



# Valley County Planning & Zoning Commission

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Rob Garrison, Chairman  
Kathy Deinhardt Hill, Vice-Chair

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

## MINUTES

Valley County Planning and Zoning Commission  
June 9, 2016  
Valley County Court House - Cascade, Idaho

### A. OPEN: Call to Order

P&Z Administrator - Cynda Herrick, AICP: Present  
Board Member - Ed Allen: Absent  
Board Chair - Rob Garrison: Present  
Board Member - Kathy Deinhardt: Present  
Board Member - Bryan Cooley: Present  
Board Member - Scott Freeman: Present

A quorum was present, Commissioner Allen was excused.

### B. MINUTES: May 12, 2016

Motion: Moved to approve the minutes of May 12, 2016.

P&Z Commissioner - Kathy Deinhardt Hill: Motion  
P&Z Commissioner - Scott Freeman: 2nd  
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:

- 1. C.U.P. 06-02 Settler's Mill #1 Subdivision – Extension Request:** Knife-River Corporation is requesting a two-year extension of the conditional use permit that expires July 2016. The original approval was to establish a 64-unit subdivision comprised of 50 single-family homes and 14 condominiums, community wells, and on-site waste water treatment facility. The

31.167 acre site is located at the northwest corner of Highway 55 and Loomis Lane in the SWSE Section 23, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibits: exhibit 1 – Letter from Donnelly Rural Fire date June 7, 2016.

Chairman Garrison asked for the applicant's presentation.

The applicant, Dave Yorgason, 14254 Battenberg Drive, Boise, ID, introduced himself and made the following comments:

- Agreed with the Staff Report.
- He was hired a couple of months ago.
- Dave Turner retired and Knife River hired him to sort out this mess.
- He continues to go through the binder – had submitted what he believes is approved.
- There is a substantial amount of infrastructure in place.
- The site has been kept clean.
- Market is moving slow, but seems to be picking up.
- Requests a 2 year extension to move the project forward.

Chairman Garrison asked about the number of units. Mr. Yorgason has tried to research the numbers, but the documents are confusing. The plan is the 77 lots on the preliminary plat versus what was stated in the staff report. Chairman Garrison asked if they plan to build the homes. Yorgason stated they will put together a team with some of the local builders – this is a consideration.

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 asked about the number of units. Staff stated there has been quite a bit of confusion. Staff would like to see the extension given to allow Yorgason time to do the market analysis, etc.

Discussion ensued concerning all the different names and preliminary plats.

The Commission recognized the infrastructure that was in the ground.

COA: Work session with P&Z Commission showing proposed plan prior to any future on-site work within one year.

Commissioner Hill moved to approve two year extension for CUP 06-02 Settler's Mill with the stated conditions. Commissioner Cooley seconded the motion. Motion carried.

Chairman Garrison explained the ten day appeal period.

**2. 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. [Tabled from meeting on May 12, 2016.]

Chairman Garrison introduced the item. Chairman Garrison asked if there was any *ex parte* contact or conflict of interest. Commissioner Freeman stated he works for Wade Olson, the property lessor, and he will recuse himself.

Commissioner Cooley moved to remove C.U.P. 16-04 Asphalt Hot Plant from the table. Commissioner Hill seconded the motion. Motion carried.

Commissioner Hill moved to re-open the public hearing in order to place new information, as requested by the Planning and Zoning Commission, in the record and allow for public testimony. Commissioner Cooley seconded the motion. Motion carried.

Chairman Garrison asked for the Staff Report. Staff stated that all new information has been e-mailed to Josh Davis, the applicant, and Mark Butler, the agent for the opponents. Staff presented the Addendum to the Staff Report and summarized the following exhibits:

- **Exhibit 1:** Josh Davis – email containing exhibits 2, 3, and 4.
- **Exhibit 2:** Asphalt Plants – Know the Facts
- **Exhibit 3:** Hydrogen Sulfide Program
- **Exhibit 4:** Baseline Ambient Air Quality Monitoring Report Staker & Parsons Companies Keigley Quarry – June 2003

- **Exhibit 5:** Karen Southard – This is a recreational area. Allowing this operation would endanger Gold Fork River and Payette River, and Lake Cascade. Air pollution and foul odors for residents and people driving by.
- **Exhibit 6:** Mike & Collen Fein – Full-time residents in Pointe at Goldfork subdivision. Location is incompatible with homeowners and traffic and would be a eyesore in otherwise gorgeous area. Risks contamination of Gold Fork River and Cascade Reservoir.
- **Exhibit 7:** Mark L. Butler, Land Consultants – Tonight’s meeting not properly noticed. Cynda and P&Z Commissioner site visit is Open Meeting Law violation.
- **Exhibit 8:** Valley County Deputy Prosecutor’s email that “Mr. Butler’s arguments have no merit.”
- **Exhibit 9:** Site Visitation Question – Evans versus Board of Commissioners of Cassia County (2002)
- **Exhibit 10:** Due Process – Neighbors for a Healthy Gold Fork versus Valley County (2007)

Chairman Garrison asked for the applicant’s presentation.

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

- After reading staff report, asked for clarification of new information. Staff read from Staff Report: type of plant, recycled asphalt and crushing of it, height of plant, noise emissions, visual impacts, extent of change in hauling, traffic counts in the area from ITD.
- Current plant is the plant tied to the air quality permit in the original application and that is the plant they intend to locate here.
- Recycled asphalt is most recycled product in the world – will not be crushed on-site. They do chunk removal at the site, roto-milling that chews up material and loads it directly into the truck. This material will be crushed off-site and transported to site on an as needed basis.
- There were no noise monitoring reports submitted, but this plant will operate within the parameters of the Valley County ordinance.
- Visual impacts are shown in pictures provided to staff. The highest point of the plant is the silo, 95% sand and gravel, mixed with 5% oil and heated to 350 degrees in the drum and transferred by conveyor belt to the silo. Do not run plant constantly, because the silo will hold enough asphalt for that days paving. Silo is 100’ feet tall. Visual impacts would be subjective and mentioned the 150’ cell tower to the east.
- Amount of truck traffic on Highway 55 will be less than there is currently. Example: 37 trucks from Boise valley vs. 7 trucks if produced locally for the Cascade project.
- This is a good location because there are not very many basalt sites in Valley County.

- Provided traffic report completed by Idaho Transportation Department in January of 2016. Corridor from New Meadows to Banks as the baseline and addressed number of accidents and accidents at various intersections. Results are that 5 intersections are undersized in Valley County – intersection of Goode Lane and Highway 55 was not addressed in the study and not deemed to be a dangerous intersection.

Commissioner Hill asked about the noise – you say it meets the ordinance but what makes noise? Will people hear this when they start burning. Patrick Clark, 1350 South, Ogden, UT, responded: you will hear the plant when it is in operation. It is observable. The sound level varies by plant – he has not measured this specific plant.

Chairman Garrison asked for proponents.

John Stevenson, 126 Par Drive, Cascade, ID, addressed the emissions side of this plant, as follows:

- Addressed people most affected by hot plants -- most affected people are operators of the plant.
- Governed by MSHA, OSHA, and EPA/DEQ. These agencies are in place to make sure operators are kept healthy. These agencies will step in if the plant is not safe.
- If safe enough for operators, safe enough for the public.

Steve Millemann, attorney, 706 N. 1<sup>st</sup>, McCall, Idaho, made the following comments:

- He is appearing on behalf of the owners of this property and Arling Pit.
- He is comfortable advocating for this use.
- He reviewed Butler's submittals concerning the legality of the opening of the public hearing, and respects his opinion, but disagrees.
- There is nothing unusual about your process today – you have solved any problems by re-opening the hearing.
- He has been on both sides of this type of operation and people become passionate.
- He urges the Commission to process everything that is heard through one lens – the Land Use Ordinance. Do not deny if there are more people against this application or if people are angry. Base the decision on the 9 questions in the Compatibility Rating.
- Challenges anyone objectively applying Compatibility Rating that is positive – would need a compelling reason to deny this application.
- That is what makes this quasi-judicial process a rational process versus a political process.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents.

Kay MacDonald, 12598 Seubert Lane, made the following comments:

- We have been here many times.

- 13 years ago all the properties except theirs were bought out by the county – their property is most affected.
- Described husband's health issues – COPD – have lived at this site and the air quality in the area has contributed to his COPD.
- They have witnessed a lot of truck traffic in this area, air pollution, and the noise.
- Have seen accidents on Goode Lane – people get impatient behind gravel trucks.
- They hear a lot of machinery noise -- currently starting at 6:00 a.m.
- They could smell previous asphalt plants in the area.
- Would like all properties mitigated in this area.

Julie Dahl, ½ mile south, 12952 Takeuchi Drive, Donnelly, ID, made the following comments:

- Didn't know about the last meeting, but a neighbor called her this week.
- Lives in Nampa.
- Went to observe asphalt plants in Nampa.
- 100' stack would be 4 telephone poles – towers she observed were humungous towers.
- Sat in parking lots and listened to the operation that made quite a bit of noise.
- She did not detect any smells.
- Was told there are lots of regulations in place for dust, air, etc. – when started in the morning there is some dust before asphalt added.
- Everyone is concerned about land values.
- Not especially opposed but would like to see a different site proposed due to visual impacts on Highway 55 – perhaps on the other side of Koskella Road.

Bill Pennel, 12776 Koskella Road, Donnelly made the following comments:

- You are in a tough position.
- Everyone in Valley County will have to live with your decision.
- This application is wrong, wrong, wrong.
- Not right to wreck a lifetimes' quality of life.
- Objective of comprehensive plan is to protect private property rights.
- No guidelines for smell.
- Risk to water system is tremendous – one mistake cannot be made. Would be harmful to aquatic life.
- There are 17 homes, 2 subdivisions within a one mile radius of this site.
- Several elderly folks will be driven from their homes due to harmful effects.
- 100' silo does not convey the beauty of Idaho.

Cynthia Pennell, 12776 Koskella Road, made the following comments:

- Agrees, but disagrees with Steve Millemann – must follow ordinance and comprehensive plan.
- A hot asphalt plant is heavy industrial it is not extractive industry. Read from the ordinance.
- Since this is heavy industrial, it changes setbacks, heights, odor elimination, etc.

- Staff report leads you to believe this is not heavy industrial.
- Maximum building heights should be 45 feet not 100 feet.
- Have not addressed fencing.
- If you read the ordinance page by page this application does not comply.
- The residential uses were not taken into account.
- Should consider property values within 3 miles.
- Read regulations against this proposal.
- Measured decibels this morning at the other plant and they are too high.

Rob Sever, 12600 Goode Lane, Donnelly, ID, representing himself and Allan Bloxham commented on the following:

- Since trucks are running for bridge repairs he has a broken windshield.
- Granite trucks are so long that they can't make a right turn onto Highway 55.
- Read letter from Allan Bloxham.
- Change from agricultural to commercial should get more notice.
- Concerned with noise, safety, air quality, etc.
- This is a permanent plant, not a portable plant.
- Violation of Title 9 of the statutes.
- Need studies for air quality Corps of Engineers, Fish and Game, etc.
- Has seen no spill prevention plan.

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

- Wished Mark Pickard was here to talk to Phil Davis so this plant would be put in the proper location.
- Narrowest part of valley with lots of traffic.
- Plants need 10,000 gallon tank for hot oil, described sizes of tanks needed.
- All of this stuff comes up on hazmat trucks from the Boise Nampa area. Must be heated to 285 degrees – will cause someone to go into the river – these trucks burn a lot of oil.
- This is hazardous hot oil.
- Basalt is small part of the product.
- Wade Olson has nice looking site south of Cascade – this plant should go there.
- Takin away quality of life.
- Another plant is great, but put it in the right place.

Richard Lloyd, 77 Rooney Av., Boise, ID, made the following comments:

- Friend of Joan Marsted.
- Comes to Cascade for hunting, fishing, hot springs.
- Need to follow ordinances.
- Every issue Mark Butler brought up was cited by code.
- Comments from applicant stated they would follow due diligence but applicant didn't know decibel level.
- If they don't read ordinances how will they follow the ordinance?

- Just because there is one eyesore of a cell tower doesn't mean there should be five eyesores.
- There is more than safety for workers, there are smells to residences.
- What kind of emissions from trucks?

Kathleen Koskella, 224 S. Hayes, Emmett, ID, made the following comments:

- Homestead is near this site.
- Concerned about emissions.
- If in violation do we stop the plant due to noise violation?
- If there is a spill what happens?
- If this plant leaks into the ground who is responsible?
- What happens if the company goes bankrupt?
- No one warned people this use would occur at this location.
- Shouldn't put profit over humanity.

Mark Butler, representing Joan Marsted and Jim Sabatasse, made the following comments:

- Went through a lot of files in the office this morning.
- Went through all the applications for all the pits in the area.
- Undisputed facts for denial.
- All of the gravel extraction operations in this area have a reclamation plan.
- There are no asphalt batch plants in this neighborhood – staff report outlined 2, but there is no file on the state pit – there is supposedly one.
- Odors cannot be quantified.
- There is no decibel level.
- There are no deed restrictions on Joan's property.
- 2007 appraisals were done at the peak of the market – Joan bought at an auction – doesn't see why it matters that she paid. Put \$500,000 into the property.
- Homes are homes, residential development definition does not matter.
- Property values will go down.
- Public hearing was not re-opened and people left.
- This meeting not noticed – 300 people at last meeting. Should close this hearing and re-notice.
- DEQ states they cannot limit odor.
- None of the 3 commissioners can say that they would want to live at 18 or 25 Goode Lane.

Chairman Garrison asked for rebuttal.

Phil Davis, 19 Warm Lake Highway, rebutted:

- Most of the information that was needed was available at the last meeting; direction was to stick to the questions asked – there was a lot of information provided that was unexpected.
- Should we rebut only the height, truck traffic, and sound?

Chairman Garrison said rebut anything presented. You have an opportunity to rebut anything that was said.

Phil Davis, commented, they just wanted to make sure they were following process and made the following comments:

- Mr. and Mrs. McDonald were here 13 years ago and they chose not to sell their property to Valley County. (Phil Davis was a County Commissioner at the time.)
- This is an industrial area – there are 3 heavy industrial plants in this area. Seuberts, the state, and county all have approval for hot plants.
- Valley County has enough rock at this location to supply the county into perpetuity – more rock than they will ever need.
- Seubert has 8 acres and State has a large parcel – this area will not be depleted of gravel soon.
- Nitrogen, oxygen, and water are emitted from the plant – things that are naturally occurring in our air. People work with asphalt constantly; if it were unhealthy there would be regulations in place.

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

- There was a google earth map that overlaid this area and shows the plant.
- There are 3 sites that can have asphalt at any given time.
- Property values continue to increase even with these approvals.
- Oil delivered to Valley County – 36 trucks will be needed to deliver asphalt oil for this entire year – gas/fuel tankers probably deliver that in a week.
- There are numerous preventative plans in place. In the event of a spill, there are \$7 million dollars work of insurance available.
- Unclear about reclamation plan requirement. There is none for this site due to it being grandfathered.
- This is a portable plant – can be moved in a week – driven by market.
- Profit over humanity – they make their living hauling asphalt from Boise. Cost difference is passed on to customers – will be cheaper for private sector and local governments with a local plant. They are in the business to make a profit – especially for the 100 employees and families they employ.

Patrick Clark, Utah, clarified the following items:

- Has not measured the noise level at this particular plant.
- Average decibel level in this room is 70, double the 40 allowed erroneously stated by someone who gave testimony.

Chairman Garrison closed the public hearing and brought it to the table for deliberations.

5 minute break.

The Commission deliberated.

Commissioner Cooley stated the following:

- There is a lot of information provided.
- A lot of things to think about and consider – will come back to compatibility and our ordinance and if there is anything that will support denial. Sees nothing that supports denial of this application.
- Too him there is relatively low residential use and a lot of compatible uses.

Commissioner Hill made the following comments:

- Appreciates all of the information presented.
- EPA says newer batch plants don't emit toxins.
- She listened to batch plant in McCall and it is loud and there is odor.
- Will have less traffic on Highway 55, but more traffic for people on Goode Lane.
- When industry is close to homes, it has to be mitigated.
- Received a letter about personal property rights and in same paragraph talked about reverse taking of property rights. When issues can't or aren't mitigated we have taken those people's property rights.
- Those people that live so close and it can't be mitigated.
- 3 plants in area is a "could be", but this is a new one.
- Doesn't like taking away personal property rights.

Chairman Garrison made the following comments:

- Still has some concerns about mitigation and height of tower and what it will look like – would like a condition of approval that the stack be painted a beige color to match the hillside behind it.
- Doesn't think smell can be mitigated.
- In all of the research provided he found that gravel pits appear to be more harmful than the hot asphalt plant due to dust.
- This use is what this area is, there are two approved batch plants at this site – not aware of the third – our goal is to try to keep like uses in the same area.
- Soil types at this site are good for this type of use in case of accidents due to the heavy clay.
- There are spill plans in place as approved by federal and state agencies.
- This is centrally located in the county.
- Did a compatibility rating, but not as high as staff's.
- Sees no reason to deny this application.

Staff read through the following applicable portions of the Valley County Code (VCC):

**9-5F-2: INDUSTRIAL USES; SITE OR DEVELOPMENT STANDARDS:**

*Industrial uses requiring a conditional use permit shall meet the following site or development standards:*

## 2. Heavy Industrial Uses:

- a. *The minimum building or use setbacks for heavy industrial uses shall be one hundred fifty feet (150') from front and side street property lines, one hundred feet (100') from rear property lines, and seventy five feet (75') from side property lines. Heavy industrial uses shall be located not less than one thousand feet (1,000') from any residential development, civic, or community service use or commercial use, unless the impacts are adequately mitigated by implementation of standards as approved by the commission. The setbacks will be determined in relation to impact mitigation.*

Staff referenced minutes from May 12: Setbacks are to the North – 80', South 200', East -120', and to the West – 400'. Staff believes the application complies with the setbacks.

Staff read definition for Residential Development from the VCC: “a platted subdivision that contains more than one lot.” Staff confirmed the closest “Residential Development” is to the south and it is a little over 1000’.

Staff continued through the VCC.

- b. *The current use of vacant adjacent property shall be presumed to be its highest and best permitted use.*
- c. *The above specified minimum building or use setbacks and the setback from any residential development, civic or community service use, or commercial use shall not apply to those heavy industrial land uses specifically related to processing gravel and other building or landscape materials including screening, classifying, and/or crushing said materials at sites approved by the county for said purposes that are located outside the North Fork of the Payette River drainage of the county and the duration of the processing is less than thirty (30) days per calendar year.*
- d. *The above specified minimum setback from any residential development, civic or community service use, or commercial use shall not apply to those extractive industry uses specifically related to gravel and other building or landscape materials including excavation, stockpiling, and/or hauling said materials at sites approved by the county for said purposes that are located outside the North Fork of the Payette River drainage of the county.*

## 3. Extractive Industry Uses:

### C. Maximum Building Height And Floor Area:

1. *Building heights shall not exceed forty five feet (45') for light industrial uses, and shall be unlimited herein for extractive industrial uses. Building heights for heavy industrial uses shall not exceed forty five feet (45').*

Staff stated the 45' height limit would be for buildings, not the stack or silo. Staff read the definition of building from the VCC: “Any permanent structure over three feet (3') in height built for the shelter or enclosure of persons, livestock, materials, equipment, etc”.

Staff continued through the VCC.

2. *The building size or floor area shall not exceed the limitations of subsections [9-5-3A](#) and C of this chapter.*
3. *No building or combination of buildings may cover more than forty percent (40%) of a lot for light industrial uses and thirty percent (30%) of a lot for heavy industrial uses.*

D. Site Improvements:

2. *Fencing shall be installed in heavy industrial and extractive industry uses where hazardous conditions or operations are proposed. The fencing shall be adequate in height and construction to secure against random entry into such areas.*
3. *Parking spaces shall be provided at the rate of one plus one per two hundred fifty (250) square feet of floor area where applicable for light industrial uses; and one plus one per four hundred (400) square feet of floor area for heavy industrial uses. In any event the parking area shall be adequate to provide parking for employees and visitors.*

Discussion ensued concerning fencing as indicated on site plant, setbacks, odor, and noise, etc.

Chairman Garrison said the noise is no different from a crusher. Takeaway from the studies is that there is more odor from a truck than from the production of the asphalt at the plant.

Chairman Garrison said that at the last meeting it was determined that the most smell most emitted during the 45 minutes of production. EPA shows there is no toxicity.

Staff continued through the VCC.

**9-5B-1: NOISE:**

*A. Commercial Or Industrial Activity: The noise emanating from any commercial or industrial activity shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed forty (40) decibels between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., and sixty (60) decibels at other hours at the property line if adjacent uses are not the same.*

Chairman Garrison stated that we have monitored gravel pits before. Staff confirmed that the other Granite pit on East Lake Fork had to be monitored.

Discussion ensued concerning the use of the berm on the south to mitigate noise.

Read definition of building – Commission determined the stack is not a building.

Staff confirmed that when the county put in their pit all of the property owners were offered to be bought out. Discussion ensued...Commissioner Hill said that was for a public entity not a private entity and they would continue. Chairman Garrison stated, like they can do now.

Staff stated there is a spill prevention plan in the application.

Discussed COA #9 concerning irrigation canal.

COA: Shall paint the stack a flat beige or color to blend into the surrounding area.

Discussed definition of fencing requirements in 9-5F-2 "Fencing shall be installed in heavy industrial and extractive industry uses where hazardous conditions or operations are proposed. The fencing shall be adequate in height and construction to secure against random entry into such areas." Staff read definition of random, "made, done, happening, or chosen without method or conscious decision."

Commissioner Hill would like to see time limits: Monday through Friday - no Saturdays, Sundays or holidays. They proposed 7 a.m. to 7 p.m. with maintenance before and after those times.

Staff and Commission read through the ordinance.

COA: Shall place berms with a 3:1 slope on the south and west sides of the property. All berms shall have vegetation that holds the soils -- must be watered as needed.

COA: Fencing and lockable gates shall be place in any location there is no berm so as to prevent random entry into the area.

COA: Shall not operate plant on weekends or holidays. Operation of the plant includes production.

COA: There shall be no fugitive dust emitted. Must use dust palliatives.

Commissioner Cooley moved to approve C.U.P. 16-04 with the stated conditions of approval. Chairman Garrison seconded the motion. Discussion: Commissioner Hill does not believe impacts can be adequately mitigated to eliminate reverse property takings. Motion carried, Cooley – aye, Garrison – aye, Hill - nay.

Chairman Garrison explained the ten day appeal period.

#### **D. NEW BUSINESS:**

##### **1. C.U.P. 16-05 Mile High Showroom – amendment to C.U.P. 00-15 Hinson Power Sports:**

Lake Port Holdings LLC is requesting approval to construct a new showroom. The building will be approximately 5,000 sq ft and will be used to display new units for sale. The site is 8.9 acres, addressed as 13924 Highway 55, and located in Hinson Acres Subdivision Lot 4 in the NW ¼ Sec. 3, 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.

The applicant, Sam Worley, 3281 Big Creek Road, stood for questions.

Commissioner Hill asked if the new building would take care of all the stuff stacked outside. The applicant stated it will enclose the new equipment.

- Business ebbs and flows through the year.
- Explained where all storage and display of items will be on the large site plan (exhibit 1).

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.

COA: Shall only display items in approved locations and store boats for customer pickup on east side of new showroom.

COA: Crated new items, trailers, miscellaneous must be in fenced area.

Commissioner Hill thinks it is fine so long as they place items for display in approved areas.

Staff stated Commissioner Allen would really like new lighting plan.

Commissioner Hill stated crates and items should be in fenced area.

Commissioner Hill moved to approve C.U.P. 16-05 Showroom for Mile High Sports with the conditions of approval. Commissioner Cooley seconded the motion. Motion carried.

Chairman Garrison explained the ten day appeal period.

**2. C.U.P. 16-06 Huckleberry Jam Camping Site:** Mike Owens of Townsquare Media Boise is requesting approval to establish an annual camping area for a maximum of 200 tents and 500 people and a temporary music stage. The event will be held during the Huckleberry Jam which is held annually in August, during Donnelly's Huckleberry Festival. A shuttle will be available for transportation and porta-potties would be on-site. Open fires and fireworks would be prohibited. Access would be from Discovery Drive. The camping and associated parking area would be at Tamarack Resort on land owned by New TR Acquisition CO LLC, and includes a portion of RP00514019000B, addressed as 311 Village Drive, located in Section 5 T.15N R.3E, Boise Meridian, Valley County, Idaho.

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibit: exhibit 1 – Donnelly Rural Fire Protection District letter dated June 7, 2016.

Chairman Garrison asked for the applicant's presentation.

The applicant, Mike Owens, made the following comments:

- 3 days of camping
- 2 days of music
- Adjacent to hole No. 4 on the golf course
- Will mow each week to take grass down to a nub
- A golf path surrounds the area
- There will be 15 security personnel
- Submitted letter from Juan Bonilla, Donnelly Fire
- Organizes events with 15,000 people – they over think and prepare for these events.

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 thinks this is a better location and fire department is involved.

Commissioner Freeman said it is all on pavement.

Commissioner Hill clarified the BBQ and grills.

Commissioner Cooley thinks this is a much better spot.

Commissioner Hill moved to approve C.U.P. 16-06 Huckleberry Jam Camping Site.  
Commissioner Cooley seconded the motion. Motion carried.

Chairman Garrison explained the ten day appeal period.

#### **E. FACTS AND CONCLUSIONS**

- VAC 16-02 Vacation of Vanity Court
- Amendment to C.U.P. 12-09 -- 2 Sisters Country Store

Commissioner Hill moved to approve the Facts and Conclusions for VAC 16-02 Vacation of Vanity Court. Commissioner Freeman seconded the motion. Motion carried.

Commissioner Hill moved to approve the Facts and Conclusions for CUP 12-09 -- 2 Sisters Country Store. Commissioner Cooley seconded the motion. Motion carried.

#### **F. OTHER ITEMS**

- Large Gathering Permit – 4 Summit Challenge: Staff informed the Commission that the 4-Summit Challenge will start at Crawford instead of in Cascade this year due to road construction on Warm Lake Highway. They will apply for a Large Gathering Permit.
- Moudy Mountain Festival: Staff informed the Commission she has received a conditional use permit, but not in time to hear it before the event is scheduled. It will be heard in July. For 2016, it will operate without a permit, as typical when these events are discovered too late.
- Abrams Pit Privy: Staff described the location as 10 acres without power. Commissioner Freeman moved to approve Abrams' pit privy on Silver Fox Spur. Commissioner Hill seconded the motion. Motion carried.

Adjourned at 9:37 p.m.