



Valley County Planning & Zoning Commission

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Rob Garrison, Chairman
Kathy Deinhardt Hill, Vice Chair

Ed Allen, Commissioner
Ronda Sandmeyer, Commissioner

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: October 3, 2013

TIME: 6:00 p.m. – 8:00 p.m.

LOCATION: Valley County Courthouse

ATTENDANCE: Commissioners present: Commissioners Ed Allen, Dusty Hibbard, Kathy Deinhardt Hill, and Chairman Rob Garrison. Staff member present: Cynda Herrick, AICP, CFM, Planning and Zoning Administrator.

OPEN: Call to Order

MINUTES: September 12, 2013

Chairman Garrison stated, page 3, would like it changed to “when trail would be finished”, not approved.

Commissioner Allen moved to approve the minutes for July 11, 2013. Commissioner Hill moved to second the motion. Motion carried.

A. OLD BUSINESS:

1. C.U.P. 13-02 Big Bear Race Way and Gymkhana: Donn Reiswig is requesting approval of a motocross race track, snowmobile-cross race area, and gymkhana arena on land owned by Kenneth Purdom II. The 80-acre site is addressed as 13381 & 13387 Nisula Road and is located in the SE ¼ Section 31, T.17N, R.3E, Valley County, Idaho.

Chairman Garrison announced the item and asked if there had been any exparte contact or conflict of interest. Commissioner Hibbard stated he observed the site and talked to nobody on September 29, 2013. There was none.

Commissioner Allen moved to remove C.U.P. 13-02 Big Bear Race Way and Gymkhana from the table. Commissioner Hibbard seconded the motion. Motion carried.

Chairman Garrison asked for a staff report. Staff presented Staff Report No. 2. Commissioner

Hill moved to accept additional letters into the record. Commission Allen seconded the motion. Motion carried.

Chairman Garrison asked for a presentation from the applicant.

Donn Reiswig, 13881 Nisula, stated he is the applicant and the owner is Ken Purdom II:

- Went through and redrew plans with a lot more detail: aide state, hazmat, parking, vendors, Google earth map, etc.
- Parking area is measured from wetlands.
- Purdom bought property 23-24 years ago prior to any neighbors or Mr. Nahas. It is only a fluke that Purdom doesn't own the Nahas property.
- He went to talk to Mr. Nahas after last meeting which resulted in major changes to the proposed application. In order to mitigate impacts it would be decreased to two events, 1 in spring, and 1 in fall so as not to bother the summer people.
- Talked to Mr. Nahas about the practices and took sheriff's deputy desire for an area for his class, dropped snowcross – trying to be user friendly with neighbors.
- Had some sound tests done Sunday and there were no significant readings at the distance of a mile, which is the first house. Coho is over 2 miles.
- Purdom said he has a degree in zoology and does not believe this will impact animals.
- Reiswig said that there was a deer at the site last Sunday when the bikes were running through 3 laps. So it will not impact the deer. Not all science and science studies are accurate. He said the Spotted Owl destroyed the logging in Douglas County and then they found out the spotted owl did nest in second growth trees.
- They were told by Forest Service that they had to clean out debris from creeks because it would increase nitrates, which would destroy the fish, so they cleaned the trees out – now they are putting trees and root wads back for habitat; the moral if the story is that science changes from decade to decade. There will be no long-term impact to wildlife or animals. We have to accept times, ideas and cultural changes – the Indians didn't want us here. He is concerned about young people and wants to give the children in this area every opportunity to ride their motorcycles in a confined area and then are not out tearing up the hills.
- In their application there is no lighting now and there never will be...in summer it doesn't even get dark until 10:00 p.m.
- Closest residence is one mile north, one house for managers and one for him to vacation in.
- Hopkins is south of they are on about 200 feet – at the present there is absolutely nothing done to existing buildings that cause metal to fly over to his property.
- Judy Sucker said they want no motorized vehicles on their ranch – hard to run a ranch without motorized vehicles.
- This is for the youth – hopes opponents will soften their position so as to give our young people a place to go to burn energy and have a good time.

Chairman Garrison asked if data was recorded for track. When he went to Nahas driveway he could not get a reading.

Chairman Garrison asked for proponents:

Justin Reiswig, Donnelly, ID, made the following comments:

- When you drive into Donnelly the signs say “Crossroads to Recreation”....they are trying to be neighborly.
- In McCall they have a snowbike race on golf course, right in the middle of McCall.
- Great opportunity for the youths.
- People like to come camp with their motorcycles and go out and tear up the mountains, this would give them a designated place.

Jerry Yost, 173 Wagon Wheel Lane, went to the site on the 29th:

- This was one of the quietest races he has ever been too.
- He has been going to races all his life.
- The noisiest is the drag races and it shakes the ground.
- He sat 30 feet from the cycles, didn’t have to cover his ears and was not afraid he would get hit.
- His grandson lives in Nampa – has had a motorcycle since he was 7 – now he has a 125 cc – he went to the track – he said grandson if you want to do this there are rules: you have to get good grades in school – would rather him be riding on the track then down in the city fooling with drugs. The kid is willing to work to pay for his equipment and expenses. The sign in Donnelly “Crossroads to Recreation”. 98% would not even know when track is being used. Wants his grandson motivated by bikes rather than what he hears.

Chairman Garrison asked for uncommitted: None

Chairman Garrison asked for opponents:

Sharon Herther, 13239 Kokanee Drive, Donnelly, ID, made the following comments:

- Asked how many bikes were running on Sunday.
- It is a noise problem – it was not a designated race, and yes they can be heard in Coho.
- We live here because it is beautiful and want to be outside.
- They have ATVs – there is a map where bikers can ride. Would rather have them ride in mountains then on a track.
- If there is a need for a track it should be on the old mill site in Cascade. It is already being developed for recreation.
- Meridian Speedway is noisy.
- The snobike race – most residents are not in town – they endure for the economy.
- Area behind house is non-motorized.

Lou Neilson, 13239 Kokanee Drive, Donnelly, ID, made the following comments:

- Reviewed initial staff report and nowhere did he see a reference to the Valley County Ordinance in dealing with noise. Read noise statutes.
- They had a noise analysis that registered 98 decibels.
- A number of the people in Coho are in support of motorized vehicles. Forest Service produces a map of trails and logging roads and mining roads.
- Noise analysis should be done on a clear day by somebody who is more objective.

Mare Blocker, 13390 White Road, made the following comments:

- Appreciates the modifications.

- There is a potential of 38 days – June thru September.
- Will there be a limit to a personal practice.
- Can there be a probation period.
- When will these commercial uses take place

Ron Nahas, 13463 Nissula Road, Donnelly, ID, made the following comments:

- Issue is there is a comprehensive plan.
- Encourages agricultural land for agriculture.
- Not opposed to the use – put it at the Whitewater Park.
- Conditions of approval shall be conducted in accordance with the LUDO.
- Are you going to waive LUDO?
- Thought there would be a compromise – but now it is open to public to use every Wednesday night and Sunday morning every Sunday. There cannot be a compromise.
- It is in the wrong place and will be a perpetual intrusion on neighbors and sheriff will be called.
- He has owned his ranch for 14 years.
- Staff didn't even do a compatibility evaluation properly.
- Just needs to be denied.

Frank Jenks, (not property owner in Manatron) Perch Court, Coho Estates:

- Impacts to wildlife is his concern.
- Gymkhana is on boundary with Wildlife Preserve.
- In dry clients wildlife species depends on wetlands.
- Herrings depend on low impact areas.
- These areas are sensitive.
- County Plan has provisions to protect wildlife.
- Needs more exploration – what is effect on wildlife.

James Clarke, 302 Smylie, Donnelly, ID, made the following comments:

- 1 ¼ miles from his property.
- Every Sunday from 9-1 he will hear 50 bikes for 12 hours.
- Moved to country for peace and serenity.
- Don't allow refueling of watercraft in Legacy Park – terrible to environment.
- Noise is not a right – there are disturbing the peace ordinances.
- World health organization states that noise lasting 30 minutes can bring on health issues and depression.
- Article from 2-stroke article lists reasons why 4-stroke motorcycles are shutting down tracks all over country.
- He will hear 132 decibels at 1 ¼ miles.

Judy Zuckert, 13329 Perch Court, Donnelly, ID, made the following comments:

- Could hear 2 ½ miles away.
- Sunday the 21st of July she could hear very loudly.
- Thought someone was riding below her house.
- Should be easy to make the right decision as stated in her letter.

- We don't want to be disturbed.

Ralph White, 13390 White Road, Donnelly, Idaho, made the following comments:

- 1 ½ mile away,
- Grew up racing and riding.
- Conflict is with noise – on a clear day will get readings.
- Most tracks are in hollows with sound buffers.
- County ordinances address noise.
- Road ingress/egress is not a county spec road.
- Impact to Scheline and Norwood and speed limits is a concern.

Kimberley Neisle:

- Has already written letters.
- Read county ordinance.
- Commercial and industrial uses cannot exceed noise levels.

Don Reiswig rebutted:

- Willing to work out agreement that is compatible.
- Willing to cut back on number of practices – willing to work with them.
- CUPs are to make exceptions to existing uses – should be a way to work this out.

Chairman Garrison closed the public hearing.

Commissioner Hibbard said noise is biggest concern. People were talking about decibels. Those standards are for commercial and industrial uses, not recreational.

Read definitions of commercial and recreational uses.

The Commission deliberated.

Reopened to ask question: Is this a for profit business? Reiswig stated for races there is a fee charged to enter and race. Practices there will be no charge. On a race there will be a spectator fee and an entrance fee.

Ron Nahas stated , races are staged by promoters for profit – clearly commercial.

Clark, if practices are not charged then they aren't supervised.

Barker, if no fees for practices do donations count as fees.

Reiswig rebutted that there is supervision for practices.

Chairman Garrison closed the public testimony.

Commissioner Hibbard has been involved with noise issues, obviously when people are for it then it is ok, for people against it they are more affected. Have had professionals test noise levels in a room, it can be at 80 decibels, refrigerators are 43 decibels. Decibel readers at 2 ½ miles away is a

huge difference between a track of this nature and Meridian Speedway. Heard discussion about speeding on roadways. There are people in charge of enforcing those rules. Dust and erosion control with BMPs have to follow EPA rules like anybody else. Federal laws will regulate that. Who is going to supervise – if they go beyond limits it will violate their conditional use permit.

Commissioner Allen questioned the general noise level – so as a commercial use it has specific decibels, with recreation it doesn't. If somebody had to listen to me talk it would fall in decibel levels but 24 hours a day it would be irritating. It is not level of noise, but length of noise. He sat on the other side for snow cross. The bikers can ride at random now because it is not a conditional use permit, so with that situation we don't know when it will happen. With the CUP they will know when it will be happening. He knows that the third weekend in February there will be snowmobiles racing below him. There is a CUP at Roseberry that exceeds noise level several times a year and they charge for entry, but it is a recreational use (concerts) and there are people opposed. There is a snowcross in McCall that is held on winter carnival – there are people there. There are two sides – a CUP will control and would like to suggest:

1. COA: There will be a probation period of two years at which time the conditional use permit could be revoked, depending upon management and wildlife review by a credible agency.
2. COA: Cannot ride at random – not even owners. Neighbors have to be able to depend on hours.
3. COA: Site has to be managed by owner/operator. Someone with a vested interest has to be there.
4. COA: Users can never invade BOR property.
5. COA: Must have specific fueling area that is protected.
6. COA: Events would need to be announced two weeks in advance.

Commissioner Hill made the following comments:

- She has thought a lot about this. She has a problem due to incompatibility to that area. It is farm land and comprehensive plan does address that.
- She sees setting up a track and doing a couple of races per year would be good for the economy and the community so Donnelly is more of a destination area.
- Has problem with 9:00 p.m. for sanctioned events.
- Those people in that area were there before the track.
- This will disrupt their quality of life – wishes we could come to a compromise.
- 2 races per year with limited hours and too many practices.

Chairman Garrison made the following comments:

- Liked some of Ed's ideas for COA.
- The hours are too much.
- Comp Plan is a guideline to establish ordinances – it is not the law.
- This is a recreation business, not a commercial enterprise – the owner is not trying to turn a profit. This is a recreational use.
- This use does not fall under decibel level rules.
- Better hours – less practice – change time for events.
- No residences within a mile.
- Every week, Wednesdays and Sundays, adds up to a lot of time.
- Can these people live with it....do we do a trial period?

Commissioner Allen questioned the profit making not being a benefit to the owner.

Commissioner Hibbard struggles with fact that they won't be making any money. Equipment, dust abatement, maintenance could be \$30-40K a year – there will be no profit from 2 races a year – would need more races.

Chairman Garrison said this is more of an outlet for kids. Would think they would want donations to fund.

Commissioner Allen asked, what is reasonable practice hours? Discussion ensued.

Commissioner Hibbard said they put 8 a.m. – 9 p.m. because they haven't worked on specific plan. Events should be a length of time. Surely they won't have a 13 hours event. Event times should not exceed 8 hours between 8-8. Commissioner Allen said it should be a timeframe.

Commissioner Allen said this is a practice issue.

Commissioner Hill said 8 a.m. – 7 p.m. on race days. Planned ahead and people can go away.

Commissioner Hill wants no practice. Commissioner Hibbard wants to allow practice for the local youth to practice. Chairman Garrison agrees.

Commissioner Allen said they have heard concerns – we should mull over a little bit and challenge developer to come up with something that takes into consideration maybe a couple evenings rather than weekends. There are other events in area.

Chairman Garrison said we haven't discussed gymkhana. Commission Hill said it is compatible. Commissioner Allen commented they can't invade BOR.

Commissioner Allen wants all to think about and say to themselves, “can I live with two hours during the week”? Commissioner Hill said applicant needs to consider people in area.

Chairman Garrison would like to table to give time for more of a compromise.

Commissioner Allen wants LUDO interpreted with attorney.

Commissioner Allen moved to table **C.U.P. 13-02 Big Bear Race Way and Gymkhana in order to discuss compromise only. Commissioner Hill seconded the motion. Motion carried.**

Ten day appeal period.

B. FACTS AND CONCLUSIONS

- P.U.D. 13-01 Blackhawk Development
- VAC 13-01 Vacation of Portions of Second North Street & Clark Street within Roseberry Townsite

Commissioner Allen moved to approve the facts and conclusions. Commissioner Hill seconded the motion. Motion carried.

C. Correspondence

C.U.P. 12-11 ASAP Portables: Staff reported she sent the letter as requested.

MEETING ADJOURNED: 8:00