

# MINUTES

## ADAMS COUNTY PLANNING & ZONING COMMISSION

### Regular Meeting

March 18, 2019, Adams County Courthouse

7:00 p.m.

**Members Present:** Joe Warner, Al Becker; Dennis Nau; Julie Burkhardt (via teleconference); Royce Bauer joined at 7:42.

**Members Absent:** Mark Peterson

**Others Present:** Kip Kamerdula; Jeff Batten, Southwest District Health; Lyle Saul, *The Adams County Record*; Larry & Earlene Shelton; Karan Eby; P&Z Administrator Wendy Green; Kraig Spelman, Adams County Road & Bridge Supervisor, joined at 7:50.

**Public Present:** Cody & Mary Grace Shelton; Micki Eby

1. **Call to Order:** Vice-Chairman Joe Warner called the meeting to order at 7:06 p.m.
2. **Review Agenda:** Dennis Nau moved to approve the agenda as presented; seconded; passed.
3. **Approval of Minutes:** Julie Burkhardt moved to accept the minutes of the February 18, 2019 regular meeting as presented; seconded; passed.
4. **Old Business:** Kip Kamerdula informed the commissioners that he is undecided about whether to volunteer to serve on the commission. He will talk with Mike Paradis again before deciding.

Al Becker asked the status of the proposed subdivision north of New Meadows (Valley Knolls). Administrator Green said there had been no activity or correspondence with the applicants over the winter. However, Jeff Batten reported that monitoring wells had been dug on each lot last fall. He expects groundwater monitoring to continue until May.

Julie Burkhardt inquired whether staff had produced any additional tip sheets about Living in Adams County. Green said she had sent copies of the four completed pieces to the Commission: Roads & Access, Weeds, Open Range & Fencing, and Farming. Burkhardt only received three; Green will re-send the most recent addition on farming.

Commissioners and administrator had a discussion about procedures for public hearings. Given the short time needed to approve agenda and minutes, the commissioners asked Green to schedule public hearings earlier in the meeting, starting by 7:15. They also discussed how to proceed with revising the Comprehensive Plan and agreed to work on it at the April meeting. The commissioners will discuss suggested updates during the meeting with Green making edits in real time.

- 5. New Business:** Administrator Green informed the Commission of a pending application for a Conditional Use Permit for a rock pit approximately 20 miles north of New Meadows. The application is not complete; we are awaiting an approved reclamation plan from Idaho Department of Lands and a permit for approach to Highway 95 from Idaho Transportation Department, so we are not ready to schedule a public hearing at this time.

Vice-chairman Joe Warner opened the public hearing on the **Shelton request for a variance** at 7:30. He asked if any commissioners wished to disclose a conflict of interest; there were none. Administrator Green asserted that the hearing had been properly noticed in *The Record* on February 27<sup>th</sup> and that letters had been mailed to adjoining landowners and signs advertising the hearing placed at the property at least seven days prior to the hearing. Green gave the staff report (attached). Earlene Shelton presented the applicants' reasons for requesting a variance that would allow them to split their 9.81-acre parcel into two lots of 5.1 and 4.71 acres. Creating a new parcel under 5 acres would not comply with county Zoning Ordinance. She explained Larry Shelton's health issues since being diagnosed with multiple myeloma in 2015 and the fact that their grandson, Cody Shelton, has been helping with care of their livestock, etc., as Larry and Earlene can no longer do everything around their place. They wish to transfer five acres to Cody Shelton so he can build a house adjacent to their property and live close by to continue to assist them. Al Becker asked if there were any allowable splits remaining for this parcel. Green said Sheltons purchased it in December 1981, it has been in one ownership since that time and would qualify as an original parcel. Therefore, a split would be possible if it were 10 acres or more. Warner asked if there were any comments from the public. Debi Sherry, 2335 Mill Creek Road, stated she lives across the road from the subject property, Sheltons board horses on her 20-acre parcel, and she supports their request. Green noted there was a written comment submitted by Vonda Lawrence in support without stating a reason. Green then read a letter from Nancy Lane, 2349 Whiteman Lane, Indian Valley. Lane asked that the variance be denied because a) it does not comply with the Zoning Ordinance, and b) it sets a precedent for creating lots smaller than 5 acres based on a landowner's personal circumstances rather than on unique, limiting characteristics of the property (attached). In response to a question from the Commission, Jeff Batten with Southwest District Health explained that a new home on a newly created lot would require a separate septic permit, and that both the existing and new homes would need to have adequate space for replacement septic systems. He pointed out that septic systems are meant to fail after approximately 25-40 years. That's why there must be room on the parcel for a replacement system. Warner closed the public hearing at 7:50. Dennis Nau asked if there is access to the proposed lot from a county road. The applicant confirmed there would be access off Mill Creek Road. Royce Bauer joined the meeting at 7:52. Al Becker asked for clarification about the septic approval process, and Batten provided further explanation. Warner asked if the Commission was ready to vote on the application. Julie Burkhardt said she was not ready to vote. She pointed out that the Zoning Ordinance allows for a second residence for family members on a parcel in the ATG Zone. Burkhardt asked if the applicant had considered simply building a second residence without splitting the property. Burkhardt noted this option would comply with the ordinance and would not require a variance. Earlene Shelton said the family was concerned that their grandson would not be able to get financing to build a home on property he does not own. She said she and Larry hoped to sell the parcel to Cody at a very reasonable price and help him get a place of his own. Shelton added that they could split to 5.0 and 4.81 acres, if that

would be more acceptable. They only preferred to keep the new lot to 5.1 acres in order to maintain the agriculture tax exemption. Dennis Nau asked for confirmation that the new residence would be on a parcel of at least 5 acres, which the applicant confirmed. Nau noted the positive input from the neighbor across the street and felt the 4.71-acre parcel would essentially satisfy the county's minimum 5-acre lot requirement. Al Becker moved to recommend the BOCC approve the variance; seconded; passed. Green explained the process: She will write the Findings of Fact and Conclusions of Law and forward the Commission's recommendation to the Board of County Commissioners. They will then place the item on the agenda of an upcoming meeting; the BOCC will make the decision on whether to grant the variance. Earlene Shelton said she understood the process and thanked the Commission.

Vice-chairman Joe Warner opened the public hearing on the Eby request for Conditional Use permit at 8:06. He asked the commissioners if they wished to disclose a conflict of interest; there were none. Administrator Green asserted that the hearing had been properly noticed in the Council and McCall newspapers, adjoining landowners were notified by mail, and a sign was posted at the property at least seven days prior to the hearing. Green gave the staff report (attached). Applicant Karan Eby, the landowner, explained her plans to operate a commercial venue for weddings, birthday parties and other events for up to 150 persons. The events will take place outdoors; the old barn will be used primarily as a backdrop and for serving food. Applicant believes the barn is structurally sound, based on the opinion of a friend who is an engineer. Eby said she does not intend to make any changes to structures or other land uses at this time. She noted she has obtained commercial liability insurance and will require clients who rent the facility to purchase event insurance, as well. She has talked with ASAP Portables about locating porta-potties on the site throughout the season and servicing them as needed. Jeff Batten and Al Becker suggested she look into putting in a vault toilet at some point that could be made to look like an outhouse to fit with the old barn. A vault toilet like those used by the Forest Service is easier to pump and does not have to be pumped as frequently as portables. The site is approximately a mile from New Meadows and there are no other houses close by, the nearest residence belonging to the applicant's mother and located about a quarter-mile from the venue. Eby intends to require events to end by 10:00 p.m.. Al Becker inquired about parking. Eby identified on the aerial photo a 2-acre area for parking on-site, off the county road. Julie Burkhardt asked about traffic and the county road surface. South End Road is paved past Eby's property. Royce Bauer noted that groups of 150 people or fewer should not create a significant traffic impact on South End Road, an undivided paved road with a 35-MPH speed limit. Dennis Nau asked about camping, and Eby explained that it would be short-term only, associated with events. Eby does not intend to allow long-term camping on site. It will be "dry camping," with no hookups; there is an RV dump station in New Meadows. Nau asked how close the camping would be to the flood plain at the west end of the property; Eby estimated at least a 400-foot buffer. Jeff Batten inquired whether there would be on-site cooking and production of "gray water." Eby said any food would be provided by a licensed caterer. There will be no food preparation at the location. There is a fire pit that may be used on occasion. There being no further questions, Warner closed the public hearing at 8:24. Dennis Nau noted the proposed use will not take land out of agricultural production. Al Becker commented that there is a need for this type of venue in the area. Dennis Nau moved to recommend the BOCC approve the CUP; seconded; passed.

Dennis Nau noted that the large-format plat map of the Goose Creek PUD presented at the meeting was different than the 8-1/2x11-inch plat maps that had been emailed to P&Z. The larger map shows the boundaries of all three proposed lots. Vice-chairman Joe Warner opened the public hearing on the **Brundage/Goose Creek Planned Unit Development** at 8:34. He asked if any Commissioners wished to disclose a conflict of interest; there were none. Green attested the public hearing had been properly noticed and presented the staff report (attached). Brundage Mountain Company, property owner, proposes a 3-lot Planned Unit Development at 3278 Highway 55, New Meadows. The PUD includes the existing RV and mobile home park on Lot 1 of 17.419 acres; an existing single-family residence on Lot 3 of 5.246 acres; and a single-family dwelling to be built on Lot 2 of 14.592 acres. Bob Looper, 953 Strawberry Lane, McCall, representing Brundage Mountain Company, said the applicant intends to sell the existing single-family dwelling and continue to make improvements to the RV/mobile home park. A single-family dwelling will be built on Lot 2 at a later date. He noted the name change of the RV park to Creekside. There are 27 improved RV spaces and 10 primitive camp sites. Looper said the occupancy rate is quite high throughout the summer and at about thirty percent in winter. They are currently using the mobile homes primarily for employee housing for 5 to 10 persons. Brundage may want to put in an additional mobile home at some point in the future to increase employee housing. Al Becker asked about septic systems, and Jeff Batten explained there are three existing systems, one for the RV park, one for the mobile homes, and one for the existing single-family dwelling on Lot 3. Batten pointed out on the map the existing drain fields for the mobile home/RV park and the existing single-family residence. A well-exclusion zone exists within a 100-foot radius of the drain fields. He also explained that test holes had been dug for viability of a new septic system on proposed Lot 2. Any change from the proposed use of Lot 2 from single-family dwelling would require new analysis for septic. Looper said Idaho Transportation Department has issued permits for the approaches to State Highway 55 at both the primary access road and the secondary emergency access. ITD stipulated that the approach at the main road needs to be widened to a minimum of 28 feet and a maximum of 40 feet and a new culvert installed; a new culvert is also needed at the east emergency egress; the east access will need to be marked at both ends with "Emergency Access Only" signs. Applicant is required to notify ITD before beginning widening work in the highway right-of-way. Looper said Brundage will make those improvements at applicant's expense as soon as weather permits. Green pointed out that the preliminary plat shows the east access providing the driveway to the dwelling on Lot 3. Given ITD's requirement to limit use of the east driveway to emergency egress, Brundage will need to provide a permanent easement to Lot 3 via the primary access. Looper agreed that an easement will be included in the deed to Lot 3. In response to a question from the Commission, Looper said Brundage will install a fence on the north boundary of the property at applicant's expense to complete the perimeter fence. Looper noted that utilities are already in place with underground lines. Dennis Nau asked about any concerns or permitting regarding stormwater runoff. Applicant and Green were not aware of any. Green provided a FEMA flood risk map, showing that a portion of Lot 1/RV park lies in the Goose Creek flood plain; the proposed Lot 2 is not in the flood plain. Looper acknowledged that the applicant will need to provide a revised final plat for review that reflects the road changes. Al Becker noted the application complies with the Zoning Ordinance in terms of lot size and land use. Becker moved to recommend approval of the PUD under the conditions that applicant meet ITD permit requirements, complete the perimeter fence, provide a perpetual easement to Lot 3, and provide a final plat. Dennis Nau

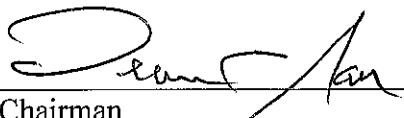
seconded; approved.

**6. Upcoming Meetings:**

Next Regular Meeting: April 15, 2019 at 7:00 p.m.. At this time, there are no public hearings scheduled for that date.

**7. Adjournment**

Meeting adjourned at 9:05 p.m.

  
Chairman \_\_\_\_\_ Date 6/17/19 \_\_\_\_\_

