And it's portable. It's not going to be
23 permanent. It's not intended to be a permanent thing. It's not
24 going to be there forever.

25 We have some issue with the staff report. My client talked

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1 to the staff. The staff said your going to need this, this, and
2 this. So he sits down and gets this drawn up with the street
3 buffer in there. The street buffer will look completely out of
4 place at that location. We're right here on the Boise County
5 line on the old road from Montour to Horseshoe Bend. There's
6 nothing out there.

7 There's no well. We're going to pump water up from a pond.
8 There's issues about this street buffer. It's not going to be
9 planted in the grass, but we're going to plant these trees on
10 it. We're going to run an automated sprinkler system, from a
11 pond is going to be very difficult to do. We'll probably have
12 to have a water storage tank on site. We don't have any serious
13 objection to that. If the Commission feels that we have to have
14 it, then we'll put it in.

15 The staff, Wendy, also suggested off street parking and

16 loading facilities. She points out that may not be required in
17 this case because that presumes there will be some kind of a
18 building or structure. There's not going to be any building or
19 structure. So we don't think that those items on page 6 should
20 be required.

21 On page 7, she talked about buffers between different uses.
22 The gravel pit was not a different use. It's a similar use.
23 Then we have Ag land on all sides. This is all owned by the
24 Gatfield's. The Gatfield's aren't objecting. They're leasing
25 it to us. We don't think that buffer landscaping should be

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1 required in this situation.

2 Minimum plant sizes for trees out front. If we're going to
3 be required to put those in, I have no objection to those. We
4 don't have any objection to the tree species mix on page 8.

5 On page 9, she wanted curbing put in on the entrance.
6 Again, I don't see the need for that. I guess we can pour some
7 concrete out there and make a curb. This is not going to be a
8 permanent situation. This is a batch plant that's going to get
9 moved at some point in time.

10 I want to talk about this landscaping on the interior.
11 We've got landscaping south of the truck parking and we have
12 landscaping on the west side of the employee parking. That's
13 just in the way for us. This is our work area. This is where
14 we're going to be working. We've asked the Commission not to
15 require that interior landscaping. It's going to be difficult

16 to keep it watered.

17 MR. DAVID HARGRAVES: You said this is going to be
18 temporary. Give us a time frame, if you would please.

19 MR. BILL COLLINS: Temporary in the sense that it's a batch
20 plant. It's not set up to be on a permanent set up. You can do
21 things more efficiently with a different set up than with this.
22 If there's a market here that we can break into, it's going to
23 be something different, in a different location. They would
24 like to acquire some land here. I forget the new industrial
25 zone in town. Then we got issues; the plant has to be near the

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1 gravel source. You can't afford to move that gravel twice.

2 MR. DAVID HARGRAVES: Does the applicant have an objection
3 to putting a time period where this special use permit will
4 expire?

5 MR. BILL COLLINS: I've got to ask him. What was your
6 suggestion, Steve?

7 MR. STEVE ST.PIERE: 20 years.

8 MR. DAVID HARGRAVES: I think the Commissioners need to
9 know what they're working with here.

10 MR. STEVE ST. PIERE: Whenever the gravel runs out.

11 MR. BILL COLLINS: You don't know in these things. If the
12 market's not here, we're going to be gone. We just don't know.

13 MR. DAVID HARGRAVES: When you say 20 years, it sounds a
14 lot more permanent than what you were describing.

15 MR. BILL COLLINS: When I say temporary, it's a mobile
16 plant. It's not a heavy use of the site. There's not much

17 *there. There's only this contraption and a storage container.*

18 *On page 9, objection on the site triangle. Apparently the*

19 *trees were too close to the entrance. No objection to that.*

20 *The off street parking, the spaces they're proposing; no*

21 *objection there.*

22 *The traffic study is a concern. They didn't feel that a*

23 *traffic study was necessary. They didn't understand why that*

24 *would be particularly helpful. They're forecasting fifteen*

25 *trips a day. The road is not heavily used. The only people*

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1 *that are using it are the people on that edge of the County.*

2 *On dust abatement, their feeling was they don't want to put*

3 *magnesium chloride on the road. They figure that if they just*

4 *did that in front of the -- I think there's 7, 6 structures,*

5 *homes plus the Bureau of Rec campground. They figured that*

6 *would be about \$10,000 a year to put magnesium chloride on those*

7 *sections. What they would like to do would be during the time*

8 *period they're using the road, put sprinkler trucks on it twice*

9 *a day on those sections in front of the houses.*

10 *The 6 foot high nonscalable fence along the perimeter, they*

11 *don't see any need for that other than maybe for their own use*

12 *in protecting a piece of equipment that they have there. Their*

13 *plan was to put a barb wire fence just to keep the cows out.*

14 *This nonscalable 6 foot high fence, they don't think is*

15 *necessary. I don't see why it's being required. There's no*

16 *fence like that around the gravel pit itself. They don't have*

17 anything in there that they think will get damaged. I guess if

18 vandalism became an issue, they might do that on their own.

19 Hours of operation, daylight hours. That's fine. No

20 objection to that.

21 Provide power to the site. They have to do that because

22 they need to pump the water from the ponds.

23 The comment that no signs have been approved, they don't

24 intend to put a sign out there. The public won't enter this

25 facility. This is where they're just going to mix their cement

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1 with the aggregate. Any questions?

2 MR. DAVID POOLE: Yeah. Would there be an objection if the

3 Commission wants to limit the number of trips a day? We could

4 suggest 15 trips a day if that's what you're saying it is.

5 MR. STEVE ST.PIERE: The 15 trips a day, I don't foresee

6 that happening.

7 MR. DAVID POOLE: But if we limit it to that, you wouldn't

8 have an objection to that?

9 MR. STEVE ST.PIERE: Correct.

10 MR. BILL COLLINS: 15 a day per year.

11 MR. DAVID POOLE: The second thing is, as far as dust

12 mitigation goes, you're professing to use a water truck twice a

13 day and under some conditions it may be used more often than

14 that. Naturally you want to be a good neighbor. So I suggest

15 that we need to have some kind of control, that if what your

16 saying doesn't work, we need to do more. So we need to have

17 that ability to say that you have to do this more often.

18 MR. STEVE ST.PIERE: Absolutely.

19 MR. DAVID POOLE: Okay. So I think we need to build
20 something into this if we should go that direction.

21 MR. DAVID HARGRAVES: While your talking about a built in
22 kind of a thing to review these kinds of things. You could make
23 a special use permit renewable after every 5 years or something
24 like that.

25 MR. DAVID POOLE: With an annual review and make it 5 year

□

1 renewable.

2 MR. STEVE ST.PIERE: I think our Boise County one is every
3 10 years.

4 MR. DAVID POOLE: That's one of the considerations that we
5 may want to do to at least make it have to be renewed for a
6 certain period of time.

7 MR. DON WILKERSON: How far is your plant from the nearest
8 paved road?

9 MR. BILL COLLINS: The nearest paved road would be Montour.
10 It would be roughly 3 miles. I think it's 3 miles from the
11 County line to the paved road.

12 MR. DON WILKERSON: Sir, if I heard you right, you
13 mentioned that you thought gravel pits and concrete batch plants
14 were kind of the same type of use.

15 MR. BILL COLLINS: They're similar. A gravel pit is more
16 offensive then the batch plant. The reason is the dust from
17 crushing and the noise.

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18 **MR. WILL MAVPIN:** *I think what he was getting at is they're*

19 *very compatible uses.*

20 **MR. BILL COLLINS:** *Your going to find your batch plant*

21 *where the rock is.*

22 **MR. DON WILKERSON:** *You have a concern about requiring a*

23 *special use permit for a gravel pit in an Ag zone?*

24 **MR. BILL COLLINS:** *Yeah. That's Wendy's comment. She*

25 *questions whether a batch plant is a permitted use in an A-3*

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1 *zone.*

2 **MR. DON WILKERSON:** *But also by our matrix, a gravel pit is*

3 *not authorized in an A-3 zone either.*

4 **MR. BILL COLLINS:** *No, but a fertilizer plant is.*

5 **MR. DON WILKERSON:** *It appears, from our staff, the gravel*

6 *pit is in violation. So if it was locked down, what is it going*

7 *to do to your source of aggregate?*

8 **MR. STEVE ST.PIERE:** *There's 100,000 tons that would last 3*

9 *to 4 years.*

10 **MR. DON WILKERSON:** *So what you're saying is even though*

11 *there may not be any continued operation of the gravel pit, your*

12 *allowed to use what's stockpiled there?*

13 **MR. BILL COLLINS:** *Yes.*

14 **MR. DON WILKERSON:** *Is that in agreement with staff? The*

15 *gravel pit is in violation of the ordinance, but they have*

16 *aggregate stockpiled. They can still use that aggregate*

17 *stockpile without a special use permit?*

18 **MR. BRAD HAWKINS-CLARK:** *The Planning and Zoning*

19 Department's interpretation would be if it left the site in the
20 form of the gravel, in some sort of resale -- the disputed issue
21 in this whole thing -- that's where I think it's important to
22 have this discussion.

23 The Planning and Zoning Commission is really not charged
24 with enforcement and yet you're being asked to make a decision
25 on a special use permit on property where that may be -- the

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1 Prosecuting Attorney's Office issued a letter last year stating
2 that. To me, it's good that the conversation is focused on the
3 batch plant. That is what this is about. Clearly, it's going
4 to leave the site, just in a different form than what is
5 currently stockpiled.

6 MR. DON WILKERSON: So, by your definition, if it leaves
7 the site, it's in violation.

8 MR. DAVID POOLE: Is that true, David?

9 MR. DAVID HARGRAVES: I understand your question. If it's
10 there and they drag it a few hundred feet to their batch plant,
11 I guess I don't see a huge problem with that.

12 MR. DON WILKERSON: So you consider it's on site if it's on
13 the same property.

14 MR. DAVID HARGRAVES: Yes.

15 MR. DON WILKERSON: Okay. That answers the question. So
16 it sounds like if they don't go in there and start mining or
17 crushing new material, they're not in violation.

18 MR. DAVID HARGRAVES: I think the gravel pit looks towards

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19 extraction as being considered a special use. This has already
20 been done in the past. Who knows how long ago it was done. It
21 could have been when the permit was still valid, in our opinion.

22 MR. DAVID POOLE: What you're stating is we got to separate
23 the two at this point.

24 MR. DAVID HARGRAVES: Yeah. I think you should make a
25 decision on the special use permit.

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1 MR. DAVID POOLE: Okay. Any other questions for Steve's
2 spokesman?

3 MR. BILL COLLINS: Thank you.

4 MR. DAVID POOLE: Thank you. Okay. We've got further
5 public input. Anyone in favor of this STP Concrete?

6 MS. LOLA GATFIELD: I'm Lola Gatfield. My address is 10615
7 East Gatfield Road. Of course we want the batch plant to go
8 because it's important for us to have a market.

9 I think I need to clarify some things. You all have this
10 handout. I had left it at the Planning and Zoning. On page 2,
11 which goes back to April of 1981, my husband and I were granted
12 -- this application was to allow a gravel pit to be leased by
13 the State of Idaho. Now see this special use permit was issued
14 to my husband and I, not to the state. At that time, it was a
15 different category than it is now. Then it had the two reasons
16 they approved it. It was the best use of the land and it would
17 not effect adjoining properties because that's us.

18 On the strength of this letter, the state hired Idaho Sand
19 and Gravel to crush. That was in 1981. They had a lease on the

20 pit until '87 but they didn't crush all those years.

21 These are the only papers, page 1 and page 2, is the only
22 correspondence we've had with the Gem County Planning and Zoning
23 in over 25 years. I have gone to the Planning and Zoning and
24 asked them if they have a special use permit besides this letter
25 on their file. We never received one. They have never given me

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1 a copy. So then on page 3, the gravel pit was transferred to us
2 and there was a number change. Since that time, the pit had
3 been opened. There was a crusher in there in 1993 and another
4 one in '99 besides the one the State brought in. We have paid a
5 bond and kept the approved reclamation plan with the state ever
6 since. We had private insurance. Then we had to put a CD in
7 with the Idaho State Land Department. Then I had to get a
8 letter for the next time. Since 2003, we had been paying into
9 the pool of mining claims.

10 I really feel that this authorized us to open the gravel
11 pit. We were never sent anything else. We were never notified
12 until today when I went to the Planning and Zoning. I was given
13 this letter that was sent to Louie Graunal. Well, Louie didn't
14 notify us, which he should have. I really feel that since Louie
15 was an old man, it might have been nice if we were sent a copy
16 ourselves. I did not receive this until I went to Planning and
17 Zoning and found out there was a letter on file. I really feel
18 that our gravel pit is grandfathered in.

19 MR. DAVID POOLE: We really have to stay on the STP

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20 Concrete portion of this. I know that this is part of the same

21 issue but what we need to know is if you are in favor of the

22 STP.

23 MS. LOLA GATFIELD: Yes I am. The main reason I wanted to

24 talk is because they gave the impression that we have done

25 nothing about doing it. We were not notified that we needed a

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1 new special use permit. My husband and I would have done that

2 if we would have been notified. We were notified of nothing for

3 more than 25 years.

4 MR. DAVID POOLE: Okay. I think we need to take that up at

5 another meeting. Thank you, Lola. Any further positive input?

6 MR. JIM SLEIGHT: I'm a little confused. Can we go back to

7 that first slide? My name is Jim Slate. My wife and I have 7

8 acres on Gatfield Road. Is the site on this slide? This slide

9 implies that from my property I can see this thing. Where is it

10 on this slide? When I stand where I think this is, I don't see

11 anybody's property but Gatfield's property. My property is

12 right here and what we're talking about is way up here.

13 MS. WENDY AKINS: That's the map the applicant supplied.

14 MR. JIM SLEIGHT: When I go up where the big mountain of

15 gravel is, I see nothing but Gatfield ground. So, your

16 buffering a batch plant from the Gatfield's, who in fact own the

17 property. I could be wrong. I don't know.

18 MR. BILL COLLINS: The map is not correct. I don't know

19 where the map came from. Let's go back to the photo.

20 MR. JIM SLEIGHT: So if we're standing at the gravel and

- 21 *turn a complete circle, we don't see anybody's ground but*
22 *Gatfield's ground unless your looking across the Payette River.*
23 *I would have to say that we're all for it.*
24 **MR. DAVID POOLE:** *Further positive input in favor?*
25 **MR. ROBERT GATFIELD:** *I'm Robert Gatfield, 10627 East*

□

101

- 1 *Gatfield Road. I'm in favor of it because that's the best use*
2 *of the land there. I think the batch plant isn't going to cause*
3 *any more trouble then the ordinary traffic on the road right*
4 *now. It's always been dusty because the County really doesn't*
5 *take care of the road very well. So, when people want to talk*
6 *about dust on the road, the road's dusty. It's dusty today.*
7 *It's dusty tomorrow whether STP goes in or not. If they go in,*
8 *at least they'll water the road. It will keep down the dust,*
9 *which is not being done right now. I'm in favor of it.*
10 **MR. DON WILKERSON:** *I know where the bridge is across the*
11 *river there in Montour. Is Gatfield Road the only highway to*
12 *Horseshoe Bend.*
13 **MR. DAVID POOLE:** *It is.*
14 **MR. DON WILKERSON:** *Okay.*
15 **MS. BARBARA BEASLEY:** *My name's Barbara Beasley and we own*
16 *grand directly across from where they would like to put the site*
17 *in. We don't have a problem with it and we're right across from*
18 *it.*
19 **MR. DAVID POOLE:** *Thank you. Further public input in*
20 *favor? If not, we'll move to those that are neutral. I don't*

21 *see any on the list. Opposition?*

22 *MR. DANIEL MUNTER: My name's Dan Munter. I live at 62*

23 *Griffen Avenue. I'm in the process of buying the 10 acre lot*

24 *from McConnel's. The right-of-way on my lot is in the center*

25 *line of Gatfield Road for some seven hundred and sixty-some*

□

102

1 *feet. I've lived with Lee McConnel for the last two years. I'm*

2 *a geologist. I work out of Garden Valley and so I know the area*

3 *quite well.*

4 *That gravel pile wasn't there last year. You said we don't*

5 *know how long that gravel's been stored there. Yes we do.*

6 *That's just a point. We do know some of these things.*

7 *MR. DAVID HARGRAVES: Now we do.*

8 *MR. DANIEL MUNTER: Well if you look around a little bit*

9 *and ask people, you'll find out real quick.*

10 *My concern is fugitive dust caused by industrial operation*

11 *and truck traffic on that road. Like Mr. Gatfield said, that*

12 *road is dusty. When trucks go down that road it's just a cloud*

13 *of dust. It's probably an air quality issue and maybe a DEQ*

14 *issue if somebody brought it up.*

15 *People have been mining up there in that quarry without a*

16 *permit for a lot of years because nobody noticed. People do*

17 *notice when other people bring things up.*

18 *I'm concerned about dust control there. I've seen when*

19 *industrial trucks come down that road, it just covers their*

20 *places with dust and it's been that way. I don't know why the*

21 *County hasn't paved that road or done something to it before.*

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22 *That's a big concern. The lawyer gentleman said they'll just*
23 *water it two times a day. Well you go over the bench east*
24 *toward Horseshoe Bend and there's some houses down in there.*
25 *They have sprinklers out there sprinkling the road many times.*

□

103

1 *They don't just water it twice a day. They water it for hours.*
2 *I see it in the morning and I see it at night. A couple of*
3 *times a day with a water truck is not going to solve the dust*
4 *problem on that road. They said 15 trucks a day on the average.*
5 *Businesses start out, initially, to grow. Businesses don't*
6 *start out to stay the same for twenty years. Twenty years is*
7 *not temporary. Why do you even use the word temporary? It's a*
8 *permanent concrete plant. There's just a number of things here.*
9 *So if a business is coming in that's going to be there twenty*
10 *years, it's going to grow. There's employees and there's*
11 *trucks. The road should be paved. I'm not against business.*
12 *I'd like to see more businesses around here. Gem County needs*
13 *them. What's wrong with paving road? I think it's a DEQ air*
14 *quality problem on that road right now. It just hasn't been*
15 *brought up to the right people yet. You guys are the County.*
16 *MR. DAVID POOLE: Yeah, not DEQ. Any questions? Okay.*
17 *Thank you. Further negative input?*
18 *MR. MIKE BEASLEY: I'm Mike Beasley. I own ground right*
19 *across from it. To me, these people have moved in here and the*
20 *road was dusty when he built his house. It's always going to be*
21 *dusty. Why penalize somebody who has the chance of maybe making*

July 9, 2007 minutes

22 a little money because the County has not paved the road? The
23 road should have been paved a long time ago. Everybody up there
24 pays taxes. That road should be paved.

25 MR. DAVID POOLE: You know the cost of paving.

□

104

1 MR. MIKE BEASLEY: I don't care. They got roads paved up
2 at Ola that shouldn't be paved.

3 MR. DON WILKERSON: Have you pursued this issue with the
4 County Commissioners as an organized group?

5 MR. MIKE BEASLEY: I think they tried it once. We got a
6 new group, maybe we'll try it again. It's not right to penalize
7 somebody because of a dusty road when people moved, knowing
8 those roads were dusty.

9 MR. DAVID POOLE: Further public input?

10 MS. TERRY REEMINAPP: My name is Terry Reeminapp. I live
11 at 11770 East Gatfield Road. There's just a couple of items I
12 would like to highlight from Mr. Collins explanation. On their
13 letter of intent it indicates that any crushing will be
14 performed by the owner in accordance with it's conditional use
15 permit. It's already been substantiated that the special use
16 permit is expired. Gem County Commissioners, Planning and
17 Zoning, DEQ, multiple state and county organizations were made
18 aware of the situation last year. In May of 2006, when that
19 gravel pit was opened back up and land trucks were moved --

20 MR. DAVID POOLE: Ms. Reeminapp, does this have anything to
21 do with STP Concrete?

22 MS. TERRY REEMINAPP: Yes it does because Commissioner

July 9, 2007 minutes

23 *Wilkerson made a very good point that the gravel pit and the*
24 *proposed Ready Mix plant are basically one in the same. They*
25 *need the gravel in order to perform. The previous gentleman did*

□

105

1 *indicate that that gravel pile was not there last year. It was*
2 *there as of April of this year when a crushing operation was*
3 *moved in there. In April of 2007 they crushed all that gravel*
4 *and moved right back out. No special use permit was applied*
5 *for.*

6 *I do agree that yes the road is dusty. Our property is*
7 *just east of this proposed site, approximately half a mile down*
8 *the 7% grade slope. It's hazardous. There are no guardrails.*
9 *Again, we approached the Road Department last year. They did*
10 *not increase their maintenance.*

11 *By the way, those pictures were taken last year, May 7th,*
12 *at 8 o'clock at night. They traveled 17 trips a day. On June*
13 *7th they made 17 trips. That averaged every 20 to 30 minutes.*
14 *That is what our home looked like at 8 o'clock at night. We*
15 *approached Gatfield's for 6 weeks to help us with the cause. We*
16 *understood the situation. We were all for using the land as*
17 *best as possible. We asked to help control the dust. They came*
18 *down twice a day, during the heat of the day, and that was 8*
19 *o'clock at night when we were home. During the day, we can*
20 *understand. We're not there and living it.*

21 *My husband had a physical in December 2005 and he had a*
22 *clean bill of health. Early part of June 2006 he had trouble*

July 9, 2007 minutes

23 *breathing. He was diagnosed with a new onset of asthma. It*

24 *does cause environmental and health hazards.*

25 *A lot of the conversation focused that the traffic would be*

□

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1 *traveling to the west but no one really has addressed the east*

2 *except Mr. Collins to indicate that there's nothing east of that*

3 *proposed site. There are three homes currently down there with*

4 *children who play on that road. The speed limits are not*

5 *followed. Last year, with our pushing and pursuing, we were*

6 *able to have the road speed limit changed from 50 miles an hour*

7 *to 35. Again, there's a problem because there's no*

8 *reinforcement of it.*

9 *We do understand that we moved out there and we knew there*

10 *were things that we needed to accept because of the situation*

11 *but when we moved there 15 years ago, it was just local traffic.*

12 *Now, as Ms. Gatfield has indicated, times are changing. Not*

13 *just because of special use permits and ordinances but*

14 *everything is changing.*

15 *The reclamation plan that the Gatfield's have that were*

16 *issued in 1981, reclamation plan number 886 was for the State of*

17 *Idaho's use only. According to their bond, as of last year,*

18 *which could have changed now, only accommodated 5 acres of use*

19 *for that gravel pit. If the proposed plan needs that aggregate*

20 *in order to sustain their business, that becomes all one in the*

21 *same.*

22 *MR. DAVID POOLE: Questions? Thank you. Further input*

23 *from the public?*

24 MR. TOM REEMINAPP: My name's Tom Reeminapp, 11770 East
25 Gatfield Road. The weight of the trucks. I don't know what the

□

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1 weight restriction is on the Montour Bridge. I do know that
2 when the rain and the snow does come that road gets extremely
3 soft, especially down that 7% grade hill to the east of the
4 Payette. Even the mail person doesn't like to come down there
5 when it's wet. That's my concern is keeping these roads. Gem
6 County is really slacking on it. We're supposed to be on a 14
7 day road maintenance plan. Sometimes we don't see them for 90
8 days or longer. It's bad.

9 Is it going to be strictly these four or five Ready Mix
10 trucks? Is there going to be dump trucks involved? How they
11 going to get the concrete up there? Are they going to be
12 bringing in concrete trucks to deliver this stuff?

13 Has Gem District 2, the Fire Department, have they been
14 notified about this at all? Do they have any qualms about it?
15 The hours of operation would be nice to know.

16 MR. DAVID POOLE: I think it was stated as daylight hours.

17 MR. TOM REEMINAPP: Yeah, daylight hours. We've been
18 through that before. Anyway, that's pretty much what I have to
19 say about it.

20 MR. DAVID POOLE: Questions? Thank you. Further public
21 input?

22 MR. DON WHITE: I'm Don White. I've lived in Montour for
23 forty-some years and the road has been a problem all this time.

24 *The Gatfield's and I have always tried to get them to pave that*
25 *road but we've never got anywhere. I think as far as the*

□

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1 *operation, I don't think there's to many people against*
2 *operation, it's what it would cause the road. That's the main*
3 *trouble. I think that's what most people are concerned about is*
4 *the dust and the rough road. If we get it oiled, why I'm sure*
5 *it would be no problem.*

6 *MR. DON WILKERSON: Being as you've been out there for 40*
7 *years, what's your opinion of that road holding up with*
8 *continued ten-wheelers running up and down it?*

9 *MR. DON WHITE: Well, there's a few trucks going there now.*
10 *I don't think it's going to hold up.*

11 *MR. DON WILKERSON: We didn't really have a comment from*
12 *the County Road Department on whether the road would support the*
13 *traffic.*

14 *MR. DON WHITE: But I think that's what most of the people*
15 *are concerned about is the road and the dust. Right now it gets*
16 *pretty rough 2 or 3 days after they grade it.*

17 *MR. DON WILKERSON: Thank you.*

18 *MR. DAVID POOLE: Further public input?*

19 *MR. RON FORCE: My name's Ron Force. I live at 5350*
20 *Montour Road. I'm not really opposed to the batch plant. I*
21 *don't live there. Montour Road. I drove a truck for 13 years.*
22 *I don't think that the asphalt out on Montour Road is good*
23 *enough to handle these concrete trucks. Are they going to haul*
24 *dry concrete in? If they are, those trucks are really heavy.*

25 *They are going to break that road up.*

□

109

1 *Another concern is the speed limit would have to be*
2 *enforced. I lived right over the hump there. I have a hard*
3 *time getting out of my driveway the way it is right now. That's*
4 *about all I have to say. I don't believe Montour Road, being*
5 *black top, is going to hold up and I'm sure the gravel road is*
6 *not.*

7 *MR. DAVID POOLE: Further public input? If not, we'll give*
8 *the applicant's spokesman a chance to address some of these*
9 *situations.*

10 *MR. BILL COLLINS: Judging from the hour, I think I'm going*
11 *to decline unless you've got questions.*

12 *MR. DAVID POOLE: Any questions?*

13 *MR. LAWRENCE WHITSELL: If the road were to be an issue,*
14 *are you and your client be willing to share in the repair of the*
15 *road?*

16 *MR. BILL COLLINS: I guess given an option to share in the*
17 *repair or cease using it during those time periods that are*
18 *causing damage to the road, and also they've agree to a 35 mile*
19 *an hour speed limit. I don't think they're even going to go the*
20 *35.*

21 *MR. DAVID POOLE: In the wetter season of the year, is that*
22 *one of the times that you think they'll be using the road?*

23 *MR. BILL COLLINS: You can't pour much concrete in the*
24 *winter. The heavy use period is going to be the dry part.*

25 MR. LAWRENCE WHITSELL: *I wasn't quite clear on your*

□

110

1 *answer. You said they would share in the repair of the road?*

2 MR. BILL COLLINS: *Or cease using it if their damaging the*

3 *road.*

4 MR. LAWRENCE WHITSELL: *Okay. You would just cease using*

5 *it then and wait for it to improve.*

6 MR. BILL COLLINS: *Yes.*

7 MR. LAWRENCE WHITSELL: *And you said the magnesium chloride*

8 *wasn't an option.*

9 MR. BILL COLLINS: *The cost is roughly 10,000.*

10 MR. LAWRENCE WHITSELL: *And watering the road two or three*

11 *times seems pretty expensive too. It's less expensive in your*

12 *opinion?*

13 MR. BILL COLLINS: *Yes.*

14 MR. LAWRENCE WHITSELL: *It's still an option, they just*

15 *have to decide whether it's economical for them to do that?*

16 MR. BILL COLLINS: *Yes.*

17 MR. DON WILKERSON: *I have a question. You said that if*

18 *you were damaging the road, you would cease using it. What if*

19 *you damage the asphalt? Your client wouldn't be in agreement to*

20 *repair the asphalt if his trucks damage the asphalt?*

21 MR. BILL COLLINS: *Or cease using it.*

22 MR. DON WILKERSON: *But the asphalts already damaged by his*

23 *use. So you just quite using it and say you're not reliable for*

24 *repairs?*

25 MR. BILL COLLINS: *One of the problems is determining who*

□

111

1 *did what in damaging the road. We may have ten trips in one*
2 *week. How many other trucks are going back and forth? Who*
3 *caused the damage.*

4 *MR. DON WILKERSON: In the day, if you don't see any damage*
5 *or ripples in the asphalt and then all of a sudden you've got*
6 *ten-wheelers full of concrete running up and down, you start*
7 *seeing ripples in the roads and stuff like that, it wouldn't*
8 *take me very long to figure out who's damaging the road. I just*
9 *want to make a point there.*

10 *MR. DAVID POOLE: Any other questions? We'll close the*
11 *public portion of this meeting and bring it before the Board.*
12 *Discussion, Commissioners?*

13 *MR. DAVID HARGRAVES: I just want to round out the picture*
14 *on the previous special use permit issue. That arose out of the*
15 *dust issue. It wasn't a problem until it was raised by a*
16 *complaint with the Planning and Zoning Commission. That is what*
17 *resulted in our office taking a look at whether that special use*
18 *permit was still valid.*

19 *Also, I just wanted to mention that I believe Mr. Collins*
20 *has correctly identified what the legal issue is. There's a*
21 *couple of them. The first one is identified in Wendy's staff*
22 *report, which is where is this activity allowed. The ordinance*
23 *says that when it's not specified, that you look for a similar*
24 *use and it goes in that zone. So I think there was some good*
25 *points raised by Mr. Collins. Some of the things that are*

□

1 allowed in Ag, like the fertilizer plant, is it most like that
2 or is it most like cement products? I think that's an important
3 issue for you to focus on.

4 As far as the other issues that were raised, I agree that
5 the issue seems to be roads. There's been concern about dust
6 and softness of the road. You've seen the competing interest
7 here tonight. That's what the special use permit process is
8 designed to highlight. You have some tools by statute and by
9 ordinance that allow you to address those concerns. Some of
10 those are, by statute, requiring mitigation of the effects of
11 the proposed development upon service delivery by any political
12 subdivision. I would submit to you that that includes providing
13 roads services that the County provides. Also, in our ordinance
14 there are several findings that must be met. A lot of those
15 deal with how this development is going to be served. It talks
16 about if there will be excessive production of traffic, noise,
17 smoke, fumes, or odors. Then you have the option to attach
18 certain conditions that you think will address those. Finally,
19 prior to granting a special use permit, studies may be required
20 of the social, economic, physical and environmental effects of
21 the proposed use. If you want, you can look into what the
22 impact is going to be for this estimated number of trips per day
23 and what kind of mitigation the applicant is willing to provide.
24 I throw these things out to you because these are the tools you
25 have to address these problems.

□

1 MR. DAVID POOLE: Can I ask one question, David? Why
2 didn't the Gatfield's get that letter?

3 MR. DAVID HARGRAVES: Once this complaint was raised,
4 Planning and Zoning did some investigation. Based on that
5 investigation they sent a letter to the Gatfield's. The
6 Gatfield's responded. Their attorney also responded. Once our
7 office looked into the matter, we corresponded with the
8 attorney. That's typically what we do when somebody's
9 represented by an attorney.

10 MR. DAVID POOLE: Under those circumstances, when they did
11 not get any correspondence from their attorney, I'm wondering if
12 they're truly in violation. That's my concern.

13 MR. DAVID HARGRAVES: The conclusion of that letter was
14 that special use permit ought to be renewed, at a minimum.

15 MR. DAVID POOLE: Discussion on this special use permit?

16 MS. WENDY AKINS: I do want to recommend that if the
17 Commission is leaning toward an approval, that you with hold
18 that approval until a traffic impact study can be completed.
19 This will determine what the impacts are on that road and what
20 the financial impacts will be as well.

21 MR. DAVID POOLE: Well that will certainly address the
22 majority of the issues.

23 MR. DON WILKERSON: I'd like to add to that. Besides your
24 traffic input study, I think Mr. Kim Reed really needs to take a
25 hard look at it and give us some of his thoughts. I don't think

□

1 the traffic study is going to tell you whether the roads going
2 to hold up the weight of the trucks.

3 MR. BRAD HAWKINS-CLARK: We can ask him to attend your next
4 meeting.

5 MR. DAVID POOLE: Commissioners, comments?

6 MR. DON WILKERSON: I think if we continue this, we need to
7 give the applicant some guidance on what this Commission thinks
8 about the requirements for landscaping. Do we change it or do
9 we go with what the staff recommends?

10 MR. DAVID HARGRAVES: If you agree with the staff analysis
11 that this use is most likely concrete products, those types of
12 uses are not allowed in this zone. I mean, at that point,
13 that's grounds enough for denying this special use permit.

14 MR. DAVID POOLE: My opinion is that it's not a concrete
15 product. It is a raw material.

16 MR. WILL MAVPIN: I have a comment. The fertilizer silo is
17 allowable in the zone. I think that if you had to extrapolate
18 something, is similar use. They're taking two different
19 products and mixing them together to make another raw material
20 for application at a different point. I would use that analogy
21 in the mixing of the cement with the aggregate on site to be
22 delivered to another location. I, personally, think it's the
23 best use of the land.

24 I do believe that the road is a huge issue though. There's
25 serious impact on other land owners. That needs to be

□

1 addressed.

2 As far as the landscape issue, I have a slight problem with
3 doing all that landscaping for a temporary use. Especially when
4 the Gatfield's own all the ground. The parts that they agreed
5 to, as far as the landscaping goes, I thought were very
6 reasonable.

7 MR. LAWRENCE WHITSELL: That area is very isolated. If we
8 can't put a batch plant there, we can't put it anywhere in Gem
9 County. The big issue is the road and dealing with not
10 offending all the neighbors. As far as where that location is,
11 I think it's a real good fit. The gravel pit and a batch plant.
12 Your transportation is your biggest issue.

13 MR. DON WILKERSON: I'd like to make a suggestion. Instead
14 of going with a full blown landscape plan, they could just put a
15 berm up along the road. I'm sure there's plenty of top soil
16 along Gatfield Road.

17 MR. DAVID HARGRAVES: If the Commission decides that
18 there's not a use that's really similar to this, then I think we
19 default to another provision in the ordinance. It basically
20 says that if use isn't specifically listed as an allowed use,
21 then that use would require a special use permit. We're trying
22 to interpret this ordinance as best we can.

23 MR. DAVID POOLE: Do we feel that they need some time?
24 Maybe we should give it to them. If you feel that you want to
25 deny, then we should deny. I don't think we have enough input

□

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1 for making a positive decision. I think we need to hear from

2 the County Road Department.

3 MS. DEBBIE ROUWENHORST: I make a motion that we continue

4 this special use permit with the idea that we need to look at

5 the County road report from Kim Reed, and also dust mitigation,

6 and a traffic study.

7 MR. DAVID POOLE: Would until next months meeting give you

8 enough time to work your end of that?

9 MR. BRAD HAWKINS-CLARK: It's August 13th.

10 MS. DEBBIE ROUWENHORST: To continue to August 13th.

11 MR. WILL MAVPIN: I'll second it.

12 MR. DAVID POOLE: All right. It's been moved and seconded

13 that we continue to August 13th to get a report from the County

14 Road Department, and the traffic study, and dust mitigation.

15 MR. BRAD HAWKINS-CLARK: Before you actually vote, it would

16 be helpful to know on the traffic study if -- there's a lot of

17 levels of traffic studies. They can be done by a licensed

18 engineer or they can be done by somebody who just knows roads.

19 It would be helpful to know the level at which, you know....

20 MS. DEBBIE ROUWENHORST: Right. Explain before I go

21 farther.

22 MR. BRAD HAWKINS-CLARK: When you say on August 13th that

23 you want a traffic study, before our department says okay this

24 is good, there's trip counts -- there's the \$300 level and

25 there's the \$30,000 level one. What I'm hearing from you is

□

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1 that we're going to focus on the mitigation, the capacity of the

2 roadway, and the traffic generated. I think a traffic analysis
3 is really what we're talking about. So, you would like Montour
4 and Gatfield kind of looked at?

5 MR. DAVID POOLE: It' the roads that are traveled so it
6 needs to be both roads.

7 MR. DAVID HARGRAVES: Commissioners, we also have the
8 county engineer that should be able to give us some input.

9 MS. DEBBIE ROUWENHORST: Okay. So I amend the traffic
10 study to a traffic analysis.

11 MR. DAVID POOLE: Okay. It's been moved and seconded. All
12 those in favor signify by saying 'I'. Opposed same sign.

13 Motion carries. Thank you very much. See you next month.

14

15 (Vote unanimous.)

16

17 Regular Meeting - Item No. 1 Items from the Public

18

19 (There were no items from the public.)

20

21 Regular Meeting - Item No. 2 Election of Vice Chairman

22

23 MR. DAVID POOLE: Election of the new Vice Chairman. Is
24 there anyone who wants to nominate somebody?

25 MR. DON WILKERSON: Due to her wide range of experience, I

□

1 nominate Debbie as the new Vice Chairman.

2 **MS. DEBBIE ROUWENHORST:** *Because of his expert knowledge, I*
3 *nominate Don Wilkerson.*

4 **MR. WILL MAVPIN:** *I move that we close the nominations.*

5 **MR. DAVID POOLE:** *All those in favor signify by saying 'I'.*

6 *Motion carries.*

7

8 *(Vote to close nominations for Vice Chairman was*
9 *unanimous.)*

10

11 **MR. DAVID POOLE:** *All those in favor of Commissioner Debbie*
12 *as a Vice Chairman signify by raising your hand.*

13

14 *(Two votes for Commissioner Debbie Rouwenhorst.)*

15

16 **MR. DAVID POOLE:** *All those in favor of Commissioner Don*
17 *Wilkerson as being Vice Chairman.*

18

19 *(Two votes for Commissioner Don Wilkerson.)*

20

21 **MR. DAVID POOLE:** *Don, you know you did your time as a*
22 *Chairman. I think she needs to get.*

23

24 *(It was decided by David Poole, because of a tie in votes,*
25 *that Commissioner Debbie Rouwenhorst is the new Vice Chairman.)*

□

3 *A. Recent Board of Commissioner Meeting Decisions*

4 *B. Comprehensive Plan-Adoption and Next Steps*

5

6 *MR. BRAD HAWKINS-CLARK: The Board of County Commissioners*

7 *did approve Meadows at Sandhollow today. They up held probably*

8 *95% of your recommendations on that. There was a couple of*

9 *small things they changed.*

10 *There were two rezones. The one on Cherry Lane, they did*

11 *approve that. The rezone for Johnston up on the bench on Lower*

12 *Bluff. That was continued to be renoticed up as an R-3, which*

13 *is 2 acre lots instead of 1 acre lots. I think that this*

14 *Commission talked about that but you recommended denial at the*

15 *R-2 but they decided to not go with the R-2. Instead of denying*

16 *it, they're going to come back with an R-3 request.*

17 *Since your last meeting, they approved the three minors. I*

18 *think you had three minors that you passed on. So the Board up*

19 *held those too.*

20 *The other thing is we really need to have our final*

21 *workshop with the City P&Z. There's four more chapters in the*

22 *Comprehensive Plan. Actually there's five but the housing*

23 *chapter isn't going to happen. So, input from the Commission?*

24 *How'd you like to do it? My suggestion would be rather than*

25 *jumping right into a public hearing, that you have the*

□

1 *workshops. You don't have to do that. If you want to just bump*

2 *right into a public hearing, you can do that. The P&Z*

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3 *Commission at the City would like to have a workshop. So we'd*
4 *do it together and we just need to pick a date.*

5 *MR. DAVID POOLE: That makes a lot of sense. I'd like to*
6 *be a little more prepared.*

7 *MR. LAWRENCE WHITSELL: One work shop or several?*

8 *MR. BRAD HAWKINS-CLARK: That's up to you.*

9 *MR. DON WILKERSON: Are you still having a workshop on the*
10 *23rd?*

11 *MR. BRAD HAWKINS-CLARK: I've been gone for a week and I*
12 *just looked at the e-mail today. I think it's still on. I'll*
13 *have to get back to you.*

14 *MR. DON WILKERSON: But that's different then the comp plan*
15 *work shop.*

16 *MR. BRAD HAWKINS-CLARK: Right. We could actually shorten*
17 *hers up and do them probably on the same night. I think hers is*
18 *probably about an hour and then it would be the joint workshop*
19 *on these four chapters of the comp plan. It just depends on how*
20 *much conversation you want to have on those before the public*
21 *hearing.*

22 *MR. DON WILKERSON: I'm in favor of one night.*

23 *MS. DEBBIE ROUWENHORST: Me too.*

24 *MR. WILL MAVPIN: That would be better for me too. What*
25 *time were we thinking?*

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1 *MR. BRAD HAWKINS-CLARK: If we got some sandwiches or*
2 *something, we'd probably do it at like six.*

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4 *Regular Meeting - Item No. 4 Items from the Deputy Prosecuting*

5 *Attorney*

6

7 *MR. DAVID POOLE: Okay. Items from the Deputy Prosecuting*

8 *Attorney.*

9 *MR. DAVID HARGRAVES: I'll just reiterate that our office*

10 *is open. If you have any questions, feel free to come talk to*

11 *us.*

12

13 *Regular Meeting - Item No. 5 Items from the Planning and Zoning*

14 *Commission*

15

16 *MS. DEBBIE ROUWENHORST: What about instead of pictures of*

17 *the site, a video. Then you get to see everything.*

18 *MR. DAVID POOLE: Are we not allowed to view images or*

19 *anything prior to the meeting?*

20 *MR. DAVID HARGRAVES: Well, you look at the information in*

21 *your packets. I think you can look at anything that's going to*

22 *be a part of the record. It's just that the other party needs*

23 *to have an opportunity to make comments on the pictures or*

24 *whatever.*

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□

1 *Regular Meeting - Item No. 6 Adjourn*

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3 *MR. DON WILKERSON: I make a motion that we adjourn.*

4 MR. DAVID POOLE: Motion carries.

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