



Valley County Planning & Zoning Commission

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Rob Garrison, Chairman
Kathy Deinhardt Hill, Vice-Chair

Ed Allen, Commissioner
Bryan Cooley, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission

May 12, 2016

Valley County Court House - Cascade, Idaho

A. OPEN: Call to Order

P&Z Commissioner - Ed Allen: Present
P&Z Commissioner - Kathy Deinhardt Hill: Present
P&Z Commissioner - Bryan Cooley: Present
P&Z Commission Chairman - Rob Garrison: Present
P&Z Commissioner - Scott Freeman: Present
P&Z Staff – Cynda Herrick, AICP: Present

B. MINUTES: April 14, 2016

Motion: Moved to approve the minutes of April 14, 2016.

P&Z Commissioner - Ed Allen: Motion
P&Z Commissioner - Kathy Deinhardt Hill: 2nd

P&Z Commissioner - Ed Allen: Approve
P&Z Commissioner - Kathy Deinhardt Hill: Approve
P&Z Commissioner - Bryan Cooley: Approve
P&Z Commission Chairman - Rob Garrison: Approve
P&Z Commissioner - Scott Freeman: Approve

C. OLD BUSINESS:

There was none.

D. NEW BUSINESS:

- VAC 16-02 Vacation of Vanity Court:** Jeremy Rooney is requesting a vacation of Vanity Court, a public right-of-way platted within the Gratton-Barnard-Allen #1 Subdivision. The right-of-way is approximately 200 ft x 30 ft and accesses only Lots 59, 60, and 61. These

three lots are owned by the applicant and would be kept in the same ownership. The site is in the SENW Section 3, T.13N R.3E, Boise Meridian, Valley County, Idaho.

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

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

Commissioner Allen asked if the lots would be combined? Staff confirmed.

Chairman Garrison asked for the applicant's presentation.

The applicant, Jeremy Rooney, 651 West Mountain Road, introduced himself and made the following comments:

- Asking to have this vacated so he has enough area due to the setbacks. He has to be 20' from this road and 30' from each creek.
- Would like room to build his garage for storage.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison asked for rebuttal. There was none.

Chairman Garrison closed the public hearing.

The Commission deliberated.

Commissioner Allen believes it sounds like a reasonable request.

Motion: Moved to recommend approval of VAC 16-02 Vacation of Vanity Court to the Board of County Commissioners with the stated conditions of approval.

P&Z Commissioner - Kathy Deinhardt Hill: Motion

P&Z Commissioner - Ed Allen: 2nd

P&Z Commissioner - Ed Allen: Approve

P&Z Commissioner - Kathy Deinhardt Hill: Approve

P&Z Commissioner - Bryan Cooley: Approve

P&Z Commission Chairman - Rob Garrison: Approve

P&Z Commissioner - Scott Freeman: Approve

- 2. C.U.P. 16-03 Amendment to C.U.P. 12-09 -- 2 Sisters Country Store:** Debbie Roberts and Kristen DeGarimore are requesting approval to amend C.U.P. 12-09 to add a drive-up concession trailer adjacent to the current store building. The site is addressed as 13844 Hwy 55 and contains 1.5 acres in the NWNW Section 10, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

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

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

Chairman Garrison asked for the applicant's presentation.

Kristen DeGarimore, identified herself and asked if anyone had any question for her?

Commissioner Hill asked if they were in contact with Idaho Transportation Department? Kristen said they do not have to have a traffic study but they will have to have a barrier. The barrier may just be a continuation of their current fence or boulders – ITD said they could have either one. They will e-mail that comment.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison asked for rebuttal. There was none.

Chairman Garrison closed the public hearing.

The Commission deliberated.

Commissioner Hill said they came back as asked and they have confirmed they will comply with ITD. She would rather see a fence then rocks.

Commissioner Cooley agrees as long as requirements from ITD are met – just doesn't want jersey barriers or blocks.

Commissioner Allen has no problems with it.

Chairman Garrison said that this is more of an amendment, a change in scope.

Motion: Moved to approval **C.U.P. 16-03 Amendment to C.U.P. 12-09 -- 2 Sisters Country Store with the conditions of approval.**

P&Z Commissioner - Bryan Cooley: Motion

P&Z Commissioner - Scott Freeman: 2nd

P&Z Commissioner - Ed Allen: Approve

P&Z Commissioner - Kathy Deinhardt Hill: Approve

P&Z Commissioner - Bryan Cooley: Approve

P&Z Commission Chairman - Rob Garrison: Approve

P&Z Commissioner - Scott Freeman: Approve

Chairman Garrison explained the ten day appeal period.

3. C.U.P. 16-04 Asphalt Hot Plant: Josh Davis, Granite Excavation INC, is requesting approval

to establish a portable asphalt plant on Goode Lane. Daily plant operations will be from 7:00 a.m. to 7:00 p.m., Monday thru Saturday. Employees may be onsite between 5:00 a.m. to 9:00 p.m. Gravel will be stored but not excavated on this site. The 2.386 acre site is located at 24 Goode Lane in the northwest junction of Goode Lane and Koskella Road, in the SE ¼ Sec. 2, T.15N, R.3E, Boise Meridian, Valley County, Idaho.

Chairman Garrison introduced the item. Chairman Garrison asked if there was any expert contact or conflict of interest. Commissioner Cooley stated his employer is a local business that does business with Granite, but there is no conflict of interest. Commissioner Freeman said the same and he can make an unbiased decision.

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibits: exhibit 1 – Letter from Gary Hawkins, exhibit 2 – Letter and Picture from Randall and Patricia Hickman, exhibit 3 – Letter from Ellen Erskine.

Chairman Garrison asked for questions for staff. There were none at this time.

Chairman Garrison explained the hearing process.

Chairman Garrison asked for the applicant's presentation.

The applicant, Josh Davis, 8 San Ignacio Way, Cascade, ID, introduced himself and made the following comments:

- Adjacent to state owned vy10 hot plant and at least 5 other gravel pits and plants.
- Compatible use to industrial type of use.
- Will be a benefit to Valley County.
- Will reduce number of trucks on highway 55.
- Will reduce wear and tear on local highways.
- Will provide jobs to approximately 5 local people.
- Pre-setup work will include relocation of existing stockpiles and more flattening of the site.
- A stormwater pollution plan will comply with federal requirements.
- A typical site layout has been submitted, storage areas, liquid asphalt, aggregate stock piles and mineral filler.
- Engineer spill prevention plan will be created in compliance with federal regulations.
- Initial plant mobilization will take 20 - 45 days. (Exhibit 4 – 16" x 24" Grading & Drainage Plan, with Landscaping Plan)
- A loader will be onsite to load gravel products and will be primary piece of equipment besides the plant itself.
- A site specific safety plan will be developed and maintained on-site.
- Ingress egress points will be clearly signed for safe traffic flows.
- PPE (personal protective equipment) will be required for all on-site employees in accordance with OSHA requirements.
- Annual audits will be performed to ensure all safety and environmental rules along with Best Management Practices are being followed.
- Air emissions from the plant are regulated under an air permit issued by the Idaho Dept. of Environmental Quality.

- Production limits and fugitive dust controls ensure that plant operations do not contribute to an exceedance of allowed limits and will comply with Appendix C of the Valley County Code. This permit was attached to the application for reference.
- Operations will be limited to May through October.
- Offseason maintenance will occur during offseason months.
- Although market demand will determine when plant is in operation, daily hours will be from 7:00 a.m. to 7:00 p.m., Monday thru Saturday. Employees may arrive at the site as early as 5:00 a.m. to prepare for daily operations and leave as late as 9:00 p.m. for equipment maintenance.
- Portable plants require multiple aggregate stockpiles which will be located on the adjacent pit operated by O-K Gravel Works. Smaller piles will be on-site.
- Gravel will not be produced on this site.
- Storage and handling of petroleum products will be handled by federal permitting and prevention plans by a licensed professional engineer.
- Environmental Best Practices will be utilized to prevent fugitive dust. Dust control will be suppressed by a water truck on-site. Magnesium chloride can also be used.
- Granite Excavation Inc. takes a proactive approach to being a good neighbor.
- Explained the parties involved with this hot plant. The conditional use permit is under Granite Excavation who has joined forces with Idaho Materials and Construction, an Idaho based company established in 1992, and Deadwood Mining LTD, owned by Wade Olson, a Valley County resident.
- History of this source – opened in 1950s, depleted in 2013. (exhibit 5 – Vicinity Map)
- There are 8 sources with current conditional use permits, 2 of which have hot plants approved.
- Valley County can produce asphalt used only on county projects and Idaho Transportation Department can only use their asphalt on federal projects.
- Goal is to be able to service local projects and the private sector.
- Prevents pollution by reducing sedimentation in water and the air while improving the transportation system.
- In the past, 319 federal grants were issued for place of asphalt to decrease sediment runoff into the lakes.
- Having a local plant will reduce costs to pave roads with the county budgets.
- CUP 06-33 Ironstone was an asphalt plant previously approved on this site. It was included for reference – it was never established – they have no ties or association with this company.
- Addressed truck traffic – will decrease the number of trucks on State Highway 55.
- The length of the haul for one truck to the closest available asphalt he can afford is a 6 hour haul to Nampa. In example, this summer he is asphaltting Lakeshore Drive for the City of Cascade. The job requires 1000 tons of asphalt which is 50 truck loads. That can be done with 7 trucks hauling from a local plant or 35 trucks hauling up and down Highway 55 from Nampa.
- Goal is to produce 15,000 tons of asphalt this year – this plant has the ability to run 400 tons per hour. Realistically, we will produce 200 tons per hour for a total of 75 hours this year to achieve our goal.
- The plant only runs for about 45 minutes in the morning to produce enough asphalt for the entire day. This is the only time there is an odor.
- He provided some facts on asphalt plants:

- 3500 hundred plants in the United States,
- asphalt is 95% aggregates,
- 2002 delisted hot plants as a major source of air pollutant,
- Asphalt binder replaces more than 21,000,000 gallons of crude oil per year,
- There are redundant protection systems to prevent environmental contamination.

Commissioner Freeman asked Josh if this plan would typically run 1 -2 days a week? Josh said outside of large paving projects, anticipate plant will not run 5 days a week.

Commissioner Allen asked if he could live without a weekend day? Josh said he could maintain operation with 5 day work if on specific project they would want perhaps 6 days. Commissioner Allen asked if that could be extended to holidays. Josh said that is fine -- would not work on holidays.

COA: No holidays or weekends without specific approval.

Commissioner Cooley asked staffs questions concerning toilet facilities, silo height and setbacks:

- Josh said, porta potty on-site, but no washing facilities.
- Josh verified, the silo is 100'.
- Setbacks to the N – 80', S-200', E-120', W-400': Josh confirmed approximation.

Questioned about setbacks – verified – but believes greater than 80 to the north asphalt plant.

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

- Thinks the compatibility rating should have been more positive.
- Valley County purchased property in 2002 from J.P. Seubert as their own rock source – only basalt source on valley floor – only source. An asphalt plant was approved at that time.
- At that time, Valley County mitigated by purchasing houses from anyone who felt their properties were being diminished due to these hot plants and rock pits. They did purchase these properties for appraised values prior to approvals and then sold them.
- Anyone purchasing these properties, near this area, knew that they were purchasing with gravel pits in this area, so they were mitigated when the county purchased or purchased recently with full knowledge of gravel pits and hot plants.
- This area has been mitigated by Valley County when they offered to buy any property that was adversely impacted by the uses in the area – Valley County protected that area as only gravel source asphalt area in the valley floor.

Chairman Garrison asked for proponents. Chairman Garrison explained the 3 minute time limit per the ordinance.

John Hickock, 13463 Nissula Road, Lakefork, made the following comments:

- Wanted to say what Phil said.
- Seubert has hot plant in McCall -- Josh has to haul 6 hours per truck trip – that is not fair against their competition.
- Asphalt in this area a long time before those houses.
- Only basalt in Valley County – other basalt in area is in Adams County.

John Stevenson, 126 Par Drive, Cascade, ID, made the following comments:

- In favor of plant to provide asphalt as a competitor.
- Only 1 plant to buy mix from in area.

Chairman Garrison read a number of people who had signed as proponents, but did not want to speak at this time.

Troy Huckaby, 115 Par Drive, Cascade, ID, made the following comments:

- Need to find a suitable location.
- We need to get rid of the monopoly.
- Overburdened with regulations.

Chairman Garrison asked for uncommitted.

Rod Higgins called, but made no comments at this time.

Chairman Garrison asked for opponents.

Kathleen Koskella, 224 S. Hayes, Emmett, and part of the Koskella's, made the following comments:

- Fourth generation – been around for a long time.
- Not opposed to progress – looking at big picture.
- Looking at the whole valley.
- What do we have that other people don't?
- Air is pure, water is clean – this is a healthy place.
- Questions the site – why are we placing it on the main corridor?
- Delighted to see ABC award.
- People will want to go through Council and Weiser instead of on Highway 55 if they have to look at this plant.

Nathan Wolf, 2480 Snowgoose Way, Meridian, ID, made the following comments:

- He Inherited 12611 Koskella from his father – this will help decide whether he keeps this property or sells his property.
- Within 1000' from this plant.
- He has to decide if he is going to keep this property – has kids and grandkids, concerned with safety due to truck traffic and this being an eyesore.
- Concerned with property value plummeting.

Steve Russell, on behalf of Joan Marsted, legal and financial advisor, made the following comments:

- Has lots of legal experience in lots of states so he can build a record in order to balance rights of people who live in the valley.
- No questions that a hot plant and gravel pit are helpful next to each other.
- Totally inappropriate location.
- Invested \$500,000 in houses across the street that she bought from the city – just 180' from the plant – the other house is 280' from the plant. Those property values will immediately go to 0.

- She may have known there were gravel pits when she purchased her land, but not hot plants – the gentleman, who is not an attorney, cannot say she has no rights.
- Not suitable to have that use with a residential use and the scenic nature of the valley.
- Examined all of her warranty deeds, etc. and there are no limitations on her use of her property.
- Property will have no value – you wouldn't be able to sell or give those properties away.

Bob Glasscock , 73 W 4 Lane, Donnelly, ID, made the following comments:

- Across highway and 1 mile north.
- County produces more dust than anything else.
- John Dale was denied a crusher.
- Trucks will be entering highway on a blind corner on Highway 55 that is heavily patrolled by law enforcement.
- No turnout lanes have been proposed.
- E4 can't handle this traffic.

Joan Marsted said she has two attorneys representing her and will give them her time, and representing Jim Sabatasse. Her attorneys will go last.

Jody Van Arsdale, 25 Goode Lane, Donnelly, ID, made the following comments:

- Moved out here cross country less than a year ago.
- Every day she promotes this area.
- Her plan was not to live near a hot plant.
- There are dozens of gravel trucks up and down the street.
- She moved here for peace and quiet, but will not stay here.
- Amazing how much dust is already in the area.
- Has degrees in environmental science and urban administration.
- Her husband has health problems.

Tony Van Arsdale, 25 Goode Lane, Donnelly, ID, made the following comments:

- Moved here from Kentucky nine months ago.
- Disabled Marine Corps veteran.
- Lives 200 feet from where this plant will be – he has only one lung.
- Has chronic bronchitis and pneumonia – lives in Joan Marsted's house -- thought this was his dream home.
- Put this plant at the landfill.
- Will have to move again – he is pushing 60 -- can't handle stress of another move.
- None of these people would want to live next to this use.
- They have to dust the house continuously from the gravel pits.
- Has a letter from doctor concerning his health (exhibit 7). The letter states he has a history of pulmonary aspergillosis with damage to his right lung – he should not be around toxic fumes.

Floyd Loomis, wife is a Koskella, Koskella Ranch, north of this area (no address), made the following comments:

- Most of the owners have owned the property longer than there were gravel operations.

- They have not indicated where they will get water for dust abatement.
- Big difference between gravel extraction and a hot plant.
- Truck entry location will be a very dangerous location – up to 250 trucks per day – dangerous corner on Highway 55 and people drive 70-80 m.p.h.

Tessa Mahone, 12823 Highway 55, Donnelly, made the following comments:

- Close to her house.
- Have lots of mining and logging trucks going on their road.
- Gravel causes dust but does not stink.

Rob Sever, 12600 Goode Lane, made the following comments:

- Half mile from proposed plant.
- Concerned with safety of his kids and trucks.
- Everyday there is lots of trucks.
- Had to wait 5 minutes to get onto road.
- Concerned with quality of air for his kids.
- Love this location.

David Smith, 1409 E. Falcon Rim, Eagle, ID, made the following comments:

- Bought property from the county.
- Bought for get away, doesn't want to see this happen.
- He will have to sell the place.

Mark Butler, representing Joan Marsted and Jim Sabatasse, 1675 E. Bishop Way, Eagle, ID, (he is not a lawyer) made the following comments:

- Requested 5 minutes.
- Joan contacted firm of Davison and Koppel and they recommended she hire a land use planner.
- 26 years of land use planning.
- Since 2000 been qualified as an expert witness for the courts on property rights.
- Where did zoning come from....explained Euclidian Zoning.
- Complimented our Comprehensive Plan.
- People came in 1500s for property rights and freedom of speech, in Eagle they control paint colors.
- Euclid case -- 90 years ago -- industrial is not compatible with residential.
- There is a need for this, but not at this location, as supported by our Comp Plan.
- Talked about portions of the 12 sections of the Comp Plan.
- Talked about health safety, private property rights, protection of each citizen, housing and community, protection of the special corridor and views.
- Quoted 9-5f-2b Heavy Industrial Uses shall not be located less than 1000' from any residential development, unless mitigated.

Phyllis Bohlman, 187 Davis Creek Lane, made the following comments:

- This is an agricultural area.
- Mark Pickard made a deal with Phil Davis to relocate this project because Mark did not want the use on Warm Lake Highway – KWP is a great project.
- This is in a 65 mph corridor on a blind curve – there will be fatalities.

- Sits right above the canal.
- We need this -- someplace else.
- Threatened if this approved it puts a big red flag up that the P&Z Commissioners are all under the influence of people with power and money.

Charlie Gibson made the following comments:

- Purchased one of the pieces -- he lives right above it.
- Gravel pit hasn't been bad.
- Asphalt will be tough to get along with.
- Should be tucked into the gravel pit.
- Will smell it up top.

Chairman Garrison asked if there were any more opponents. There were none.

Chairman Garrison asked for rebuttal from applicants.

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

- Mark Pickard did call and did have concerns about this on Warm Lake Road and suggested that it would be logical to put on the rock source to lessen the amount of trucks.
- No matter where asphalt plant is located in Valley County, the rock has to come from this site. Makes most sense to process where rock is – less wear and tear on roads, less carbon footprint.
- Comp Plan is a good document. It keeps asking for paved roads – best way is for a competitive plant near the town of Cascade – don't get too far from courthouse, because will find out the only paved road in town. Nobody prefers dusty roads, but Valley County has a limited budget.
- Valley County has an approved asphalt plant next to this plant.
- This property purchased from Valley County – would have thought Valley County would have said this is why we have this property and this is why we are selling it – he doesn't know if they disclosed.
- Life, liberty, and property...Wade owns this gravel pit and thought he would use it for its highest and best use – if Valley County denies this, it has to be for a legal reason -- this is a positive compatibility – everyone was notified in this area when the county got their pit and hot plant. The state's asphalt plant is grandfathered. This is where rock is located.
- We are a country of laws, we have due process, only way to deny them use of their property – you have to have a reason and have to state that reason, whether approved or denied. Findings of Fact and Conclusions, and the Constitution is very important.
- This is where rock is, this is where it has to be – can't be denied based upon compatibility that is where rock is located.

Josh Davis continued the rebuttal:

- Land use ordinance and Comp Plan encourage extraction of our natural resources.
- Encourages clusters of like uses – this is exactly that -- 8 existing rock sources.
- They will work 5 days a week and not work Saturdays, 6 months, ITD can do whatever they want -- they have 0 rules.
- From their standpoint – this is a bad intersection maintained by ITD and they have the ability to control this intersection – they do the traffic studies – direct complaints should

be made to ITD as an unsafe intersection, including their trips.

- He pulled property values from 2005 to current – the value of this area continue to increase with the operation of 8 gravel sources and 2 hot plants in area.

Commissioner Allen asked about the silo. Josh explained the process as follows:

- Material placed in feed bins.
- Drum heats rock to 350 degrees, so it emits steam from the stack.
- Injected with 5% liquid asphalt – silo is vertical tube that holds the heated asphalt.
- Has to be that height so trucks can pull underneath.

Commissioner Allen clarified that the material is produced at this site. Josh said, yes, raw materials, sand and gravel, will be produced at Arling site – asphalt will be brought in from local reclamation.

Unknown audience member wanted to know source of water for dust abatement. Staff stated in the application. Josh said would use mag chloride for dust stabilization or if water is needed it will be purchased and brought in on trucks from Donnelly or Cascade or their site in Cascade.

Unknown audience member asked about odor. Josh deferred to Pat. Pat Clark, Ogden, Environmental Manager, Idaho Materials and Construction, has technology on this plant to reduce the odor. Commissioner Allen asked, “what will they smell”?. Pat stated, he can’t tell you. There will be some odor at the plant site. Chairman Garrison asked if there were downwind monitoring. There is 20% opacity, which is a visible emission. He said he is not trying to avoid question, it is not quantifiable.

Chairman Garrison closed the public hearing.

The Commission deliberated.

Chairman Garrison said may not make a decision tonight.

Commissioner Allen made the following comments:

- Always two sides to every issue.
- There is definitely a history and source of gravel at this site.
- Sympathizes with people expressing environmental concerns.
- Did they know about this before they moved here?
- What is the difference between gravel and asphalt?

Commissioner Hill said she usually sides with the homeowners:

- Feels for people who purchased or given property knowing that there are gravel pits – that is not an asphalt plant.
- Granted there are 2 other plants, but not sitting right on the road.
- She wouldn’t want to live next to it.

Commissioner Cooley made the following comments:

- Lots of information.
- Mindful of both sides.

- Everyone seems to agree this is a necessary thing to have in our county.
- Seems to be a good place to put one, where other ones are located.
- Would like to look at the individual concerns.

Commissioner Allen said he needs to conjugate on this – need options to these things.

- Is this a use of an on-site resource?
- If hauling from other site, maybe some other site that it wouldn't affect neighbors, so it does make sense for environment, less hauling, less fuel consumption.
- People should look at area before they move adjacent to the uses.
- He happens to live by a gravel source, but doesn't want to smell asphalt either.

Commissioner Freeman verified that it would only burn for 45 minutes for a day's production.

Commissioner Allen asked if happy with the landscaping? Commissioner Hill said, berms with trees. Chairman Hill wanted to know where water was coming from for the landscaping?

Staff explained definition of residential development vs. single family residences. The 1000' setback is to residential subdivisions. Staff seemed to remember it came from some early 1990 decisions at this specific location. Thought it came from a court decision – Commission confirmed that it is part of our ordinance.

Chairman Garrison wants to look at this a little closer.

- How do you mitigate odors? Wants to look closer at possible mitigations.
- There is quite a bit of traffic – will reduce truck traffic since this is location of the rock?
- Will not be imported in and exported out.

Commissioner Cooley compared ... if 20 miles away – rock hauled there – then hauled back. Not to mention 100 miles from Nampa – will have to have considerable trucks on Highway 55. If source is local there is less traffic. Discussion ensued concerning truck traffic being reduced on Highway 55 and county roads.

Commissioner Allen asked how will we research potential health concerns?

Chairman Garrison discussed other concerns.

Commissioner Freeman said the model and vintage of how a plant works can affect when smells are emitted.

Asked Staff to research plant, recycled asphalt – crushing, Noise emissions, visual, extent of change in hauling, height of the plant, traffic counts in this area from ITD. Staff stated the hearing would only be opened for new information.

Motion: Commissioner Hill moved to table to allow staff to research items specified to 6:00 p.m. on June 9, 2016. Commissioner Cooley seconded the motion. Motion carried.

Commissioner Freeman opposed.

4. Nuisance Ordinance: The purpose of this proposed ordinance is to provide for the health, safety, and welfare of the public by providing a procedure for abating public nuisances

which can create traffic safety hazards, fire hazards, health hazards, eye-sores, and other problems. The ordinance establishes a five member review committee, which would evaluate and document alleged public nuisances in specified circumstances. The ordinance provides definitions of a nuisance and a procedure for abatement and/or penalties. A DRAFT version is online at <http://www.co.valley.id.us/departments/planning-zoning/meetings-minutes/>

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized exhibits. Commissioner Hill read in correspondence. Staff stated that periodically we have complaints and that we owe it to both sides to look at issues as they arise. This is the third Nuisance Ordinance that has been proposed in the past 20 years.

Commissioner Allen asked about the letter from the Prosecuting Attorney. Staff she was aware of those statutes when this process arose, but she finds them ambiguous without clear guidance of how they will be enforced.

Chairman Garrison asked for proponents.

Gerald Jutting, 13296 Finlandia Road, made the following comments:

- Comp Plan addressed some positive aspects of this ordinance.
- Purchased land 20 years ago, built 8 years ago.
- 4 years ago neighbor drug 13 abandoned vehicles onto the property and a building that has collapsed.
- Believes in property rights, but his property should not be devalued.
- He is for this ordinance.

Chairman Garrison asked for uncommitted.

Gary Swain, 13675 Farm to Market Road, made the following comments:

- Understands reason for this ordinance
- Finlandia area and abandoned mobile homes.
- Understands the pretty, and what Valley County is selling, but this is attack on property rights.
- Painted with too broad of a brush.
- Proven that a view is not a right.
- On page 3, public safety and dangerous is too broad.
- Unoccupied structures are a fire.
- Harbor rodents – he tries to control.
- Any administrator could take control.

Chairman Garrison asked for opponents.

Hershel Coulter, 123 Westwind, made the following comments:

- He is greatest offender of this ordinance.

- Straighten up the dump, take away prices at dump and cost of tires.
- Can't afford to get rid of the tires.
- Take the word commune, like Waco, that is where community and communism came from.
- Should never take a person's rights.
- If his neighbor was offended he might amend the ways.
- Marxism, the people rule, but have you self-evaluated, fine line between socialism, capitalism.

Tess Mahoney, 12823 Highway 55, Donnelly, made the following comments:

- read what Don Stone sent – a lawyer from Spokane,
- a vacant property cannot be a legal nuisance,
- what other county has adopted a broad ordinance,
- why does she have to lock the gate to her yard.

Jennifer Davis, 247 Spink Lane, made the following comments:

- Has come to their attention county wants ordinance,
- Greatest place to live,
- County founded on hodge podge people.
- Beautiful is a melting pot of centricity.
- Right of possession defined,
- Right of control defined,
- Must have freedoms,
- Subjectivity could be different opinions.
- Address mental health issues,
- Unlawful search and seizure,
- Read from her letter.
- Let us work as neighbors.

Andy Smallfins, 131 Skidoo Place, Cascade, made the following comments:

- Chicken coops and rabbit coops are not offensive.
- Neighbors should speak to each other.
- Should not blanket county for a number of complaints.
- Can't legislate peace and harmony.
- We should pray for peace.
- Encourage people to find a consensus.
- We should protect our freedoms.
- Maybe the American Flag will become a nuisance.

Dennis Stuart, 13784 Nisula, made the following comments:

- Right to not wear a seatbelt compared to health and safety,
- Cited preamble to declaration of United States,
- Is bringing up 4 mustangs to rebuild.
- Lives where he lives so he can do what he wants.

Todd Fluckinger, 212 Clear Creek Road, made the following comments:

- Past law enforcement – wore lots of badges in this county.

- Most of the definitions are subjective.
- Wording is horrible.
- A mosquito is flying around the room so we are in violation.

Jim Jones, 13802 Highway 55, Lakefork, made the following comments:

- Aware he is right on the highway.
- Tries to mitigate problems on his own.
- Thought of an anonymous person being able to steal his property – threat of losing homes through tax lien.
- Cleaning up their property is not high on their list to please people who are driving by.

Steve Landers, 132 Goslin Loop, Cascade, made the following comments:

- Opposes ordinance as written.
- Recommended putting a grandfathered clause in and it might have gone further.
- Is this a county wide CCR – this will devalue his property.
- If he chooses not to clean up his property he is fined, if he cleans it up he gets taxed more.
- We don't have a 7 day a week part store.
- Wrecked cars on his property

Craig DeMoss, 1395 Country Way, McCall, made the following comments:

- Lots of people move here because they can't stand the controlling values of city values.
- This place is great due to country ways
- State codes can regulate – let the state pay to enforce this.

Donald Skinner, 163 Goslin Loop, made the following comments:

- Has worked nuisance standards through the year.
- 2 complaints for law enforcement does not constitute a nuisance.
- This ordinance reeks with liberal big brother tactics.
- Moved here for rural lifestyle.

Erin Cook, 513 LeFever, Cascade, ID, made the following comments:

- Observed so many things that would violate this nuisance ordinance – drove by commissioners homes and they are in violation.
- Violate our constitutional rights.
- Those falling down buildings are part of our history.
- Several buildings at Tamarack not finished.
- What is the norm? What is the standard? What is a reasonable person? Sees a lot more agreement on his side.
- Studied several court cases.
- Land owners should have to make complaints – not people who just drive by the site.
- Health and safety on my property, than stay off my property, my dog or I will enforce that.

Troy Huckaby, 115 Par Drive, Cascade, ID, made the following comments:

- Abatement is one way for the county to enter property and seize what they see fit or destroy.
- Read Title 52-111 state statute describes nuisances and free use of property -- Title 9 is an extreme nuisance.

- As P&Z commissioners you have been given legislative powers – don't use it now and promise yourself to never use it again.
- Wish everyone in this room knew that trophy sitting on the table is an enactment of this very type of ordinance. America's Best Communities is a hoax put on by monopolized companies – our communication companies who are paying for us to create a socialist government.
- As far as he is concerned, that trophy is worthless and we do not need more government regulation.

Anna Clark, 441 Krahn Lane, made the following comments:

- Agrees with others.
- Said when Easter Creek was across from her property her assessments never went down.

Troy Hinck, Goslin Loop, asked how many of our tall towers run along the ridge – Idaho Power lines should be underground.

Shelly Irwin, Yellow Pine Enhance Society, made the following comments and submitted a letter:

- Gossi scrap yard is what we should be doing.
- What irks her the most is five new jobs.
- Invasive disregard to citizens.
- Recommends a ballot.
- Yellow Pine is still against a gate on Stibnite Road.

Marvin Allen, 10879 Highway 55, made the following comments:

- Afraid he was the cause.
- He is trying to clean it up – he doesn't like it either.
- It costs a lot to get rid of trash in this county.
- Someone said, bury it, but that's not right either.

Mandy Victorina, 517 W. Pine, Cascade, ID, made the following comments:

- Said who is not offended by cow poop.
- Our officers are already busy.
- Neighbors should talk to their neighbors.

Roy Corder, 58 Coyote Trail, Clear Creek, made the following comments:

- Are you elected?
- Will un-elect county commissioner who appointed you.
- Will file a class action suit against the P&Z Commissioners.

Larry Malone, 153 Boulder Place, Donnelly, said the county is in violation – there are decorative rocks that are dangerous.

Rob Nelson, 449 West Mountain Road, made the following comments:

- Opposed to anything that takes away our rights.
- If county Prosecuting Attorney opposed why are we doing this?

Jerry Robinson, 321 Finn Church, made the following comments:

- These things tend to grow.
- For example, building permits were \$5.00 now we use the IBC for tornadoes and hurricanes.
- Unintended consequences.
- We don't live in utopia.
- Understands why this came up – he has spent time at road department and listened to people complain.

Jose Olano, 31 Goslin Loop, made the following comments:

- Has seen so much regulation afraid to walk out there.
- Who is really trespassing here.
- People call him trailer trash.
- He is building on his 3 Toyotas
- People use to complain about his horse.
- Has to stop somewhere it is getting ridiculous.
- His mom in Nampa gets fined if her paint peels on her house.

Chairman Garrison asked for rebuttal.

Chairman Garrison closed the public hearing.

The Commission deliberated.

Commissioner Allen doesn't have a strong opinion how he was going with this one way or the other. How do we deal with this? Have heard lots of things about the constitution. Is there something that needs to be looked at further here? Does the county need to step up and help? Will talking to your neighbors really help? Maybe a referendum...but have to have something to work with. Is it something we need to deal with – where does it go?

Commissioner Freeman thinks a major overstepping of government; we don't have the funding. This is subjective. Hasn't liked it from day one.

Commissioner Hill stated it is the role of government to protect everybody including peoples' personal property rights. Lots of things like historical houses that were brought up. This was the first time we heard from the attorney. Some concerns in this county are the unlocked abandoned houses as drug houses. Enforce state statutes when it becomes an issue. There still has to be a way to complain.

Commissioner Cooley said the short time he has been there has been empty rooms. We have had a lot of meetings but the room was empty. Has a problem with over regulation. He is now aware of these state statutes. What is currently written will most likely not be carried forward.

Chairman Garrison said this has been going on for over a year at the direction of the Commissioners. We have tried to get input. Has always thought this would be a tough thing to do. Government intrusion on other people rights. There have been some good ideas brought forth, such as tires in the dumps, community workers.

Commissioner Allen would like to examine if the state ordinance does what we want it to do? Object was to deal with individual circumstances. Any new ordinance would need to take out some of the fear – do not want to step on property rights.

Staff would like to investigate the State Statute. How is it enforced? What is the process? Who do people call with complaints?

Commissioners agreed overwhelming testimony, this night, is opposition to ordinance.

Commissioner Allen moved to table for opportunity to research state codes to see if there is any reason to have a land use nuisance code. Commissioner Cooley seconded the motion. Motion carried.

E. FACTS AND CONCLUSIONS

- C.U.P. 16-02 Amendment to C.U.P. 12-07 Soulen Gravel Pit

Motion:

P&Z Commissioner - Kathy Deinhardt Hill: Motion

P&Z Commissioner - Ed Allen: 2nd

P&Z Commissioner - Ed Allen: Approve

P&Z Commissioner - Kathy Deinhardt Hill: Approve

P&Z Commissioner - Bryan Cooley: Approve

P&Z Commission Chairman - Rob Garrison: Approve

P&Z Commissioner - Scott Freeman: Approve

Meeting adjourned at 10:18 p.m.