

MINUTES

ADAMS COUNTY PLANNING & ZONING COMMISSION

Regular Meeting

June 15, 2020, Adams County Courthouse

7:00 p.m.

Members Present: Al Becker, Julie Burkhardt, Kip Kamerdula, Dennis Nau, Mark Peterson, Joe Warner

Members Absent: Royce Bauer

Others Present: Road & Bridge Supervisor Kraig Spelman; P&Z Administrator Wendy Green

Public Present: Jeremiah Conaway; Tara Dall; Reed Henderson; Don Horton; Mark Mahon; Joe Mahon; Sandy Mahon; Louis P. Rhoades; Chris Seubert; Lester Schenenberger; Joyce Zollman

1. **Call to Order:** Chairman Dennis Nau called the meeting to order at 7:00 p.m.
2. **Review Agenda:** Julie Burkhardt moved to approve agenda as presented; Al Becker seconded; passed.
3. **Approval of Minutes:** Julie Burkhardt moved to approve the minutes of the March 16, 2020 regular meeting as presented; Joe Warner seconded; passed.
4. **New Business:** At 7:05, Chairman Nau opened the public hearing on the application for Conditional Use Permit by Joe Mahon of Tom Mahon Logging. The Chair reviewed the hearing procedure for the public and asked if any commissioners wished to recuse themselves due to conflict of interest; there were none. The Administrator presented the staff report (on file). Applicant Mark Mahon of Council explained that Mahons need to excavate the sheer rock face east of their shop to restore a 3:1 slope, replace overburden and seed grass on the site to meet requirements of their Mined Land Reclamation Plan with the Idaho Department of Lands. They want to contract with a company to bring in a crusher to crush the excavated rock. Mahon attested that whichever contractor they select will be required to meet operating hours set in the CUP and perform standard dust abatement. Mahons previously crushed rock on this site in 2013 and 2016 under Conditional Use Permits issued by Adams County. There were no documented complaints or issues from the county, the City of Council, or the public. Mahons anticipate crushing approximately 30,000 yards of rock and expect to complete crushing this year. They will use excavation equipment to remove the rock and will not do any blasting. Mark noted that, over the last fifteen years, they have served more than 250 customers with rock amounting to nearly 50,000 yards. Sales income, including trucking, was \$625,000. Mahon Logging paid more than \$50,000 in wages and \$17,000 in sales tax related to the sale of rock. They use an honor system that allows customer to load rock any time, any day. Rock from this site does not meet specifications for State highway work but is acceptable for public works and county roads. In response to concerns stated in written comments from Louis P. Rhoades, Mark noted that the

property was surveyed at the time the subdivision was platted and the corner pins have been located and steel T-posts set at intervals on the property line by the surveyor.

Chairman Nau asked for public comment. **Louis P. Rhoades** of Council, whose home is 400 yards from the site, said he favors the rock crushing but has concerns that his 40-year-old well could be affected by blasting. Mahon assured Mr. Rhoades and the Commission there will be no blasting. Mr. Rhoades inquired about setbacks; Chairman Nau explained that setbacks are determined on a case-by-case basis in the Industrial Zone. Mark Mahon proposed maintaining a 25-foot buffer from the property boundary, and Mr. Rhoades agreed that was acceptable. **Don Horton**, former P&Z Administrator, stated Mahons have followed through and done what they agreed to do under their previous CUPs. **Kraig Spelman**, Adams County Road & Bridge Supervisor, said there is a need for jobs in the county and there is a limited number of active rock pits. There were no comments opposed.

There being no further public comment, Chairman Nau closed the public hearing at 7:33. **Al Becker** inquired about the timeline for crushing, and **Mark Mahon** said they expect to complete the work this summer. The crusher will only be on site for about a month. **Mark Peterson** asked for clarification, as the CUP application estimated 10,000 tons of rock. **Mark Mahon** explained that they had since taken measurements of the hill and recalculated approximately 30,000 yards of rock could be recovered. This will be the last time they crush at this site, as the source material will be exhausted. **Chairman Nau** reviewed the criteria and standards for approving conditional uses, including mitigation of noise and dust impacts to neighbors and the availability of infrastructure/public services. As Mahons have crushed here twice before, those criteria are presumed to be met. The operation provides a service to the public and is not injurious to adjoining landowners. **Julie Burkhardt** suggested limiting hours of operation to mitigate impacts to neighbors. After discussion, the Commission proposed and the applicant agreed to operating the crusher between 7:00 a.m. and 7:00 p.m. daily as needed. With that condition, and with the stipulations agreed to by Mahons and Rhoades of no blasting and a 25-foot setback, and the contractor will perform dust abatement, Al Becker moved to recommend approval of the CUP; Kip Kamerdula seconded; passed with six in favor, none opposed.

5. **Old Business:** Members of the public left the meeting at 7:40. Commission discussed the upcoming hearing on the Valley Knolls plat and asked whether Jeff Batten with Southwest District Health would be available to report on groundwater monitoring. **Administrator Green** reminded the Commission that they do not need to reach a recommendation at the July 20th hearing. They can continue the hearing as needed in order to gather all the necessary information before making a recommendation to the BOCC.

Commissioners Mike Paradis and Viki Purdy joined the meeting at 7:45 for a work session to discuss amendments to the zoning and subdivision ordinances. They discussed the public hearing process required to amend an ordinance. Among the items identified as priorities were these:

- “Split guidelines,” or Resolution 2006-11, The Intent of the Subdivision Ordinance
 - 2-year exception
 - Dividing very large tracts
 - Bequests
 - Difference in number of parcels allowed if ≥ 40 ac. or less than 40

- Permitted and conditional uses in the ATG Zone
- Specifying that only one additional dwelling for family is permitted on a parcel
- Short-term Rentals
- Discrepancy re: access to a parcel requiring road frontage of 50 feet v. 60 feet
- Private rock pits to be allowed without CUP if no sale of rock

There was discussion about the cost of providing infrastructure and public services to outlying properties, including the fact that landowners may not be aware that their property is in “no man’s land” beyond the boundaries of any fire protection district. **Mark Peterson** pointed out that fire code has maximum driveway grades and other standards that must be met in order for emergency responders to access a property. Meadows Valley Rural Fire District only responds to structure fires; Southern Idaho Timber Protection Association responds to timber/wildland fires in the Meadows Valley. Council and Indian Valley RFDs respond to both structure and wildland fires.

Mike Paradis offered to type his notes on items to be considered for amendment and send to Wendy to distribute to P&Z for discussion at the next meeting. The Commission and BOCC will work to craft appropriate language and then schedule the required public hearing on proposed amendments.

Mike informed the Commission that Royce Bauer has officially stepped down from P&Z, leaving an open seat from the Council area.

6. Upcoming Meetings:

Next Regular Meeting: July 20, 2020 at 7:00 p.m., at the New Meadows Community Center, including a public hearing on the preliminary plat for Valley Knolls subdivision.

7. Adjournment

Meeting adjourned at 9:05 p.m.



 Chairman

_____ Date 7/20/2020

