

ELMORE COUNTY PLANNING AND ZONING COMMISSION
War Memorial (American Legion Hall), 515 East 2nd South Street, Mountain Home, ID
83647

Wednesday, December 17, 2014 at 7:00pm

Agenda

PLEASE SILENCE CELL PHONES

CALL TO ORDER

ESTABLISH QUORUM

- | | |
|---|---|
| <input type="checkbox"/> Chairperson Patti Osborn | <input type="checkbox"/> Vice-Chairperson K.C. Duerig |
| <input type="checkbox"/> Betty Van Gheluwe | <input type="checkbox"/> Sue Fish |
| <input type="checkbox"/> Ed Oppedyk | <input type="checkbox"/> Shane Zenner |
| <input type="checkbox"/> Jeff Blanksma | |
| <input type="checkbox"/> Attorney of Record Phil Miller | |

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

- **Mountain Home Highway District for a Conditional Use Permit for a gravel pit in the Agriculture (Ag) Zone. Case Number: CUP-2015-01.** The site is located in Section 32, Township 1 North, Range 5 East, B.M. A common means of locating the property is from Interstate 84, take exit 74, turn north on Simco Road, turn left on Desert Wind, turn right on Regina, turn right on Baseline Rd., turn left on Bouns Creek Rd, travel approximately 1.6 miles, the proposed area will be on the left side of the road.

ITEMS FROM THE PUBLIC

MINUTES

- Minutes from 11-19-2014.

INFORMATION ITEMS

- Upcoming P & Z Schedule.

MEETING ADJOURNED



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 ext. 254
Fax: (208) 587-2120
www.elmorecounty.org

Alan Christy
Director

Tell Riley
Building
Inspector

Beth Bresnahan
Planner I

Kacey
Ramsauer
Administrative
Assistant

Staff Report to the Planning and Zoning Commission

Meeting/Hearing Date: 12/18/14 **Date Report Compiled:** 12/8/14

Agenda Item: Conditional Use Permit for a Gravel Pit in an Agriculture Zone

Applicant: Mountain Home Highway District

Case Number: CUP- 2015-01

Staff: Beth Bresnahan

Location: Section 32, Township 1 North, Range 5 East, B.M. A common means of locating the property is from Interstate 84, take exit 74, turn north on Simco Road, turn left on Desert Wind, turn right on Regina, turn right on Baseline Rd., turn left on Bouns Creek Rd, travel approximately 1.6 miles, the proposed area will be on the left side of the road.

Zoning: Agriculture (Ag)/Wildfire Urban Interface (WUI) Overlay

Parcel Number: RP 01N05E320010 A

BACKGROUND

Application for a conditional use permit for a gravel pit was turned into the Land Use and Building Department on November 20, 2014. Notice of public hearing was sent to surrounding property owners on December 1, 2014 and was mailed to agencies on December 1, 2014. Notice of public hearing was published in the Mountain Home Newspaper on November 26, 2014. Property was posted on December 8, 2014.

Applicants have conducted the required neighborhood meeting on October 20, 2014.

The roads are maintained by the Mountain Home Highway District. All fees were waived by the Board of County Commissioners.

The proposed gravel pit will be approximately 2 acres.

Surrounding land uses are agriculture, grazing and residential.

LETTERS FOR THE RECORD

1. Elmore County Treasurer/Assessor Letter
2. Idaho Transportation Department, James Morrison, dated December 4, 2014

ATTACHMENTS

1. Application
2. Photos
3. Map

THE TWELVE STANDARDS ALL CONDITIONAL USES MUST MEET ARE:

1. **The proposed use shall, in fact constitute a Conditional Use as determined in Chapter 8, Table 6-8-11 (C), Elmore County Land Use Table, as contained in this Ordinance;**

Staff Response: Table 6-8-11(C) shows that a Pit, Mine or Quarry requires a Conditional Use Permit.

2. **The proposed use shall be in harmony with and in accordance with the Elmore County Comprehensive Plan and this Ordinance (Title 6);**

Staff Response: Staff has been unable to find any conflict with the Elmore County Comprehensive Plan and Ordinance. Staff believes this proposal is in harmony with Land Use Objective #7 – “Review all commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas” in the Comprehensive Plan.

3. **The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter;**

Staff Response: Staff believes the proposed use complies with the purposed statement pf the applicable base zone in that the proposed use is “compatible with farming, ranching, grazing, forest products and limited mining.”

4. **The proposed use shall comply with all applicable County Ordinances;**

Staff Response: Staff believes this use will comply with all applicable County Ordinances.

5. **The proposed use shall comply with all applicable State and Federal regulations;**

Staff Response: State and Federal agencies have been notified of this application. Agency letters are attached to this staff report. Staff has proposed conditions to ensure regulations are followed. A reclamation plan is not required because operations will consist of less than two (2) acres, Idaho Code 47-1519.

6. **The proposed use shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area;**

Staff Response: Agriculture use of the land will continue to operate on the remainder of the parcel.

7. **The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development;**

Staff Response: Neighbors within 1,000 feet have been notified of this application. The Land Use and Building Department has received no input from neighbors. Agriculture zones allow for residential development at one (1) home to forty (40) acres.

8. **The proposed use shall be served adequately by available public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services;**

Staff Response: The proposed use will not create excessive additional requirements at public cost. The use may benefit the public for more efficient maintenance of roads.

9. **The proposed use shall not create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County;**

Staff Response: The proposed use will not create excessive additional requirements at public costs.

10. **The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;**

Staff Response: The proposed use is not intended to be detrimental to any persons. Traffic may have a slight increase. No excessive smoke, fumes, glare or odors are anticipated with the proposed use. Noise may be mitigated with hours of operation.

- 11. The proposed use shall have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public or private roadways;**

Staff Response: The approach locations will be approved by the Mountain Home Highway District.

- 12. The proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.**

Staff Response: The proposed use will not result in the destruction, loss or damage of a natural or scenic feature of major importance.

STAFF COMMENT

Per Section 6-8-164 E.6. "The conditional use approval shall consider and/or establish a time frame for the extraction of material. For any proposal where the applicant requests an extraction period greater than five (5) years, the Commission shall review the status of the pit, quarry, or mine after two point five (2.5) years and consider amendments or additions to the approval."

STAFF RECOMMENDATIONS

Without taking into consideration any public testimony, staff recommends Approval of the proposed Conditional Use Permit CUP-2015-01 with the proposed conditions:

PROPOSED CONDITIONS OF APPROVAL

1. Hours of gravel pit operation, will include crushing and truck traffic, shall be within 7:00 a.m. to 7:00 p.m. standard time/ 7:00 a.m. to 9:00p.m. daylight saving time.
2. If blasting occurs, the applicant shall obtain an Elmore County blasting permit from the Elmore County Land Use and Building Department.
3. There shall be no mining or excavating within 50' of property boundaries.
4. Failure to comply with the conditions may result in the revocation of the Conditional Use Permit.
5. Dust control shall be maintained on all access roads.
6. The proposed use will comply with any prior or existing state or federal agency requirements.
7. The use will comply with applicable items of section 6-8-164 of the Elmore County Zoning and Development Ordinance.



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

520 E 2nd South – Mountain Home, ID 83647 – (208) 587-2142

www.elmorecounty.org

Conditional Use Permit Application

The Elmore County Land Use & Building Department **DOES NOT** accept faxed applications or signatures.

Application must be completed in **INK**. Please use addition sheets of paper if necessary. This application must be complete and all fees paid prior to acceptance by the Elmore County Land Use & Building Department. A public hearing will not be scheduled until the application is accepted.

The Conditional Use Permit Application must be in compliance with Chapter 27 of the Elmore County Zoning and Development Ordinance.

Pre-application meetings are strongly encouraged for Conditional Use Permit Applications. Pre-application meetings are by appointment only. Do not hesitate to contact the Land Use & Building Department with any questions or concerns.

1. Name of applicant: MTN. HOME HWY. DIST.
2. Address of applicant: P.O. Box 756 MTN. HOME ID, 83647
3. Daytime telephone number of applicant: 208 587-3211
4. Email Address: C. PHARES @ EARTHLINK.NET
5. Name, address, and daytime telephone number of developer: SAME AS ABOVE

6. Address of subject property: T.B.D. BOWNS CRK. RD.

7. Name, address, and daytime telephone number of property owner (if different from applicant): _____

S.R. CORWELL JR, ESTATE (SAY MIRACLE PERSONAL REPRESENTATIVE)
440 N 8TH E, MTN. HOME ID. 83647 & 590-1985 MIKE GRIMMETT

8. Attach Legal Description and acreage of property and legal description and acreage of part that CUP is to encompass:

Attach at least one of the following:

- Deed
- Proof of Option
- Earnest Money Agreement
- Lease Agreement
- Assessor's Parcel Master Inquiry

MATERIAL SOURCE AGREEMENT

RP# 01N05E320010 A

9. Common directions of how to get to the proposed Conditional Use Permit property from a known beginning point: FROM MTN. HOME TAKE INTERSTATE 84 TOWARDS BOISE TO EXIT 74

TURN RIGHT OFF EXIT TO DESERT WIND TURN LEFT ON DESERT WIND TO REGINA, TURN RIGHT ON REGINA TO BASELINE RD, TURN RIGHT ON BASELINE RD TO BOWNS CRK Rd. TURN LEFT ON BOWNS CRK Rd. 90 1.6 miles, PIT WILL BE ON YOUR LEFT.

10. a. Current zoning: AG b. Current district (if applicable): _____

11. a. Is the proposed location within an Area of Critical Concern (ACC) or Community Development Overlay (CDO)?

Yes No If in a CDO, what CDO? _____ If in an ACC or CDO, technical studies, an environmental assessment, or an environmental impact statement may be required.

b. Is the proposed development within any city's impact area? Yes No

c. Is the proposed site within an Airport Hazard Zone or Air Port Sub Zone? Yes No
If yes, applicant shall provide approval from the Federal Aviation Administration and/or the Idaho Department of Aeronautics and Transportation.

d. Is any portion of the property located in a Floodway or 100-year Floodplain? Yes No

If yes submit map showing location of floodway and/or floodplain in relation to the property and/or proposal.

e. Does any portion of this parcel have slopes in excess of 10%? Yes No If yes, submit contour map.

f. The impacts of a proposed development and/or land use on adjacent land uses and transportation facilities must be considered. The applicable Highway District or Transportation Department may require a Traffic Impact Study (TIS) if the proposed development or land use has associated with it special circumstances deemed by the district or department to warrant a study. A notation and signature from the applicable district or department stating no study is required or a copy of this study must be submitted with this application.

g. The impacts of the CUP on existing public services and facilities (such as the fire department, emergency services, sheriff's department, schools, etc.) must be considered. A letter from the applicable agency governing the public service or facility stating how the developer will provide for said services with plans and/or drawings or that said services are not required may need to be submitted with the application.

h. Are there any known hazards on or near the property (such as canals, hazardous material spills, soil or water contamination, etc.)? Yes No If yes, describe and give location: _____

i. Are there hazardous materials and/or wastes involved either in your operation or generated off site and brought onto the property? Yes No

12. Does any other agency require a permit (DEQ, EPA, IDWR, FAA, state, federal, etc.)? Yes No
If yes, who?

NANCY WEIBAUM - 334-3488

Idaho Dept of Lands 334-3488 (WWW.IDL.IDAHO.GOV) SEE ATTACHED

Proof of having applied for or acquired other agency(ies) permit(s) submitted with CUP application.

13. ADJACENT PROPERTIES have the following uses:

North AG GRAZING

East AG GRAZING

South AG GRAZING

West AG GRAZING

14. EXISTING USES and structures on the property are as follows: Ag Grazing

15. A written narrative stating the specific PROPOSED USE. Include as much detail as possible (use additional sheets of paper if necessary):

THE MAW. HOME HWY. DIST. PLANS TO USE THE DECOMPOSED GRANITE FROM THIS PROPERTY TO RESURFACE PUBLIC ROADS IN THE MAUFIELD AREA. THIS PIT WILL BE OF GREAT BENEFIT TO US FOR MAINTAINING OUR ROADS, AS WELL AS THE TRAVELING PUBLIC.

16. a. The conditional use is requested to begin within 1 ~~days~~ months after permit approval (permit expires if not used within 1 year of approval) and is for 15 years or perpetuity.

b. Construction or improvements associated with conditional use is expected to begin within: 1 ~~days~~ month/ years and be completed within 15 days/ months/ ~~years~~.

17. Proposed Use(s): GRAVEL PIT Hours of Operation: 7AM-5PM. UNLESS EMERGENCY

Days of Operation: MON-FRI. UNLESS EMERGENCY Maximum Number of Patrons: NONE

Sewage disposal: municipal / individual septic Water: municipal supply / community well / individual well

Number of employees during largest shift: 5 Proposed number of parking spaces: NONE

18. PRELIMINARY FLOOR PLANS: To a professional standard with sizes and types of interior spaces indicated, 15 copies 8½" x 11".

19. ENVIRONMENTAL IMPACT STATEMENT AND/OR ASSESSMENT: When a development or proposal is of a more complex nature, when it is required by the Zoning and Development Ordinance, and/or when the site is located within an Area of Critical Concern, and Environmental Impact Statement and/or Assessment may be required at the expense of the applicant.

(The Land Use & Building Director will determine if an EIS is required)

EIS Required: Yes No Director Initial _____

Department Note: _____

20. PROPERTY OWNER'S ADDRESS: A list of property owner's/purchaser's of record names and addresses within a minimum radius of 300' of property boundaries encompassed by proposed Conditional Use Permit. Said list shall be obtained from the tax records of the appropriate county.

**Radius extended to: 1,000 feet mile(s) Date: _____ Initial _____

21. Is this application submitted with any additional applications? _____

22. Ordinance Chapter 27, Section 6-27-7 states that the Elmore County Planning and Zoning Commission shall review all proposed conditional use applications and find adequate evidence that such use meets all of the following standards. The applicant must provide said evidence. Following are the standards the conditional use must meet (please use additional sheets of paper if necessary):

How does the proposed land use constitute a conditional use as determined by the land use matrix?

LAND USE MATRIX REQUIRES A CUP FOR A GRAVEL PIT

How will the proposed land use be in harmony and accordance with the Comprehensive Plan and the Ordinance?

THE CONDITIONAL USE WILL HELP THE M.H.D. MAINTAIN ROADS IN THE MAYFIELD AREA WHICH BENEFITS EVERYONE.

How will the proposed land use comply applicable base zone and with the specific standards as set forth in the Ordinance?

THIS GRAVEL PIT WILL COMPLY WITH APPLICABLE BASE ZONE REQUIREMENTS AND SPECIFIC STANDARDS AS SET FORTH IN THIS ORDINANCE

How does the propose land use comply with all applicable County Ordinance?

THIS GRAVEL PIT MEETS ALL APPLICABLE COUNTY ORDINANCES

How does the propose land use comply with all applicable State and Federal regulation?

BY MEETING ALL THE REQUIREMENTS FOR THEIR APPROVAL.

What about the proposed land use's design, construction, operation and maintenance makes it harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how will it not change the essential character of said area?

IN AN AGRICULTURAL LAND USE AREA, THIS PIT WILL NOT BE A DISTURBANCE

Why or how will the proposed land use not be hazardous or disturbing to existing or future neighboring uses?

A GRAVEL PIT IS NOT HAZARDOUS OR DISTURBING.

How will the proposed land use be served adequately by available public facilities/services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewer or how will these public services be provided by the applicant/developer?

NO PUBLIC FACILITIES WILL BE NEEDED OR UTILIZED, BORNES CRK. Rd.

IS AN APPROVED M. H. H. D. ROAD.

Why or how will the proposed land use not create excessive additional requirements at public cost for public facilities/services or be detrimental to the economic welfare of the county?

NO PUBLIC FACILITIES OR SERVICES WILL BE NEEDED WITH THE EXCEPTION OF THE ROADWAY.

Why or how will the proposed land use not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?

THIS IS A SMALL PIT AND WILL NOT PRODUCE EXCESSIVE TRAFFIC, NOISE, SMOKE, FUMES, GLARE OR ODOR.

How will the proposed land use have vehicular approaches to property designed to not create interference with traffic on surrounding public or private roadways?

ONE APPROACH + EXIT OFF THE PUBLIC ROAD.

Why or how will the proposed land use not result in the destruction, loss or damage of a natural or scenic feature of major importance?

THERE ARE NO SCENIC FEATURES OF MAJOR IMPORTANCE IN THIS AREA

23. **ADDITIONAL INFORMATION:** Any additional information as required or needed by the Planning and Zoning Commission, Land Use & Building Department, or interested agency.

A neighborhood meeting must be conducted prior to submitting application. Requirements for a neighborhood meeting are outlined in the Elmore County Zoning and Development Ordinance Chapter 4 Section 6-4-3.

A master site plan is required with this application. Requirements for a master site plan are found in Chapter 18 of the Elmore County Zoning and Development Ordinance.

Agency signature sheet on page 7 of this application.

Elmore County reserves the right to withhold processing and/or issuance of any County Conditional Use Permit until the County is satisfied that County approval may be the final action in any multi-agency approval process. Proof of having obtained or applied for necessary permits and/or approvals from applicable local (other than Elmore County) state, and/or federal agencies may be required prior to issuance of a Conditional Use Permit by Elmore County. If required, documentation shall be submitted with the Conditional Use Permit application.

The Planning and Zoning Commission shall hold at least one public hearing on an application for a Conditional Use Permit. A public hearing will be scheduled within sixty (60) days after acceptance of the application. The Land Use & Building Department will mail hearing notices to the surrounding property owners and to any agency that may have an interest in the proposal. The Land Use & Building Department will place a Notice of Public Hearing in the Mountain Home News at least fifteen (15) days prior to said hearing. The Land Use &

Building Department will post notice of the hearing on the premises not less than seven (7) days prior to the hearing.

This application may be approved, conditionally approved, denied, or tabled.

If the application is approved or conditionally approved by the Planning and Zoning Commission, the applicant will be sent a document that is the official "Conditional Use Permit". This document may be in the form of a Findings of Fact, Conclusions of Law, and Order, and will enumerate the conditions attached to the approval and issuance of the permit and will state the consequences of failure to comply. The permit shall not become effective until after an elapsed period of 10-days from the date of the Planning and Zoning Commission Chairperson's signature on the Findings of Fact, Conclusions of Law, and Order. During this time, any interested person may appeal the action to the Board of Elmore County Commissioners. The applicant will be notified of any pending appeals. An appeal will stay all proceedings until its resolution.

If the Conditional Use Permit is denied by the Planning and Zoning Commission, the applicant may reapply or the applicant may appeal the decision in writing to the Board of Elmore County Commissioners. Appeal of a Planning and Zoning Commission decision must be made within ten (10) days after the date of the Planning and Zoning Commission Chairperson's signature on the Findings of Fact, Conclusions of Law, and Order,

The applicant hereby agrees to pay the fees established by the Board and agrees to pay any additional fees incurred (initial) . The applicant also verifies that the application is complete and all information contained herein is true and correct (initial) . The initial applicant understands there could be a delay in a decision should the applicant or their representative not attend any meeting where the application is being considered.

 11/25/14
Property Owner Signature Date

 M.H.H.D. 11-25-14
Applicant Signature Date

| | |
|---|--------------------|
| ADMINISTRATIVE USE ONLY | |
| Date of Acceptance | <u>11-20-14</u> |
| Accepted by | <u>BSB</u> |
| CUP FEE: \$800.00 | |
| Fee \$ <u>0</u> (<input type="checkbox"/> Pd) | Receipt # <u>0</u> |
| Date Paid: | <u>0</u> |
| Case# CUP- | <u>2015-01</u> |

11/21/14

PMO100 - PARCEL MASTER INQUIRY

08:32:06

PARCEL: RP 01N05E320010 A

F17=DD F23=AG F24=LD

LEGAL DESCRIPTION

CAMAS CATTLE LLC

ALL
SEC 32
T1N R5E

P O BOX 1150

CODE AREA 4-0000 OWNER CD _____

PARC TYPE _____ LOC CODE 600

MTN HOME ID 83647

EFFDATE 1201994 EXPDATE _____

PREV PARCEL _____

| CAT/ST# | RY | QUANTITY | UN | VALUE | HO MRKT | HO EXMP | CB MRKT | OTHER |
|---------|------|----------|----|-------|---------|---------|---------|-------|
| 5 1 | 2010 | 629500 | AC | 26439 | | | | |
| 19 1 | 2010 | 10500 | AC | | | | | |

TOTALS 640000 26439

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

P.O. Box 756
(1208 N.W. Mashburn)
Mountain Home, ID 83647
Phone: (208)587-3211
Fax: (208)587-7129



Larry Hall, Chairman
Calvin Ireland, Commissioner
Martin Beach, Commissioner
C. Wayne Tindall, Director
Penny Meyers, Treasurer
Jay Friedly, Attorney

November 3rd, 2014

Elmore County Commissioners
150 South 4th East, Suite #3
Mountain Home, ID 83647

RE: Bouns Creek Road Material Source Pit

Commissioners,

Thank you for the opportunity to address the Commissioners on this subject.

The Mountain Highway District Is asking that all fees connected with this conditional use permit application be waived. Do to the fact that public funds would be paying these fees, and material from this pit will be used by the Mtn. Home Hwy. Dist. to improve the roads in the Mayfield area.

This Material source will be of great benefit to the Mtn Home Hwy. Dist. and the traveling public.

If you have any questions or concerns, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Carl Phares". The signature is written in a cursive, slightly slanted style.

Carl Phares
Mtn. Home Hwy. Dist.

MATERIAL SOURCE AGREEMENT

This MATERIAL SOURCE AGREEMENT is made and executed on the 30th day of September, 2014, by and between the Estate of J. R. Cornell, Jr., also known as J. R. "Rich" Cornell, of Mountain Home, IDAHO, hereinafter sometimes referred to as the "Owner", and the Mountain Home Highway District, a quasi-municipal corporation, of P.O. Box 765, Mountain Home, Idaho 83647, hereinafter sometimes referred to as "Lessee".

RECITALS

(a) Owner is the owner of a gravel pit located on Owner's real property located in Elmore County, Idaho, 1.6 miles North of Baseline Road on Bowns Creek Road, that is depicted on Exhibit A that are attached hereto and by this reference made a part hereof, which real property is sometimes hereinafter referred to as the "Premises".

(b) Owner has agreed to lease to Lessee the real property depicted on Exhibit A as a gravel source for Lessee pursuant to the terms and conditions contained in this agreement.

NOW, THEREFORE, IT IS HEREBY AGREED by and between the parties hereto as follows:

1. MATERIAL REMOVAL. Owner hereby agrees to convey to Lessee all rock, sand and any and all other minerals incidental to the removal of such material, of whatever type or quantity, hereinafter referred to as "Material", located in and on the real property depicted on Exhibit A that is attached hereto as Lessee may remove during the term of this agreement or any extension. Lessee shall pay to Owner \$1.00 per yard for all Material removed from the Premises by Lessee. Owner expressly reserves the topsoil on the Premises and Lessee shall not remove bulk topsoil. However, Lessee may use such topsoil as an additive to finished products in order to meet specification requirements.

2. TERM. The term of this agreement shall commence on the ___ day of _____, 2014, and shall continue in full force and effect until terminated by either party upon sixty (60) days' written notice to the either party.

3. ACCOUNTING AND PAYMENT FOR MATERIAL REMOVED. Lessee shall account to Owner in writing for each cubic yard of Material removed from the Premises, exclusive of stripping, debris, unsafe or oversize outcroppings or other material removed solely at Owner's request on at least a quarterly basis commencing on the ___ day of _____, 2015. Lessee shall pay to Owner on a quarterly basis within two months of the end of each quarter for all Material removed during the previous quarter. Material removed shall be measured by truck measure at or near the place of extraction on the above-described Premises.

4. WARRANTIES OF TITLE AND QUIET POSSESSION. Owner covenants and warrants that it is seized of the described Premises in fee simple and has full right to make this agreement and that Lessee shall have quiet and peaceable possession of the described Premises during the term hereof. Owner further warrants and agrees to defend the title to the Premises including all Material located thereon or therein, and the right to sell the same.

5. PERMITS. It is expressly understood that Lessee intends to use the Premises as a rock source and to produce rock from said Premises for use on the roads under the jurisdiction of Lessee in the area of the Premises. Lessee agrees to secure all permits including, but not limited to, a State of Idaho Surface Mining Permit and zoning, applicable or required. Owner agrees to cooperate in said applications or any renewals of those or other permits and specifically agrees to sign any necessary documents as the owner of the Premises. Any yearly fees or other costs attributable to such permits shall be paid by Lessee. After said permits and zoning are obtained, Owner and Lessee agree to use their best efforts to maintain the same for the term hereof. Lessee agrees that if, for

any reason, Lessee's permit to remove Material from the Premises is canceled, or amended in such a manner as to conflict with the terms and provisions of this agreement, Lessee may, at Lessee's sole discretion, terminate this agreement.

6. SURFACE RIGHTS OF LESSEE. Lessee may clear brush and undergrowth from such portions of the Premises as may be reasonably necessary to explore for materials or to locate pits and stockpile areas. In order to obtain access to the Premises, and to carry on its operations hereunder, Lessee shall have the right to make use of all roadways presently existing on the Premises. Lessee may erect a scale and scale house on the Premises, if it should so desire. Lessee shall have full rights of ingress and egress in, on, over and across and through the Premises for the purpose of removing Material pursuant to this agreement.

7. INDEMNITY. Each party shall indemnify and defend each other free and harmless from any claim, loss, lien, encumbrance, liability or expense arising out of or in any manner connected with or related to any activity of each other, their employees, agents, licensees or invitees on the Premises or any condition on the Premises caused or maintained by each.

8. INSURANCE. Before commencing Lessee's operation on the above-described Premises, Lessee shall procure and thereafter during the term of this agreement continue to carry the following insurance at Lessee's cost:

- A. Public liability and property damage insurance with a responsible company with limits of not less than \$500,000 for injury to or death of one person, \$500,000 for injury to or death of two or more persons in one occurrence, and \$250,000 for damage to property, or a single limits policy with limits of not less than \$500,000.
- B. Workers' compensation coverage on all of the employees employed on said Premises by Lessee as required by law.
- C. At Owner's request, Lessee shall furnish to Owner certificates evidencing the compliance with the insurance and workers' compensation requirements set forth above with additional insured on liability policy.

9. CARE AND OPERATION. Lessee shall use all reasonable care and diligence and shall conduct its operations in such a manner as not to cause undue damage to the Premises. Upon termination of this agreement for any reason not the fault of Owner, Lessee agrees to promptly clean and dress up the Material resource site and leave it in reasonable and safe condition.

10. TAXES. Owner shall pay all real property taxes and any sales taxes. Lessee shall pay promptly when due, any taxes on Lessee's machinery, equipment and facilities on said Premises.

11. REMOVAL OF IMPROVEMENTS, MATERIAL AND EQUIPMENT. All improvements and equipment placed on the Premises by Lessee shall remain the property of Lessee and Lessee shall have the right to remove such property prior to the expiration of this agreement. On termination of this agreement for any cause, within a reasonable time not less than forty-five (45) days from termination, Lessee shall have the right to remove all such improvements and equipment, and including any Materials mined and produced but not removed on the date of termination.

12. DEFAULT. Time is of the essence of this agreement. In the event any default occurs in the performance of any term or condition of this agreement by Owner or Lessee, the other party shall have the right to give a twenty-one (21) day notice in writing to the defaulting party, demanding the correction or removal of such default. Said notice shall be by certified mail, return receipt requested, to defaulting party's address as specified above. In the event defaulting party fails to correct or remove such default within such period, the other party may, at its or their option, terminate this agreement in addition to such other rights and remedies as are provided at law or in equity on account of such default.

13. NONWAIVER. Waiver by either party of the strict performance of any provision of this agreement shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

14. BINDING EFFECT. This agreement shall be binding upon the heirs, personal representatives and assignees of Owner and Lessee. This agreement is personal to Owner and Lessee, and Lessee shall not sell, assign, transfer or sublet its interest in this agreement, without Owner's consent, which consent shall not be unreasonably withheld.

15. ATTORNEY'S FEES. If suit or action is instituted in connection with any controversy arising out of this agreement, the prevailing party shall be entitled to recover, in addition to costs, such sum as the judge or judges may adjudge as reasonable attorney's fees, in addition to any other costs allowed by law.

16. PARAGRAPH HEADINGS. This agreement constitutes the entire agreement between the parties.

17. HEIRS AND ASSIGNS. Unless expressly otherwise stated, this agreement is the final agreement and shall be binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have executed duplicate copies of this Material Source Agreement on the date first herein above written.

MOUNTAIN HOME HIGHWAY DISTRICT

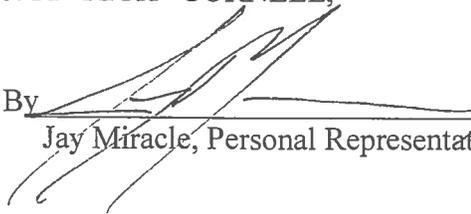
By Colin Ireland
Larry Hall, Chairman

ATTEST:
Penny Meyers
Penny Meyers, Secretary



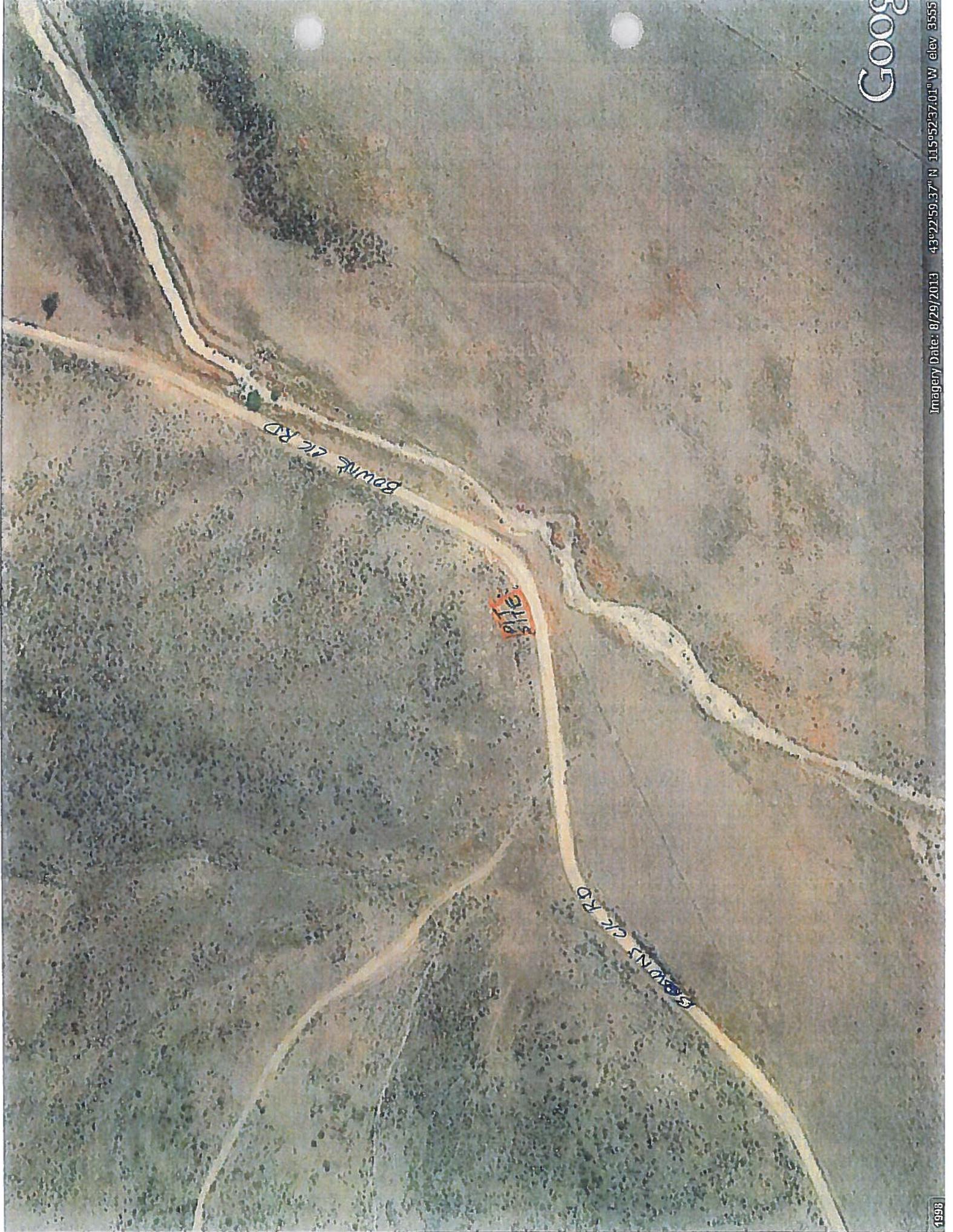
ESTATE OF J. R. CORNELL, JR., also known as
J. R. "RICH" CORNELL,

By



Personal Representative

Jay Miracle, Personal Representative



BOWNE CR RD

Site

BOWNE CR RD



IDAHO DEPARTMENT OF LANDS

NOTICE OF SURFACE MINING OPERATIONS TO BE CONDUCTED BY A PUBLIC OR GOVERNMENTAL AGENCY FOR MAINTENANCE, REPAIR, OR CONSTRUCTION OF A PUBLIC HIGHWAY

1. MTW. HOME HWY. DIST. (Operator) CATI PHARES (Contact Person) P.O. Box 756 (Address) (203) 387-3211 (Telephone) MTW. HOME ID. 83647 (City, State and Zip Code)

2. NENE, 32, 1N, 5E B.M. ELMORE 1/4 1/4 Section Section Township Range County

3. 0 (Existing Affected Acreage) 1.9 (Total Planned Affected Acreage)

4. J. R. "Rich" CORNELL (Property Owner's Name) 5. INTERMITTENT CREEK 100' Dist. to Surface Water

This notice shall certify that The MTW. HOME HWY. DIST plans to operate a noncommercial surface mining operation for construction and/or maintenance of public highways and roads, on the lands described above. We agree and understand that the following conditions must be adhered to in conduct of the mining operation:

- 1. If our operations disturb less than two acres, a reclamation plan is not required and only this notice shall be completed (Idaho Code § 47-1519). If our operations disturb two acres or more, a reclamation plan shall be completed as required by Idaho Code § 47-1506.
2. Operation and reclamation of this material source will be in compliance with Idaho Code § 47-1509 and the Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities in Idaho (IDAPA 20.03.02).
3. The material source will be regraded to stabilize all pit slopes and to blend with adjacent topography.
4. Available topsoil and overburden will be stockpiled and protected from erosion so that it may be used in reclamation.
5. Where possible, regrading and revegetation will be kept concurrent with the mining operation.
6. Erosion and degradation of surface waters will be prevented by using and maintenance of nonpoint source erosion controls as required by IDAPA 20.03.02.
7. Revegetation must be completed as specified in Section 140 of the above referenced rules.

8. Development and operation of the source will comply with all other county, state and federal laws. Where applicable, the Bureau of Land Management Free Use Permit will also govern the operation of this source.

Draw a general location map below, indicating main access routes to the material source and legal sections. Where applicable, attach a copy of your Bureau of Land Management Free Use Permit.

DATE: 10-8-14

Paul Phoned
Signature
DIRECTOR
Title

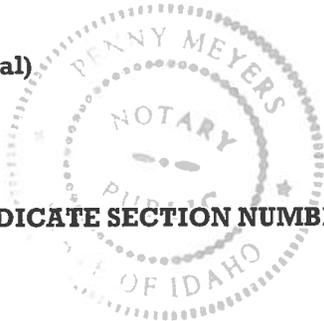
State of Idaho)
County of Elmore) ss

Subscribed and sworn to before me on the day and year written above.

My Bond Expires: 3-31-18

Renny Meyer
Mountain Home Highway District
Residing at: Mountain Home

(Seal)



INDICATE SECTION NUMBERS ON GENERAL LOCATION MAP DRAWN BELOW:



ELMORE COUNTY LAND USE & BUILDING DEPARTMENT

520 East 2nd South • Mountain Home, ID • 83647 • Phone: (208) 587-2142

Fax: (208) 587-2120 • www.elmorecounty.org

Neighborhood Meeting Sign Up Sheet

Start Time of Neighborhood Meeting: 10:00 AM

End Time of the Neighborhood Meeting: 11:00 AM

Attendees:

| <u>Name</u> | <u>Address</u> |
|-------------------------|--|
| 1. <u>Mike GRIMMETT</u> | <u>5563 W 18 E Mtn. Home ID 83647</u> |
| 2. <u>Carl PHARES</u> | <u>440 N 8 E Mtn. Home ID. 83647</u> |
| 3. <u>Lori Lam</u> | <u>1250 E 12th S Mtn Home, ID 83647</u> |
| 4. _____ | _____ |
| 5. _____ | _____ |
| 6. _____ | _____ |
| 7. _____ | _____ |
| 8. _____ | _____ |
| 9. _____ | _____ |
| 10. _____ | _____ |
| 11. _____ | _____ |
| 12. _____ | _____ |
| 13. _____ | _____ |
| 14. _____ | _____ |
| 15. _____ | _____ |
| 16. _____ | _____ |
| 17. _____ | _____ |

- 18. _____
- 19. _____
- 20. _____
- 21. _____
- 22. _____
- 23. _____
- 24. _____
- 25. _____

Neighborhood Meeting Certification:

Applicants shall conduct a neighborhood meeting for comprehensive plan amendments, variance, conditional uses, zoning ordinance map amendments and expansions or extensions of nonconforming uses as per Elmore County Zoning and Development Ordinance Section 6-4-3.

Description of the proposed project: GRAVEL PIT

Notice Sent to neighbors on: 10-20-2014

Date and time of the neighborhood meeting: 11-1-14 AT 10:00 AM - 11:30 AM

Location of the neighborhood meeting: 1.6 miles FROM BASELINE RD. ON BONNS CRK Rd. (AT SITE OF PIT)

Applicant:

Name: MTA. HOME Hwy. Dist. (CAL PHARES)

Address: P.O. Box 756

City: MTA. HOME State: ID. Zip: 83647

Telephone: 208-587-3211 Fax: 208-587-7129

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with the Elmore County Zoning and Development Ordinance Section 6-4-3.

Cal Phares M.H.H.D.
Signature: (Applicant)

11-4-14
Date

Elmore County Zoning and Development Ordinance

Section 6-4-3: Neighborhood Meetings:

- A. Applicants shall conduct a neighborhood meeting for Comprehensive Plan amendments, variances, conditional uses, zoning ordinance map amendments, expansions or extensions of nonconforming uses, and subdivisions, excluding Planned Community, Planned Unit Development, and Planned Unit Development District applications as specified in this Title.
- B. It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within the radius required in this Title of the exterior boundary of the application property and to all registered neighborhood associations deemed appropriate by the Director. Notice of a neighborhood meeting shall be in addition to, and not in lieu of, mailed radius notices already required by this Title. Notice of neighborhood meeting must be mailed at least ten (10) days prior to the date of the neighborhood meeting.
- C. The purpose of the neighborhood meeting shall be to review the proposed project.
 1. The meeting shall be on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend.
 2. The meeting shall be held at one of the following locations, excluding Planned Community, Planned Unit Development, and Planned Unit Development District applications as specified in this Title:
 - a. On the subject property; or
 - b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or
 - c. At an office space with suitable meeting facilities if such facilities are within a one-mile radius of the nearest public meeting place.
- D. The neighborhood meeting shall be conducted prior to acceptance of the application.
- E. The neighborhood meeting shall not be conducted more than six (6) months prior to acceptance of the application.
- F. The application materials shall include written verification of the neighborhood meeting on the forms provided by the Growth and Development Department.

Neighborhood Meeting Template:

Date

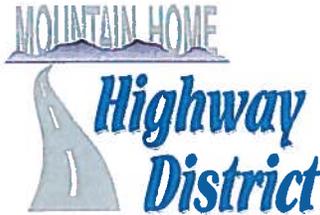
To: Property Owner

You are invited to attend a neighborhood meeting at ***location & time*** This meeting is to inform property owners of ***proposed application*** You comments are greatly appreciated as we move forward with our application.

Sincerely,

Name

P.O. Box 756
(1208 N.W. Mashburn)
Mountain Home, ID 83647
Phone: (208)587-3211
Fax: (208)587-7129



Larry Hall, Chairman
Calvin Ireland, Commissioner
Martin Beach, Commissioner
C. Wayne Tindall, Director
Penny Meyers, Treasurer
Jay Friedly, Attorney

November 3rd, 2014

Mountain Home Highway District
Reclamation Plan
2 acres in NE1/4 NE1/4, Sec 32, T.1N, R.5E, B.M.

Operation of Source

Excavation will start at the East edge of the property and work to the West. Approximately 1 acre will be affected by the 1st half of this project.

The overburden will be stockpiled on the half of the property not being used at this time.

Operational slopes will be 3H:1V. Vertical faces will not exceed 15 feet in height during excavation.

Clean backfill materials may be placed on the pit floor. No wood, metal, asphalt, or garbage will be used for backfilling.

Final Reclamation

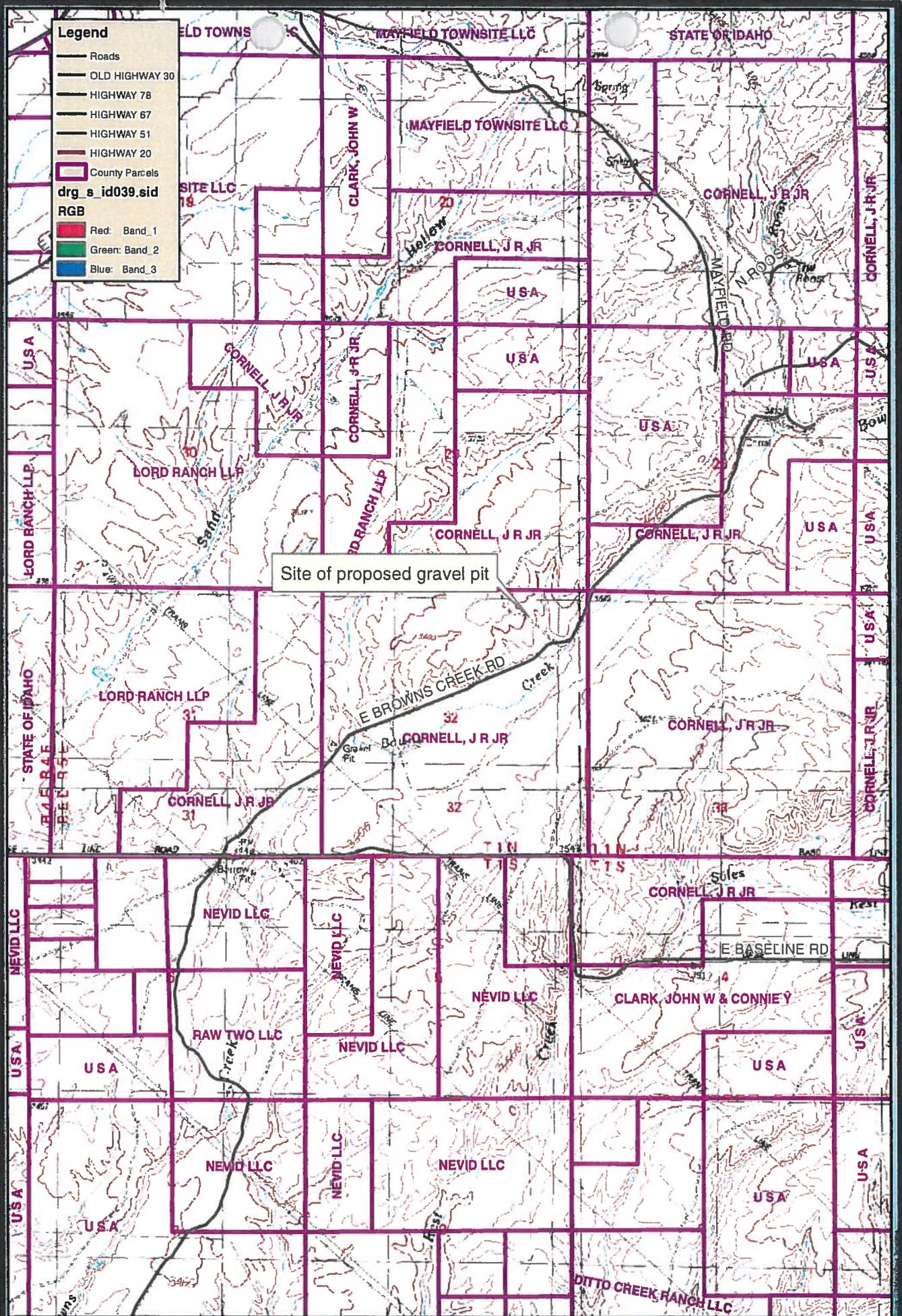
Reclamation of the pit walls will occur as sections of the pit reach final depth. Reclamation of the pit floor will not start until all the pit area is excavated and free of stockpiles.

Final slopes will be 2H:1V. Pit walls and floor will be left reasonably smooth.

Original overburden will be spread uniformly over the pit walls and floor. The entire disturbed area will be seeded with grasses of the landowners choice.

Legend

- Roads
- OLD HIGHWAY 30
- HIGHWAY 78
- HIGHWAY 67
- HIGHWAY 51
- HIGHWAY 20
- County Parcels
- drg_s_id039.sid
- RGB
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Site of proposed gravel pit



MHAD
P:7

Elmore County Land Use & Building Department

520 East 2nd South
Mountain Home, ID 83647
Phone: (208) 587-2142
Fax: (208) 587-2120

Pre Application Meeting Form

Date: 10.16.14 Meeting Location: LVB office

Elmore County Staff: Alan Christy

Applicant Name: Mountain Home Highway District

Applicant Email: c.phares@earthlink.net

Applicant Phone Number: 587-3211

Applicant Address: Box 756 Mountain Home, ID

Property Owner: JR Cornell

Property Address: _____

Parcel Number: RPOINOSE320010

Proposed Use/Application: CUP brand P:7

Application(s) required: CUP

Notification distance: 1000'



P.O. Box 756
Mountain Home, ID 83647

Phone: (208) 587-3211
Fax: (208) 587-7129
Mobile: (208) 590-2942

Email: c.phares@earthlink.net

Carl Phares

| PM_MAIL_NM | PM_MAIL_A1 | PM_MAIL_A2 | PM_MAIL_CT | PM_PM_MAIL_ZP |
|-----------------|--------------------------|------------|------------|---------------|
| CORNELL, J R JR | 24245 NE CORNELL LANE | | MTN HOME | ID 83647 |
| CORNELL, J R JR | 24245 NE CORNELL LANE | | MTN HOME | ID 83647 |
| LORD RANCH LLP | 1171 MAYFIELD ROAD | | BOISE | ID 83716 |
| LORD RANCH LLP | 1171 MAYFIELD ROAD | | BOISE | ID 83716 |
| CORNELL, J R JR | 24245 NE CORNELL LANE | | MTN HOME | ID 83647 |
| CORNELL, J R JR | 24245 NE CORNELL WAY | | MTN HOME | ID 83647 |
| CORNELL, J R JR | 24245 NE CORNELL LANE | | MTN HOME | ID 83647 |
| NEVID LLC | 1349 GALLERIA DR STE 200 | | HENDERSON | NV 89014 |
| NEVID LLC | 1349 GALLERIA DR STE 200 | | HENDERSON | NV 89014 |



Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 ext.254
Fax: (208) 587-2120
www.elmorecounty.org

Received 12-3-14

Alan Christy
Director

Tell Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

Elmore County Assessor – Parcel Number: 01N05E320010
Comments: 2014 Owing
Elmore County Treasurer – Taxes 1st Half 136.77 2nd Half 136.77
Late Charges: Yes No Comments: _____

Cathy Smith
Dec 3, 2014

Date: NOVEMBER 27, 2014
To: Whom It May Concern
Subject: Notice of Public Hearing
Applicant: Mountain Home Highway District- Conditional Use Permit
for a gravel pit
Case #: CUP-2015-01

A public hearing will be held before the Elmore County Planning and Zoning Commission on the enclosed application. The hearing is scheduled for Wednesday, December 17, 2014 at 7:00 p.m. in the War Memorial (American Legion) Hall at 515 East 2nd South Street, Mountain Home, Idaho.

Please review the application and return your written comments to the Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, ID, 83647, by 5 p.m. on Friday, December 4, 2014, so your comments are included in the record. If you prefer, please come to the hearing to testify before the Commission.

If you have any questions or if we can be of any assistance, please do not hesitate to contact the office. To ensure compliance with the American Disabilities Act (ADA) of 1993, the Elmore County Clerk the responsible coordinator. Provisions will be made for persons with disabilities who are unable to attend this hearing. A grievance procedure is available from M. Bate, Elmore County Courthouse, in accordance with the ADA regulations.

Sincerely,

Alan Christy
Director

Enclosures: Application
AC:bsb



IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028
Boise, ID 83707-2028

received
12-5-14kh
mail

(208) 334-8300
itd.idaho.gov

December 4, 2014

Alan Christy
Elmore County Land Use and Building Department
520 East 2nd South Street
Mountain Home, Idaho 83647

RE: CUP-2015-01 BOUNS CREEK ROAD MATERIAL SOURCE PIT

Dear Mr. Christy:

The Idaho Transportation Department (ITD) has reviewed the referenced conditional use application for the Bouns Creek Road Material Source Pit located north of I-84 near Exit 74 (Simco Rd). ITD has the following comments:

1. ITD has no objections to this application and does not require any mitigation.
2. Please let the property owner know that if they want this pit approved in the future for ITD projects they can contact Kelly Byrne at 332-7178 to get the pit approved.

If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7191.

Sincerely,

A handwritten signature in blue ink that reads "James K. Morrison".

James K. Morrison
Development Services Manager
jim.morrison@itd.idaho.gov

Legend

Zoning

- ABCZ
- ABHIZ
- AC
- CC
- CITY
- M1
- M2
- PD-MT
- R

County Boundary

Interstate

Roads

OLD HIGHWAY 30

HIGHWAY 70

HIGHWAY 67

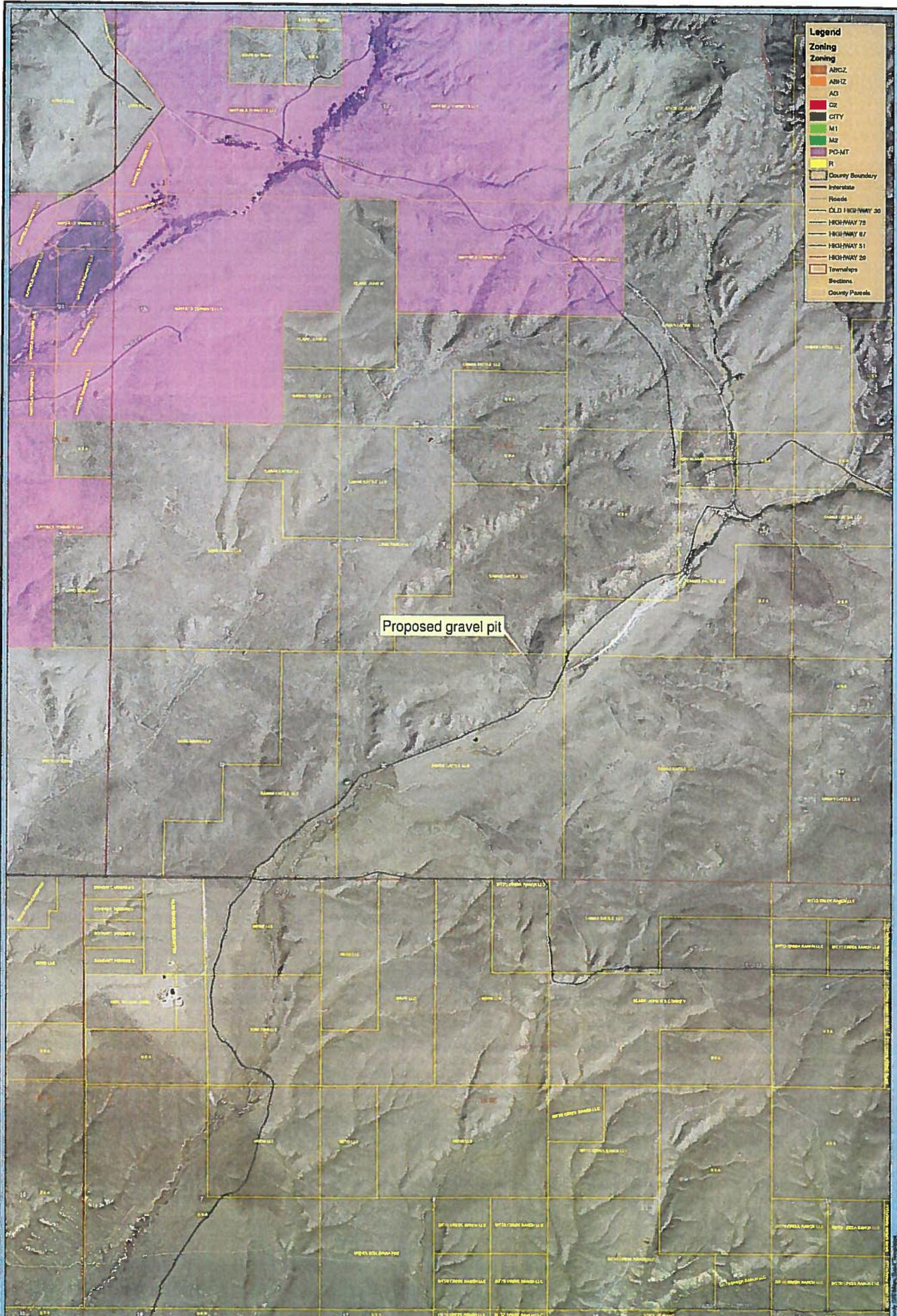
HIGHWAY 51

HIGHWAY 20

Townships

Sections

County Parcels



Proposed gravel pit





taken 12-8-14(BSB)



Flour City, Idaho
Land Use & Building Department

**LEGAL NOTICE
OF PUBLIC HEARING**

Flour City, Idaho
Planning & Zoning Commission
will hold a Public Hearing to receive
testimony and to consider an application for
Conditional Use Permit for a physical plan
in Agriculture (AG) Zone
Applicant: *Sharon Sue Finney, et al.*
Hearing: *Wednesday, December 17, 2014*
at 7:00 pm. Open House: *12-17-14*
at the War Memorial Hall
(American Legion)
315 East 2nd South
Zoo Station, Idaho
For more information, contact
COUNTY PLANNER
208-587-2142 Ext. 252



taken 12-8-14 BJB





Elmore County Land Use and Building Department

520 East 2nd South Street
Mountain Home, ID 83647
Phone: (208) 587-2142 ext.254
Fax: (208) 587-2120
www.elmorecounty.org

Alan Christy
Director

Tell Riley
Building Official

Beth Bresnahan
Planner I

Kacey Ramsauer
Administrative
Assistant

Date: November 21, 2014

To: Whom It May Concern

Subject: Notice of Public Hearing

Applicant: Mountain Home Highway District- Conditional Use Permit
for a gravel pit

Case #: CUP-2015-01

A public hearing will be held before the Elmore County Planning and Zoning Commission on the enclosed application. The hearing is scheduled for Wednesday, December 17, 2014 at 7:00 p.m. in the War Memorial (American Legion) Hall at 515 East 2nd South Street, Mountain Home, Idaho.

Please review the application and return your written comments to the Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, ID, 83647, by 5 p.m. on Friday, December 4, 2014, so your comments are included in the record. If you prefer, please come to the hearing to testify before the Commission.

If you have any questions or if we can be of any assistance, please do not hesitate to contact the office. To ensure compliance with the American Disabilities Act (ADA) of 1993, the Elmore County Clerk the responsible coordinator. Provisions will be made for persons with disabilities who are unable to attend this hearing. A grievance procedure is available from M. Bate, Elmore County Courthouse, in accordance with the ADA regulations.

Sincerely,


Alan Christy
Director

Enclosures: Application
AC:bsb

CC:
Dept of Environmental Quality Boise Reg
Central District Health Department
Elmore County Sheriff
Elmore Soil & Water Conservation District
Idaho Dept of Transportation District 3
Idaho Dept of Lands Southwest Area Manager
Bureau of Land Management
Idaho Dept of Fish & Game

ELMORE COUNTY
PLANNING AND ZONING COMMISSION

520 East 2nd South Street
Mountain Home, ID 83647
Telephone 208-587-2130, ext. 502 Fax 208-587-2120

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to the laws of the State of Idaho and Ordinances of Elmore County, that the Elmore County Planning and Zoning Commission will hold a PUBLIC HEARING at 7:00 p.m. on Wednesday, December 17, 2014 in the War Memorial Hall (American Legion) 515 East 2nd South Street, Mountain Home, Idaho, to accept testimony and consider an application from Mountain Home Highway District for a Conditional Use Permit for a gravel pit in the Agriculture (Ag) Zone. Case Number: CUP-2015-01. The site is located in Section 32, Township 1 North, Range 5 East, B.M. A common means of locating the property is from Interstate 84, take exit 74, turn north on Simco Road, turn left on Desert Wind, turn right on Regina, turn right on Baseline Rd., turn left on Bouns Creek Rd, travel approximately 1.6 miles, the proposed area will be on the left side of the road.

This application may be reviewed prior to the hearing in the Land Use and Building Department during regular business hours. Any and all interested persons shall be heard at said public hearing and the public is welcome and invited to submit testimony. Anyone who wishes to testify but is unable to attend may submit written testimony prior to the hearing by sending it to Elmore County Land Use and Building Department, 520 East 2nd South Street, Mountain Home, Idaho, 83647. Written testimony must be received by 5:00 p.m. on Friday, December 5, 2014.

The Elmore County Clerk is responsible for ensuring compliance with the American Disabilities Act (ADA) of 1993, the Elmore County Clerk is responsible ADA coordinator. Provisions will be made for persons with disabilities who are unable to attend this hearing. A grievance procedure is available from M. Bate, Elmore County Courthouse, in accordance with the ADA regulations.

One publication: Wednesday, November 26, 2014


Alan Christy, Director
Elmore County Land Use and Building Department
AC:bsb

**ELMORE COUNTY
PLANNING AND ZONING COMMISSION**

MINUTES

Wednesday, November 19, 2014

Chairperson Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairperson K.C. Duerig, Ed Oppedyk, Sue Fish, Jeff Blanksma, Shane Zenner, and Betty Van Gheluwe. Also present were Attorney of Record Phillip Miller, Director Alan Christy, and staff member Kacey Ramsauer.

PLEDGE OF ALLEGIANCE

PUBLIC MEETING

Extension request for SUB-2014-06 Carlon

Christy gave staff report and background.

Blanksma moved to approve as presented by staff with all recommendations.

Van Gheluwe seconded.

Motion carried unanimously.

Voting of new officers for 2015

Christy read the by-laws for the election of officers.

Christy opened nominations for Chairperson for 2015.

Duerig nominated Patti Osborn.

Fish seconded.

Duerig closed the nominations.

Vote was cast by secret ballot.

Osborn was voted in unanimously.

Osborn opened nominations for Vice Chairperson.

Osborn nominated KC Duerig.

Fish seconded.

Osborn closed nominations.

Vote was cast by secret ballot.

Duerig was voted in unanimously.

ORDINANCE WORK SESSION

Discuss recreational vehicles draft ordinance amendment

Fish stated that she thinks the definition of a campground and Recreational Vehicle Park is backwards.

Duerig stated that the campground definition includes sewer and water hookups and they do not have that.

Christy stated that it could state that it may or not be provided.

Commission consensus is to hold off on the text amendment until staff gets more items together to combine into a singular public hearing.

MINUTES

Minutes from 11-5-2014

Van Gheluwe moved to approve.

Duerig seconded.

Motion carries with Blanksma abstaining.

INFORMATION ITEMS

Upcoming P & Z Schedule.

Christy asked to cancel the regular public hearing for December 3, 2014 as there are no agenda items. He stated that the next meeting will be scheduled for December 17, 2014. He stated that there will no public hearing January 7, 2015 but will have one on January 21, 2015.

MEETING ADJOURNED

Patti Osborn, Chairperson

Date:

Attest: _____
Alan Christy, Director

Date:

RESOLUTION NO. 561-14

A RESOLUTION RECOGNIZING THE CURRENT BUILDING CODES IN EFFECT IN ELMORE COUNTY AS: THE 2012 INTERNATIONAL BUILDING CODE, THE 2012 VERSION OF THE INTERNATIONAL RESIDENTIAL CODE, APPENDICES A, B, C AND D, MECHANICAL PARTS V AND VI, AND THE 2012 VERSION THE INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING EXCEPTIONS AND AMENDMENTS THERETO.

WHEREAS, Title 39, Chapter 41 of Idaho Code (“Idaho Building Code Act”) provides authority to Elmore County to adopt and enforce building codes.

WHEREAS, Idaho Building Code Act provides for adoption of subsequent versions of the building codes as adopted and amended by the Idaho Building Code Board through the negotiated rulemaking process.

WHEREAS, the Idaho Building Code Board updated the building codes pursuant to the Idaho Building Code Act on March 20, 2014, which changes shall be effective January 1, 2015.

WHEREAS, Elmore County has adopted the Elmore County Zoning and Development Ordinance on March 21, 2012 as Ordinance 2012-01; which ordinance was subsequently amended on September, 19, 2012, as Ordinance 2012-03 and July 23, 2014, as Ordinance 2014-01 (collectively, the “Zoning Ordinance”).

WHEREAS, under Section 6-40-1 of the Zoning Ordinance, the building codes in effect for Elmore County shall be automatically updated upon the adoption of updated versions of the building codes by the State of Idaho.

WHEREAS, under Section 6-40-1 of the Zoning Ordinance the Board may, by resolution, confirm the building codes in effect in Elmore County.

WHEREAS, the Board desires to confirm the building codes in effect in Elmore County as of January 1, 2015.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS (“BOARD”):

SECTION 1. ADOPTION OF CURRENT BUILDING CODES: The Board desires to confirm by this Resolution the building codes in effect as of the Effective Date of this Resolution in Elmore County as set forth in the attached Exhibit A, which exhibit is made a part hereof.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect and be in force on January 1, 2015.

Dated this 8th day of December, 2014.



ELMORE COUNTY BOARD OF COMMISSIONERS

By: *Albert Hofer*
Albert Hofer, Chairman

By: *Franklin L. Corbus*
Franklin L. Corbus, Commissioner

By: *Wesley R. Wootan*
Wesley R. Wootan, Commissioner

ATTEST:

Barbara Steele
Barbara Steele, Elmore County Clerk

Exhibit A

As of January 1, 2015 the following building codes recognized by Elmore County:

- **The 2012 Version of the International Building Code**
- **The 2012 Version of the International Residential Code, Appendices A,B,C and D, Mechanical Parts V and VI**
- **The 2012 Version of the International Energy Conservation Code**

As of January 1, 2015 the following amendments shall be applicable to the building codes:

A. 2012 International Building Code:

1. Delete Table 2902.1 Footnote F and replace with the following:

f. Drinking fountains are not required for an occupant load of thirty (30) or fewer.

2. Delete Table 2902.1 Footnote G and replace with the following:

g. For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required.

3. Delete section 305.2.3 and replace with the following:

Twelve (12) of fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a group R-3 occupancy or shall comply with the International Residential Code.

4. Delete Section 308.6.4 and replace with the following:

Persons Receiving Care in a Dwelling Unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer person receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

5. Delete Section 310.5 and replace with the following:

Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including:

- i. Buildings that do not contain more than two (2) dwelling units;
- ii. Boarding houses (nontransient) with sixteen (16) or fewer occupants;
- iii. Boarding houses (transient) with ten (10) or fewer occupants;
- iv. Care facilities that provide accommodations for five (5) or fewer persons receiving care;
- v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants;
- vi. Congregate living facilities (transient) with ten (10) or fewer occupants;
- vii. Dwelling units providing day care for twelve (12) or fewer children.

6. Delete Section 310.5.1 and replace with the following:

Care Facilities within a Dwelling Unit. Care facilities for twelve (12) or fewer children receiving day care or five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.

B. 2012 International Residential Code, Appendices A, B, C, and D Mechanical Parts V and VI

1. Delete exception No. 1 contained under IRC Section **R101.2-Scope**.
2. Delete exception No. 2 contained under IRC Section **R101.2- Scope**, and replace with the following exception:

Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings.

3. Add the following item No. 11 at the end of the "Building" subsection of IRC Section **R105.2- Work exempt from permit**:

11. Flag poles

4. Delete IRC Section **R303.4**
5. Delete IRC Section **R501.3** and its exceptions
6. Delete IRC Section **R602.10** and replace with the following:

Wall Bracing. Buildings shall be braced in accordance with this section or, when applicable section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with Section R301.1.

7. **Chapter 11 [RE] Energy Efficiency-** The following sections and tables of chapter 11 shall be amended in accordance with the requirements contained below in Subsection 004.04 of these rules (see IECC amendments for actual amended language) which correspond to the appropriate section:

- A. **Table N1102.1.1 (Table R402.1.1)** - Insulation and Fenestration Requirements by Component;
- B. **Table N1102.1.3 (Table R402.1.3)** - Equivalent U-Factors;
- C. **Table N1102.2.2.6 (Table R402.2.6)** - Steel Frame Ceiling, Wall and Floor Insulation (R-Value);
- D. **Section N1102.4.1 (R402.4.1)** - Building Thermal Envelope;
- E. **Section N1102.4.1.1 (R402.4.1.1)** - Insulation;
- F. **Table N1102.4.1.1 (Table R402.4.1.1)** - Air Barrier and Insulation Installation;
- G. **Section N1102.4.1.2 (Table R402.4.1.2)** - Testing Option;
- H. Add **Section N1102.4.1.3 (R402.4.1.3)** - Visual Inspection Option;
- I. Add **Section N1102.6 (R402.6)** - Residential Log Home Thermal Envelope;
- J. Add **Table N1102.6 (Table R402.6)** - Log Home Prescriptive Thermal Envelope Requirements by Component; and
- K. **Section N1104.1 (R404.1)** - Lighting Equipment.

8. **Section M1502.4.1 Material and Size.** Add the following exception:

Dryer duct may be constructed of 0.013 (30 gauge) or equivalent of prefabricated 0.016 (28 gauge) ducts and fittings are not available.

9. Delete **Section M1502.4.2 Duct Installation** and replace with the following:

Exhaust ducts shall be supported at four (4) foot (1219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct.

10. **Section M1507.3.1 System Design.** Add the following to the end of the section:

Outdoor air shall be ducted predominantly horizontal to avoid chimney effect. Outdoor air ducts will contain an accessible back draft damper and be designed to have an open cross section of twenty (20) square inches per one thousand (1,000) square feet of conditioned space.

11. **Table M1601.1.1 (2) Gauges of Metal Ducts and Plenums Used for Heating or Cooling.** Add the following exception:

Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.

C. 2012 International Energy Conservation Code

1. Delete the values contained in Table R402.1.1 (Table N1102.1.1) for climate zone "5 and Marine 4" and climate zone "6" and replace with the following:

**Table R402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT**

| Climate Zone | Fenestration U-Factor | Sky-light U-Factor | Glazed Fenestration SHGC | Ceiling R-Value | Wood Frame Wall R-Value | Mass Wall R-Value | Floor R-Value | Basement Wall R-Value | Slab R-Value | Crawl-Space Wall R-Value |
|----------------|-----------------------|--------------------|--------------------------|-----------------|-------------------------|-------------------|---------------|-----------------------|--------------|--------------------------|
| 5 and Marine 4 | 0.35 | 0.60 | NR | 38 | 20 or 13+5h | 13/17 | 30g | 10/13 | 10,2ft | 10/13 |
| 6 | 0.35 | 0.60 | NR | 49 | 20 or 13+5h | 15/19 | 30g | 15/19 | 10,4ft | 10/13 |

2. Delete the values contained in Table R402.1.3 (Table N1102.1.3) for climate zone "5 and Marine 4" and climate zone "6" and replace with the following:

**Table R402.1.3
EQUIVALENT U-FACTORS**

| Climate Zone | Fenestration U-Factor | Skylight U-Factor | Ceiling R-Value | Wood Frame Wall R-Value | Mass Wall R-Value | Floor R-Value | Basement Wall R-Value | Crawl-Space Wall R-Value |
|----------------|-----------------------|-------------------|-----------------|-------------------------|-------------------|---------------|-----------------------|--------------------------|
| 5 and Marine 4 | 0.35 | 0.60 | 0.030 | 0.057 | 0.082 | 0.033 | 0.059 | 0.065 |
| 6 | 0.35 | 0.60 | 0.026 | 0.057 | 0.060 | 0.033 | 0.059 | 0.065 |

3. Delete Table R402.2.6 (Table N1102.2.6) and Replace with the following:

**Table R402.2.6
STEEL-FRAME CEILING, WALL AND FLOOR INSULATION
(R-VALUE)**

| WOOD FRAME R-VALUE REQUIREMENT | COLD FORMED STEEL EQUIVALENT R-VALUE ^a |
|--------------------------------|---|
| Steel Truss Ceilings | |
| R-30 | R-38 or R-30+3 or R-26+5 |
| R-38 | R-49 or R38+3 |

| | |
|--|---|
| R-49 | R-38+5 |
| Steel Joist Ceilings | |
| R-30 | R-38 in 2x4 or 2x6 or 2x8 R-49 in any framing |
| R-38 | R-49 in 2x4 or 2x6 or 2x8 or 2x10 |
| Steel Framed Wall | |
| R-13 | R-13+5 or R-15+4 or R-21+3 or R-0+10 |
| R-19 | R-13+9 or R-19+8 or R-25+8 |
| R-21 | R-13+10 or R-19+9 or R-25+8 |
| Steel Joist Floor | |
| R-13 | R-19 in 2x6 R-19+6 in 2x8 or 2x10 |
| R-19 | R-19+6 in 2x6 R-19+12 in 2x8 or 2x10 |
| a. Cavity insulation R-value is listed first, followed by continuous insulation R-value b. Insulation exceeding the height if the framing shall cover the framing | |

4. Delete section 402.4.1 (N1102.4.1) and replace with the following:

Building Thermal Envelope. The building thermal envelope shall comply with sections R402.1.1 and either section R402.4.1.2 or R402.4.1.3. The sealing methods between dissimilar materials shall allow for differential expansion and contraction.

5. Delete section 402.4.1.1 (N1102.4.1.1) and replace with the following:

Installation. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction.

6. Delete the criteria requirements for the "Fireplace" component of Table **R402.4.1.1 (Table N1102.4.1.1)**- Air Barrier and Insulation Installation, and replace with the following:

An air barrier shall be installed on fireplace walls.

7. Delete section 402.4.1.2 (N1102.4.1.2) and replace with the following:

Testing option, Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven (7) air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. During test:

Exterior windows and doors, fireplace and stove doors shall be closed but not sealed; dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampeners; Interior doors shall be open; exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed; heating and cooling systems shall be turned off; HVAC ducts shall not be sealed; and supply and return registers shall not be sealed.

8. Add the following as section **402.4.1.3 (N1102.4.1.3)**:

Visual inspection option, Building envelope tightness and insulation installation shall be considered acceptable when the items listed in **Table 402.4.1.1**, applicable to the method of construction, are field verified. Where required by code official and approved party independent from the installer of the insulation shall inspect the air barrier and insulation.

9. Add the following section:

R402.6 (N1102.6) Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.4 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i., ii., or iii. as follows:

- i. Sections 402.2 through 402.3, 403.2.1, 404.1 and table 402.6;
- ii. Section 405 simulated Performance Alternative (Performance); or
- iii. REScheck (U.S. Department of Energy Building Codes Program)

10. Add Table R402.6 (Table N1102.6) Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with Subparagraph 004.04.b.i above to appear as follows:

**Table R402.6
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT**

| CLIMATE ZONE | FENESTRATION U-FACTOR ^a | SKYLIGHT U-FACTOR | GLAZED FENESTRATION SHGC | CEILING R-VALUE | MIN. AVERAGE LOG SIZE In inches | FLOOR R-VALUE | BASEMENT WALL R-VALUE ^d | SLAB R-VALUE & DEPTH ^b | CRAWL SPACE WALL R-VALUE ^e |
|--------------------------------------|------------------------------------|-------------------|--------------------------|-----------------|---------------------------------|---------------|------------------------------------|-----------------------------------|---------------------------------------|
| 5,6-High Efficiency Equipment Path c | 0.32 | 0.60 | NR | 49 | 5 | 30 | 15/19 | 10, 4ft | 10/13 |
| 5 | 0.32 | 0.60 | NR | 49 | 8 | 30 | 10/13 | 10, 2ft | 10/13 |
| 6 | 0.30 | 0.60 | NR | 49 | 8 | 30 | 15/19 | 10, 4ft | 10/13 |

a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration
b. R-5 shall be added to the required slab edge R-values for heated slabs.
c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).
d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R20 continuous insulated sheathing of the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

11. Delete Section R404.1 (N1104.1) and replace with the following:

Lighting Equipment (Mandatory). A minimum of fifty percent (50%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of fifty percent (50%) of the permanently installed lighting fixtures shall contain only high efficacy lamps.