MINUTES

ADAMS COUNTY PLANNING & ZONING COMMISSION
Regular Meeting
March 16, 2020, Adams County Courthouse
7:00 p.m.

Members Present: Royce Bauer, Al Becker, Kip Kamerdula, Dennis Nau, Mark Peterson, Joe Warner; Julie Burkhardt via teleconference

Members Absent: None

Others Present: Adams County Consulting Engineer Trevor Howard of Horrocks Engineers; Jeff Luff, Meadows Valley Fire Chief; Road & Bridge Supervisor Kraig Spelman; Sheriff Ryan Zollman; Prosecuting Attorney Christopher Boyd; P&Z Administrator Wendy Green

Public Present: Danny Beachy, Rob Fitch, Kim Helmich, Connie Kesler, Kevin Muir, Mike Nourse, Lynn Parker, Heidi & Ryan Schneider, Jerrill Schrock; Lyle Sall, Adams County *Record*

1. **Call to Order:** Chairman Dennis Nau called the meeting to order at 7:00 p.m.

2. **Review Agenda:** Royce Bauer moved to approve agenda as presented; Kip Kamerdula seconded; passed.

3. **Approval of Minutes:** Al Becker moved to approve the minutes of the February 17, 2020 regular meeting as presented; Kip Kamerdula seconded; passed.

   Chairman Nau explained the order of business and noted that the Valley Knolls agenda item would not include a public hearing. Rather, it is a report from members of the technical review committee to inform the Commission of concerns about the preliminary plat and possible mitigation measures. The public hearing regarding the subdivision application will come later in the process.

4. **New Business:** At 7:05, Chairman Nau opened the public hearing on the application for Conditional Use Permit by Jerrill Schrock of Schrock Construction, Inc. (SCI). 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 Jerrill Schrock of Mesa explained that he wants to build a 50'x60'x16' metal building to house a construction business on land he has an option to purchase from Terry Iveson Trust off Highway 95 and Goodrich Road. In addition to operating a residential construction business from this site, they plan to build agriculture accessory buildings including sheds, chicken coops and greenhouses. Mr. Schrock explained that he would display about 30 structures between the shop and Highway 95 to showcase the products they offer. These structures would be set back approximately 400 feet, far enough from the highway right-of-way to not obstruct the view of drivers. The equipment they would use on site includes a skidsteer

and small excavator. Mr. Schrock would like to be able to put a lighted sign at the entrance to the property off Goodrich Road and one on the side of shop advertising the business. They want the business to be attractive and fit into the landscape. He stated he understands open range and would maintain perimeter fence and install a cattle guard to keep livestock off his property.

Chairman Nau asked for public comment. Rob Fitch of Mesa said he borders the property on the north. He does not oppose the application but wanted to know whether all work would be done inside the shop or whether equipment would operate outside. Mr. Fitch also inquired about how sawdust would be managed and how paint and other chemicals would be managed to protect groundwater. **Mike Nourse** of Mesa is the neighbor to the south and welcomes the business. Having been a fire chief in Indian Valley, Mr. Nourse asked what considerations were given to egress and containment of fire. He believes it would be desirable to have a secondary egress to Shaw Lane. He also asked how the applicant would obtain water for use in the shop. Nourse asked whether the perimeter of the property would be fenced and if there would be any livestock grazing.

Chairman Nau offered the applicant an opportunity to respond to questions and concerns. Mr. Schrock said the operating hours generally would be 8:00 to 5:00 on weekdays and part of the day Saturday. He does not anticipate doing construction on Saturday; those hours would be more for sales only. Regarding paint and contaminants, Schrock said the work will be done inside the shop and there won't be a lot of sawdust created. The sheds will be mostly metal clad, so there will not be a lot of painting required. Empty paint cans will be allowed to drive before disposal. Waste will be disposed of appropriately. In response to Mr. Nourse's questions, Schrock said he has thought about developing a secondary egress on Shaw Lane and didn't see that as an obstacle. He intends to drill a well and does not plan to graze the parcel. Most of the property is fenced and the applicant will complete the perimeter fence and install a cattle guard as needed.

Royce Bauer asked if this proposal should be considered for rezone rather than a CUP. Administrator Green explained that when the application was filed, it was described as low-impact and not as complex as it has become, that is, with the plan to display numerous structures and use lighted signs.

There being no further public comment, Chairman Nau closed the public hearing at 7:29. The Commission discussed how this proposed use may or may not fit in the ATG Zone. Joe Warner pointed out that it is not timber ground and is poor agriculture ground, so that could be an argument for rezoning to commercial. The Administrator clarified that if the Commission recommends and the Board concludes that a rezone is appropriate, consideration of zoning would require a separate P&Z review process. There was discussion of other similar types of land uses and whether they involved rezoning or conditional use permits. Julie Burkhardt noted that the location along the highway might lend itself to rezoning. The nearest residence is less than one-half mile from the property. Al Becker wondered if this location on the highway and near the landfill might be suitable for industrial zoning. Royce Bauer referred to the Zoning Ordinance requirement that conditional uses in the ATG Zone should support agriculture. Prosecutor Boyd suggested the Chair reopen the public hearing due to the fact that the discussion now included several items that were not addressed during the public hearing.

Chairman Nau reopened the public hearing at 7:39. Mr. Schrock stated that rezoning seemed more complicated than what this business necessitates. His goal is to move the family construction business toward dealing exclusively in small accessory structures that support agricultural uses. He believes he needs to have enough structures on display for the public to be able to see what SCI has to offer. He estimates only 12-18 portable sheds would be displayed plus a dozen or more smaller items like chicken coops or feeders. He also said he could do without lights on the signs. **Mr Fitch** expressed a concern about what effect rezoning to commercial or industrial might have on neighboring property values. He did not object to the use of lighted signs. **Kevin Muir** asked about the ramifications of rezoning: Would any allowed commercial uses then be possible on this site in the future? **Mr. Boyd** advised that the use appears to meet the criteria to allow this proposed use under a Conditional Use Permit. **Al Becker** compared this application to the Owen Beachy CUP approved last month for a similar type of use about a mile south of this property.

Chairman Nau closed the public hearing at 7:50 and asked for a motion to recommend approval or denial of the application. Discussion followed about any possible conditions the Commission might recommend. Commissioners agreed that a cattle guard ought to be required. Because the proposed use does not conflict with surrounding agricultural practices; is viewed as low-impact and will not place undue burden on county infrastructure or services; supports agriculture; is consistent with county precedent for issuing conditional use permits; and will not increase noise and traffic so as to cause a nuisance, Royce Bauer moved to recommend the Board of County Commissioners approve the application with the condition that the applicant install a cattle guard in his driveway to keep cattle from straying from open range onto his property. Kip Kamerdula seconded. All seven (7) commissioners present voted in favor.

Technical Advisory Committee Reports on the Valley Knolls preliminary plat. Trevor Howard, Licensed Professional Engineer with Horrocks Engineers, addressed the applicant's request for a variance from the requirements for a hillside subdivision. He provided an annotated plat map showing that five of the twelve lots include slopes exceeding 10 percent. He recommends the applicant be required to complete the geotechnical report per the subdivision ordinance. That report must be completed by an engineer or geologist licensed in Idaho. The comments provided by the applicant's engineer do not answer questions about characteristics of underlying geology or load-bearing capacity of the soil. The comments submitted are not specific enough to address footings needed for construction on these sites. If the applicant removed development of the lots that include slopes in excess of 10 percent, it would not be a hillside subdivision and would not require the geotechnical report. Mr. Howard did not do a complete review of the plat or road profile because the geology report is needed before proceeding. If the applicant decides to move ahead, Mr. Howard will be available to do site visits and other review as needed. The geotechnical report is required as part of the preliminary plat application, not as part of obtaining individual building permits, as suggested by the applicant. One option would be for the developer to show on the plat where the building envelope would be on each lot to assure that structures will be built on slopes of less than 10 percent. With those building envelopes shown on the plat, the hillside requirement would be met. The developer would need to provide the technical data for the county engineer to review. **Jeff Batten with Southwest District Health** provided an update on the groundwater monitoring required of subdivisions. The applicant had conducted monitoring last spring, but 90 percent of the test holes came back as unacceptable for installing septic systems. That may have been due to the holes not being dug

properly, and the applicant is monitoring groundwater again this spring. At this point, Mr. Batten does not have the information he needs to comment on suitability for septic systems. An engineering plan has to be completed and reviewed by Southwest District Health to assure that rules have been adhered to for each lot. Both slope and soil type affect where a septic system can be installed. Certain septic system designs can be used on slopes up to 20 percent. If the lots are large enough, there may be flat enough ground on each lot to accommodate a septic system and future replacements. It may be six weeks before groundwater monitoring is complete, depending on when spring flow peaks. **Jeff Luff, Meadows Valley Fire Chief**, addressed the county subdivision ordinance requirement for at least two points of ingress/egress. To be effective, that second egress should connect to Highway 95. To direct escape away from public roads and deeper into the woods to the east or north does not make sense. Those private roads may not be plowed or maintained, plus there is no easement on the plat for trespassing on DF Development or other neighboring lands. The second egress must be practical and travelable and not simply meet some requirement on a piece of paper, Luff said. For this particular subdivision, he does not see a second egress as paramount, but it is a requirement of the county ordinance. Based on the 2015 version of International Fire Code adopted by State of Idaho, there may be ways to mitigate lack of egress. From a fire protection standpoint, the two main concerns are access, including proper road width, grade, and stability to handle a heavy load like a fire truck, and water supply. This development would create a new potential for fire that doesn't exist now, so it is appropriate that there be some on-site water available for firefighting. One way to mitigate is to require residential fire sprinkler systems that meet NFPA 13D standard. Should a fire start, sprinkler heads in the structure would activate and keep the fire at a low level until the fire department arrives to extinguish the fire. The 13D standard requires 5 gallons/minute for 10 minutes. Requiring residential sprinkler systems would shift some of the cost of on-site water supply from the developer to the homeowner. The homeowner may be able to get a reduction in homeowner's insurance premiums for having sprinklers. Sprinkler systems must be engineered for each individual home and approved by the state fire marshal's office. There would still be a need for on-site water storage for firefighting in the subdivision, but it would be less than the 60,000-gallon requirement without residential sprinklers. **Kraig Spelman, Road & Bridge Supervisor**, answered questions about where the county portion of Bally Mountain Road ends at the cattle guard in Black Bear Subdivision. To connect to the county road from Valley Knolls would require an easement across a portion of DF Development property. **Sheriff Ryan Zollman** stated his concern that we have an incident like Paradise, CA. Fires in our county can advance incredibly rapidly. When residents are trying to evacuate while emergency responders are trying to get into a subdivision using a single access road, it creates a dangerous situation. International Fire Code requires a second egress for forty or more homes, but our subdivision ordinance requires two points of egress for all new subdivisions. However, based on the number of lots in this subdivision, Sheriff Zollman suggested it might be sufficient to require the developer to build the road of sufficient width to allow a fire truck and a full-size vehicle to pass side-by-side along the entire length of Valley Knolls Road so that people can get out while responders are getting in to do structure protection. **Jeff Luff** thought that a wider primary road might meet safety needs without requiring a second egress. **Trevor Howard** explained the standards for road width, the travelway, the shoulders and the minimum radius of corners, as well as the load-bearing capacity. **Kraig Spelman** directed the commission to the county road ordinance for specifications. He said the existing logging road does not "just need a top put on it," as applicant indicated. There are specifications for rock hardness, compaction, depth, etc. The ordinance also

has requirements for slope limits where driveways intersect the primary road. Mr. Howard recommended that the developer show where driveways will be located on the steeper lots in order to meet county specifications. **Administrator Green** noted that Idaho Department of Fish and Game is still drafting its response to the preliminary plat regarding wildlife concerns.

Chairman Nau invited the applicants to respond to issues raised during technical review. Ryan and Heidi Schneider stated they are requesting an "exemption" from the geological study. Each parcel has adequate area that is less than 10 percent slope where the developer could designate a building envelope for dwellings and other structures. Schneiders disagreed with Trevor Howard's assessment of the amount of the subdivision that exceeds 10 percent slope. They understand the state requirement for sanitary restrictions on subdivisions. They expect the groundwater monitoring to be completed within the next few weeks and they feel the application process should be able to proceed while awaiting the review by Southwest District Health. The test holes on all lots are located on ground that is less than 10 percent slope. Schneiders have had discussions with Wilkes Brothers, but WB are not willing to offer an easement that would allow use of Bally Mountain Road as a second egress. The applicants believe there is a suitable turnaround at the east end of Valley Knolls Road and they can bring the road up to standard to accommodate fire vehicles. They have researched the cost of residential sprinkler systems and found it to be prohibitive. Jeff Luff has researched the cost and believes it adds between 5-9 percent to the construction cost of a home. Schneiders have considered developing a pond or an underground storage tank to provide water for firefighting but need clarification as to what amount of water storage would be required. Luff noted it would be 60,000 gallons for this size subdivision. County subdivision ordinance does not state specifics for water storage, but Idaho has adopted the International Fire Code. Schneiders acknowledged that the road as is will not meet county specifications.

Chairman Nau asked each of the technical reviewers to draft comments to the Commission summarizing their recommendations for addressing their concerns. **Administrator Green** noted the ordinance requires at least 45 days after the technical review before a public hearing can be scheduled. The commission would prefer to hold that public hearing in New Meadows.

5. **Old Business:** Due to the length of this meeting and the uncertainty about coronavirus, other business, including discussion of open houses on updating comprehensive plan and ordinances, was deferred.

6. **Upcoming Meetings:**
   Next Regular Meeting: April 20, 2020 at 7:00 p.m., pending change in coronavirus conditions. No new land use applications for P&Z review have been received at this time.

7. **Adjournment**
   Meeting adjourned at 9:16 p.m.

Chairman _____ Date 6/15/2020

Adams County Planning & Zoning Commission

Sign-in Sheet

Regular Meeting & Valley Knolls Technical Review Committee Reports

March 16, 2020

Please note that this is not a public hearing.

There will be other opportunities for the public to offer comments on this application.

Name	Address
MIKE NOURSE	2140 HERMITAGE LN, MESA
Trevor Howard, Horrocks Eng.	60 Difficult Dr, Idaho City, Id
JEFF LUFF	PO BOX 523 NM 83654
Heidi Ryan Smith	232 W Tracy Rd. McCall
Kim Helwick	Box 156 Riggins Id. 83549
Danny Beachy	2084 Missman Rd Council, Id
Kraig Spelman	2146 Deer Loop Council
Ryan Zollman	201 Industrial Council
LYLE SALL	~~THE RECORD/REPORTER~~ COUNCIL
* Jeff Butler	SWDH
* Chris Boyd	ACPA