



# Valley County Planning & Zoning Commission

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Ed Allen, Chairman  
Rob Garrison, Vice-Chairman

Tom Olson, Jr, Commissioner  
Kathy Deinhardt Hill, Commissioner  
Ronda Sandmeyer, Commissioner

## VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

**DATE:** October 20, 2011

**TIME:** 6:00 p.m. – 10:20 p.m.

**LOCATION:** Valley County Courthouse

**ATTENDANCE:** Commissioners present: Ed Allen, Chairman and Commissioners Rob Garrison, Tom Olson, Jr., Kathy Deinhardt Hill and Ronda Sandmeyer. Staff member present: Cynda Herrick, AICP, CFM, Planning and Zoning Administrator.

**OPEN:** Call to Order

### MINUTES:

Commissioner Garrison moved to approve the minutes with the stated corrections for September 8, 2011. Commissioner Olson seconded the motion. Motion carried.

Commissioner Garrison moved to approve the minutes for August 24, 2011. Commissioner Olson seconded the motion. Motion carried.

### A. OLD BUSINESS:

**1. C.U.P. 06-02 Settler's Mill # 1 Subdivision – Continuation of Extension Request and Construction Plan Review:** Knife River Corporation - Northwest is requesting approval of a five -year extension and construction plan. The 31.167 acre site is located at the northwest corner of State Hwy 55 and Loomis Lane, in the SWSE Sec. 23, T.16N, R.3E, B.M., Valley County, Idaho. *(Tabled from June 9, 2011)*

Chairman Allen announced the item and stated this is an extension request.

Chairman Allen asked if there was any exparte contact or conflict of interest. Commissioner Olson excused himself for a conflict of interest.

Commissioner Garrison moved to remove C.U.P. 06-02 Settler's Mill #1 Subdivision from the table. Commissioner Hill seconded the motion. Motion carried.

Staff explained that the item had been tabled from the June 9, 2011, hearing for further submittals from the applicant. The Commission had requested more detailed information on

what the applicant believed to be approved. Staff read the fax from Dave Turner (exhibit 1). Staff stated she is satisfied with the responses.

Chairman Allen asked for comments from the applicant.

Dave Turner, 5450 W. Galen Road, Boise, ID, stated he is here to answer any questions.

Chairman Allen asked for proponents. None

Chairman Allen asked for any undecided. None.

Chairman Allen asked for opponents. None.

Chairman Allen asked for rebuttal. None.

Chairman Allen closed the public hearing.

Commission Garrison stated this is one that doesn't need to go away – it is half done. He is somewhat concerned with the five years and questioned whether 3 years would be more appropriate. Five years just means it needs to be tracked.

Chairman Allen stated that they have discussed the lengthy extensions, but this applicant has already put a lot of infrastructure in.

Commissioner Sandmeyer has an issue with five years. There will be deterioration of infrastructure. There are a lot of subdivisions just sitting there.

Commissioner Hill asked if there was something to be done to protect the infrastructure. Staff stated there could be a condition that they preserve the infrastructure.

Commissioner Garrison wants a condition that they actively maintain their stormwater management and utility infrastructure.

Chairman Allen would like staff to review on June every 2 years starting in 2012 to make sure stormwater management and infrastructure is still in good order.

Commissioner Garrison stated that with as much work as has been done already on this project, the applicant is most likely to maintain and it is acceptable.

Commissioner Sandmeyer moved to approve the extension for C.U.P. 06-02 Settler's Mill # 1 Subdivision – Extension Request and Construction Plan Review with the additional conditions of approval. Commissioner Garrison seconded the motion. Motion carried.  
Chairman Allen explained the 10 day appeal period.

**2. C.U.P. 11-07 Nisula Gravel Pit:** Steve & Debbie Nisula are requesting approval to develop a gravel pit north of the existing Valley County Stenburg Pit. The project would consist of four phases and result in four ponds. Willows and lodgepole pines would be planted along the east and north boundaries. Access would be from an existing access easement from East Lake Fork Road. The site is 40.34 acres, parcel RP17N03E023605, and located in the Section 2,

T.17N, R.3E, B.M., Valley County, Idaho. *(Tabled from Sept 8, 2011)*

Chairman Allen announced the item.

Commissioner Garrison moved to remove C.U.P. 11-07 Nisula Gravel Pit from the table. Commissioner Olson seconded the motion. Motion carried.

Chairman Allen asked if there was any exparte contact or conflict of interest.

- Chairman Allen stated he is a neighbor of the project, but does not have a conflict.
- Commissioner Olson stated in past has worked with Granite Excavation – it is a very small community.
- Commissioner Garrison stated he has associated with Granite Excavation.

All three stated they can remain neutral and have no conflicts of interest.

(The power went off – had to start over.)

Staff explained that at the last meeting the assumption was the public hearing was closed when Chairman Allen stated he was “bringing it back to the table”. The Commission will need to re-open the public hearing in order to discuss any information with the applicants or take additional testimony.

Chairman Allen stated there were a lot of neighbors here and this is a long term project, we need to have due process. Commissioner Sandmeyer agreed. The Commission confirmed.

Staff gave staff report, the revised conditions of approval, and commented on the Memorandum of Agreement. Presented map (exhibit 1) and summarized letters received since the packet was mailed out, as follows: Sally Nutt (exhibit 2), Gunther (exhibit 3), Hunt (exhibit 4), Jones (exhibit 5), Novoselski (exhibit 6), Williamson with Petition of 111 Signatures (exhibit 7). Discussion ensued concerning the map. Staff stated copies had been made for each Commissioner.

Chairman Allen asked for testimony from the applicant.

Phil Davis, 19 Warm Lake Highway, made the following comments:

- Asked to what depth they should reiterate the application as previously presented on September 8, 2011.

Steve Nisula, PO Box 445, Donnelly, ID 83638, made the following comments:

- He was approached due to a shortage in gravel in the area almost a year ago.
- He toured and looked at the county pit and looked at the vegetative growth that has been occurring naturally in the county pit.
- Looked up and down Eagle road and saw huge pits turned into residential developments with pleasant end results.
- Wants to leave his children with ponds, grass, and a nice piece of property.
- The property was his great grandparent’s homestead and he is very tied to the ground.

Josh Davis, 8 San Ignacio Way, Cascade, ID, made the following comments:

- Have been working on this project for a year.

- Granite was started in this valley in the spring of 2004. Private work has declined and have focused on governmental projects, etc. It is tough to be a competitor because they can't control their own gravel. Losing projects to other companies who bring in their own rock. This costs the county in taxes and makes it hard to keep 60 employees busy.
- Biggest issue of establishing a pit is geography. Material is only along streams, creeks, etc.
- Only 2 other sand and gravel operations in Valley County (McCall and GoldFork).
- Have to comply with quality tests – this site has quality rock and is centrally located.
- This road has already been improved by Valley County to handle truck traffic.
- There will be a 20 year lease, 4 phase plan.
- With 0' setback, operations will begin in the SW corner to a 20' level. After initial hole is dug, all the equipment will work on the pit floor.
- Ponds will be approximately 25' deep.
- Slopes on N, W, and E will be reclaimed to a 2 to 1 slope. Topsoil will be stockpiled, hydro seeded to reduce dust, and then reused for final reclamation.
- Operating hours are being proposed 7 a.m. to 7 p.m., M-F, 8 a.m. to 5 p.m. on Saturdays. For crushing activities they are proposing are Dawn to 10 p.m. except from Memorial Day to September 15 it would be from 7 a.m. to 6 p.m.
- Crushers will be limited to 4 weeks per year.
- Have tried to address desire to limit crushing during evening hours in the summer.
- Extraction rates are economically based.
- To begin earlier reclamation than initially proposed in response to concerns expressed on September 8, we are now proposing that after phase 2 is complete the first pond would be constructed and reclaim eastern and western slopes – this will continue, after phase 3 is complete 2<sup>nd</sup> pond will be completed, etc.

Commissioner Garrison asked about hours for crusher. Josh said 4 weeks max – it is driven by specific jobs, when needed.

Commissioner Sandmeyer asked if the 4 weeks would be increased. Josh said that would require a modification.

Commissioner Hill verified that the 4 weeks was in the original application.

Chairman Allen asked about preference to crush in non-patio seasons. Could you handle crushing on shoulder seasons? Josh said it would depend on the weather and market – can't guarantee not during the patio months.

Staff asked how often you would have 100 trucks per day. Josh said don't foresee it, didn't run that many during the height of Tamarack. Commissioner Garrison asked what best estimate of a maximum number of trips would be. Josh said 50 – 75 per day. They only have 13 trucks at this time. Today's market would be 10-20 trips per days. Right now, 15 loads per day.

Phil Davis, 19 Warm Lake Highway, made the following comments:

- Reasons for concern were to try to mitigate and amend applications based upon the first public hearing.
- In best interest of Granite to do crushing prior to Memorial Day or after September 15 in order to lower costs.
- Also changed to create ponds early, as they go. This will work best for applicant too.

- The landowner has a vested interest – the site needs to look good for his heirs. This pit will look good and will have 4 to 5 home sites.
- Looks forward to public comments to further propose mitigation based upon constructive public comment.
- Requested a chance to finalize the conditions of approval tonight.
- Do not want to continue for another month, so they can get topsoil moved this fall and hydro seeded now so the grass has a chance to grow during the wet springs months. This will enhance dust mitigation.

Chairman Allen asked for proponents.

Brian Cooley, 106 Brookdale, McCall, ID, made the following comments:

- Moved here 6 years ago and property values on East Lake Fork Road were higher than West Lakefork where he had to buy – doesn't appear that existing gravel pits effected those home values.
- Supports responsible use of the natural resources.
- Supports business growth in Valley County.
- This is a responsible use of the land.

Dusty Hibbard, 108 Patterson, Cascade, ID, made the following comments:

- He is an estimator for Granite – he has people come in looking for work constantly.
- A lot of workers are now having to go to North Dakota.
- A local aggregate source would give Granite a better chance of getting the local jobs, because they would be competitive.

Chairman Allen asked for undecided. There were none.

Chairman Allen asked for opponents.

Priscilla Williamson, 13887 Farm to Market Road, made the following comments:

- Presented petitions to the Commission with 111 signatures.
- Has 31 more petitions (exhibit 8).
- Number of people is evidence that people are opposed.
- Only paved road from east to west for 7 miles.
- Read some goals from the Comprehensive Plan directing no harm be done to the public.
- Read objectives from Comp Plan such as, protect private property from incompatibility of nearby uses. Promote and protect livability by minimizing environmental pollution.
- This will be a spread of unsightly uses.
- Taxpayers will bear expense of deteriorating roads.
- Concerned with volume of traffic.
- Residents of this area of 100 homes within 1 mile of this site ask what is more precious?
- P&Z has obligation to protect public.

Stacey Gebhards, 13910 Hollenbeak Way, McCall, ID, made the following comments (exhibit 9):

- Has lived here for 18 years.
- Commented on previous testimony concerning noise and conflict with laws of physics.
- Talked on noise studies.

- Snowmobiles could be heard 2 ½ miles away.
- VC Wildfire mitigation Plan says this area is at a moderate risk to wildfire.
- Hours of operation are confusing.

Matt Groenig, 232 Elkhorn Road, made the following comments: (exhibit 10)

- Wish to leave their children with good health of low dust and undisturbed quiet environment.
- Looks forward to Environmental Assessment that is typically done for these types of uses.
- Concerned with width and carrying capacity of bridge.
- P&Z does not have a mission statement – but Comp Plan has some goals, which were addressed.
- Does not want his kids subjected to this health hazard.
- P&Z is 180 degrees off course.

Rick Winkeller, 203 Potter Lane, made the following comments: (exhibit 11)

- Many things to consider (listed).
- This is incompatible land use.
- This is adjacent to agricultural uses – setbacks are in question.
- Area is too small to maintain the setbacks.
- Addressed Elkhorn Subdivision CCR's – lower part of lots is residential.
- Precedence was set for the 1000' setback in the county pit.

Lex Bernstein, 13915 Hollenbeak Way, resides at 420 Wilhelm Creek, made the following comments: (exhibit 12)

- Endorses many of the comments made.
- Would like the Commission to recognize that they have become accustomed to a quiet experience on their property.
- P&Z role is not to be the Chamber of Commerce.

Barry Dow, 191 W. Potter Lane, made the following comments:

- Concurs with all of the people who have spoken in opposition.
- Wants Commission to consider Comp Plan and negative impact to the residents.

Marty Wagner, 13925 Hollenbeak Way, made the following comments:

- She is at ground zero.
- County pit, snowmobile races etc. are life altering operations.
- Will experience 75% decrease in property values.
- Has health issues – dust and diesel fumes will be bad.

Harry Clark, 13935 Roadrunner Way, concurs with everybody.

Bob Barrow, 121 Whitefoot Lane, 300 Ridge Road, made the following comments:

- Other pits have been grandfathered in.
- Can hear people talking on Nisula Land.
- Sound of a crushing operation is impossible to control.
- Will destroy quality of life.

- Recommend a noise study.

Walt Williams, 13887 Farm to Market Road, made the following comments: (exhibit 13)

- Responsibility of county government is to look after health and welfare.
- It is wrong to benefit 3 or 4 people's wealth at the expense of hundreds.
- Lake Fork is scenic and tranquil.

David Carey, 13893 Lang Court, Jug Mountain Ranch, made the following comments:

- There are differences between a PUD and a CUP – they took 7 years and a lot of studies to get approved.
- He can hear the snowmobile races on the other side of Farm to Market.
- Questions calculations of days of crushing.
- They had to pay to have roads improved.
- Wants to see consistency.

Mary Campbell, 13985 Farm to Market, made the following comments:

- Concerned with safety of giant dump trucks.
- Farm to Market Road needs to be patrolled by Sheriff.

Scott Bowes, 177 Willey Lane, made the following comments:

- Concerned with quality of life.

Ann Mc Quade, 14042 Deerfield Road, concurs as follows:

- Bought their property due to tranquility of road.
- Like to come to Farm to Market for beauty of area.
- Her children would not choose to live here, now.
- Consider what makes Valley County special.

Ester Meinburg, 173 Ashton Lane, made the following comments:

- Concerned about intersection of Highway 55 and Lakefork Road.
- There will be turning hazards.

Niki LeClair, 13999 Roadrunner Way, opposed.

Chairman Allen asked for rebuttal.

Josh Davis, 8 San Ignacio, Cascade, ID made the following rebuttal:

- State of Idaho established first gravel pit in this area in the 1950's.
- Meckel followed in the 70's.
- Since then there have been other pits: Valley County, Gilbert, etc. within a mile of this area.
- Granite Excavation has modern equipment that will adapt decibels to area.
- Truck drivers are professionals.
- Trucks are 8' and are legal widths, just like a school bus.
- With State of Idaho they are tied to a Reclamation Bond.
- Only about 50% will be processed, 20% through crusher, remainder will be screened and washed.

- Farm to Market is not main thoroughfare for truck traffic.
- Taxpayers are losing money from using rock from other counties.
- There is no other gravel – that is why there are 5 pits in this area.
- He has 60+ families that rely on Granite to have work – their 60 people could add up to a couple hundred people that can be impacted if there is no commerce.

Commissioner Garrison asked if crushing could be eliminated on Sundays. Josh said that the days are negotiable.

Commissioner Hill asked if it would be possible to place the crusher at a different location. Josh said it is possible but not economical – will double truck traffic and expense will need to be passed on.

Commissioner Hill asked if they would help fix bridges to make it safer. Josh stated that the Road Department said the bridge will be reconditioned in 2015. Their company could contribute.

Commissioner Olson asked if main drive was through county pit. Is the easement along the eastern boundary going to be put in eventually? Josh said there is a current roadway that is not to county standards. The vision was that once the pit was depleted the road would be built to county standards for access to building sites after final phase.

Commissioner Olson asked if 4<sup>th</sup> phase was eliminated? Josh said that the way the 4<sup>th</sup> phase was designed was just to be the ponds, since ponds will be constructed as they move, that phase will be eliminated.

Commissioner Sandmeyer asked when the easement would be used? Josh said that the agreement with the county would eliminate that road. When Valley County plans to extend to their property line – he does not know. Steve Nisula stated he negotiated the 70' easement on the Stenburg site so his sister can have access to her 40 acres.

Commissioner Sandmeyer asked about turn lanes at Highway 55. Josh stated there are no RDA's in place at this time.

Chairman Allen asked if the crusher could be confined to mitigate noise. Josh stated crusher will be in bottom of pit and will be surrounded on 4 sides by earthen berms 20' deep. Trees will be in swale on east property line, staggered in two rows.

Phil Davis stated he envisions being down in walls 20' deep and it will work like a megaphone directing sound waves vertically. Property values in this area are already assessed as having adjacent gravel pits in area. Addressed Comp Plan – compatibility rating is a +13. It has a high compatibility rating due to proximity to other pits. There is only gravel in a few places in this valley – there is no rock by Tamarack. There is a reason this is a mining area on the Soil Maps – Comp Plan encourages use of Natural Resources. It is also in close proximity to a major collector of the county. This will not cause a fire since all topsoil and grass will be removed.

Chairman Allen closed the public hearing.

The Commission deliberated.



Commissioner Sandmeyer made the following comments:

- Has a few concerns, would love to see a close gravel pit.
- Will be encroaching on homes now.
- Would like to see this tabled for more research – study the noise – maybe neighbors could come together with the applicant.
- Concerned with erratic hours – up to 8 weeks of crusher.
- Likes the reclamation after each phase.
- Concerned with property values.

Commissioner Hill made the following comments:

- There are precedents set for hours of crushing.
- Worries about devaluation of properties.
- This project will benefit Granite, Nisula, and employees at the expense of the others.
- Would like to see if crusher could be moved.

Commissioner Olson made the following comments:

- The area is speckled with pits and is consistent with what is going along here.
- Geology of location of gravel is at streambeds.
- There is no other place in Valley County, can't just go out and build a pit.
- Elkhorn Subdivision was built after the adjacent county pit.
- Cost of hauling gravel for crushing – this would increase the traffic and would cause tracks to go back and forth which would double impact and dust.

Commissioner Garrison made the following comments:

- Likes a lot of things about project.
- They have tried to mitigate impacts.
- Changed plans and incorporated reclamation with extraction, which will get them to an end product the other pits do not have – old ones will.
- Happy with 0 line setback and use of county site for access.
- Road Dept says road is in good shape, but it does need bridge work which is in line.
- Listened to all the sound information from the Payette Landing – noise can be muffled, but cannot be eliminated.
- Would rather see more days than late at night and leave Saturday and Sundays without activity. Would like to see an end time of 7:00 p.m. (Commissioner Hill commented that was the precedent)
- They may not have a crushing activity for 2-3 years – it is economy driven.
- Sand and gravel is scarce and a quality is required to do certain jobs – this rock has been tested and passes.
- Rock south of Cascade is not hard enough.
- Likes the end product – would like to make sure crusher is as well sound proofed as possible.
- Would like crushing activities noticed so people know when crushing activities will take place.

Chairman Allen made the following comments:

- Lives within the sound of this proposed pit – occasionally hears the current pit activity.

- When county ground 24 hours a day in the middle of summer it was offensive.
- Can be mitigated, but can't be eliminated.
- If you buy from Ada or Adams County it still affects others.
- Rehabilitation schedule is a good idea.
- Need to put conditions for good planning.
- All have use for gravel.
- Devaluation of values is subjective – in all fairness some of you built looking at gravel pits.
- No matter where a pit is located, neighbors will not want.
- If crushing off-site, nearest pit is adjacent to this site, and are grandfathered – there would be no controls.

Proposed Conditions:

- Two weeks prior to crushing operations, notice shall be placed in paper and there shall be signage on East Lake Fork Road of times when they will be crushing.
- Hours of all operations shall only occur from 7:00 a.m. to 7:00 p.m. with no Saturdays or Sundays.
- There shall be no on-site occupancy.
- Only 36 working days will be allowed for crushing and can be split throughout the year. If crushing occurs outside of shoulder seasons the applicant must justify reason to the Administrator. Shoulder seasons are before Memorial Day and after September 15.
- Operations will be reviewed after first full season of operation, with the understanding that additional conditions of approval can be placed or approval revoked, with valid reasons.

Commissioner Sandmeyer wants to table and research the issue. Need to look at and digest the project.

Chairman Allen is open to a motion.

Commissioner Sandmeyer moved to table to C.U.P. 11-07 Nisula Gravel Pit to November 3. Died for lack of 2<sup>nd</sup>.

Commissioner Garrison stated they have done as much mitigation as they can for sound, dust, etc., and we are going to limit their hours of operation. Property values skyrocketed with existing gravel pits here – even though it does detract a little.

Commissioner Hill stated this is adjacent to an existing gravel pit – are we going to keep going up the creek? Commissioner Garrison said that is the beauty of our system – we review each application.

Commissioner Garrison moved to approve C.U.P. 11-07 Nisula Gravel Pit with the stated conditions of approval. Commissioner Olson seconded the motion. Commissioner Garrison – aye, Commissioner Olson – aye, Commissioner Hill – nay, Commissioner Sandmeyer – nay, Chairman Allen broke the tie with an -- aye. Motion carried for approval.

Chairman Allen explained ten day appeal period.

**B. NEW BUSINESS:**

**1. C.U.P. 11-09 ASAP Portables:** ASAP Portables Company is requesting approval of a conditional use permit for an office building and storage area. Portable toilets would be stored on the site. The 0.44 acre site is addressed as 13831 Highway 55 (Lake Fork area) and is located in the NWNW Section 10, T.17N, R.3E, B.M., Valley County, Idaho.

Chairman Allen announced the item. Chairman Allen asked if there was any exparte contact or conflict of interest. There was none.

Chairman Allen asked for the Staff Report. Staff presented the Staff Report.

Chairman Allen opened the public hearing.

Chairman Allen asked for testimony from the applicant.

Ned Crossley, 13831 Highway 55, made the following comments:

- Currently own 400 toilets that are stored in Riggins.
- Described site.
- Will level "A" to accommodate storage of toilets in a tight formation.
- "A" will hold 200 toilets.
- Wants to build a pole structure to store toilets.
- Toilets are power washed on the outside.
- No chemicals are used for cleaning.
- Chemicals in toilets do not go out onto the ground.
- Seals of trucks are inspected.
- Area "B" will be screened by shrubs or short trees.

Discussion ensued.

Commissioner Hill asked when landscaping will be placed? Applicant said next spring. 5 feet wide, 4 ft in height, 25 gallon trees. Will be irrigated.

Chairman Allen asked for proponents.

Chairman Allen asked for opponents.

Chairman Allen asked for rebuttal.

Chairman Allen closed the public hearing.

The Commission deliberated.

Commissioner moved to table **C.U.P. 11-09 ASAP Portables** to Dec 8, 2011, at 6:00 p.m. in order to receive updated site plan and more detailed phasing plan, along with a response from Central District Health and Idaho Transportation Department. Commissioner Olson seconded the motion. Motion carried.

## **C. OTHER:**

### **1. Facts and Conclusions**

- C.U.P. 11-06 Edwards Mosquito District – Operational Facility

- C.U.P. 11-08 Biggs Multiple Residences

Commissioner Garrison moved to approve the Facts and Conclusions. Commissioner Sandmeyer seconded the motion. Motion carried.

**F. ADJOURN**