

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES  
Wednesday May 19, 2021 at 7:00 pm**

Chairperson Patti Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present were Vice Chairman K.C. Duerig, Mitch Smith, Jeff Blanksma, Ed Oppedyk and Sue Fish. Also, present were Attorney of Record Ralph Blount and staff members Director Mitra Mehta-Cooper, Diana Clark, and James Roddin.

**ACTION ITEMS**

Accept testimony and consider an application from Craig Reisch, for a Conditional Use Permit to operate a Portable Saw to mill lumber in Atlanta, Idaho; the property is zoned Agriculture. Case Number: CUP-2021-02. The site is located at Lot 8 Block 12 in the Atlanta Townsite.

Craig Reisch is the applicant. He stated that he questioned the need for this permit. He stated that he wished to compliment the Land Use and Building Department staff for their professionalism through this process. He stated that he believes that this may be the first CUP for this type of operation. He stated that this sawmill will not create lots of noise or danger as it is a small hobby sawmill. He stated that there are a lot of other sawmills in Atlanta, one close to his property that has been running for decades. He stated that he wants this permit so he can be code compliant so he can move forward. He stated that he really questions the need for this permit as there are many sawmills like this one in Elmore County so will they all need to go through this process so that they comply. He stated that he is in agreeance with all that is in the staff report.

Clark gave staff report and background.

Duerig asked if the hours of operation should be limited to reduce any noise that may be created.

Clark stated that she is ok with this, and she has discussed this at length with the applicant.

Smith asked if there are any height restrictions with fencing around the property.

Clark stated that any fence over 6 feet would require engineering.

Fish asked if they know how many decibels the noise from the sawmill is.

Reisch stated that the saw has an 18 horse Vanguard motor on it, and it is a 2019 model so its more modern. He stated that the County Code Enforcement Officer James Roddin came to the

property in Atlanta, and he fired it up for him and gave a demonstration of the amount of noise that it makes. He stated that a common UTV or even a weed eater makes more noise than the sawmill. He stated that he does not have a decibel rating on the sawmill.

Fish asked if there were a county noise ordinance.

Clark stated that she looked through the ordinance but could not find one but would be happy to continue to research.

Blount asked what the scope of the applicant's operation is as far as having a flume or logging trucks coming to the property along with many other questions.

Reisch stated that there were trees that came down in Atlanta and he took down 13 trees on his own property to reduce any danger to his property from potential fires and he has those logs bunked on his property and he plans to mill them up so there are no transportation issues whatsoever. He stated that when he completes his projects on his property, he would very much like to take the sawmill to other properties and saw trees for them. He stated that his a fully insured licensed contractor so if somebody needs him to do work for them, he plans on doing so. He stated that his property is not big enough for a huge operation. He stated that in the future he may have a small solar powered kiln to speed the drying process up.

Blanksma asked if they are now getting to into legal counsel with these questions of the applicant.

Osborn stated that Blount is asking questions to make a definition.

Blount stated that these are elements of a basic sawmill operation, and he is not sure that what the applicant is doing with a portable mill meets the OSHA or EPA definitions of a typical sawmill operation. He stated we do not have a definition of sawmill in the county Ordinance. He stated that he does not see any harm in reviewing this for a CUP.

Blount asked if the applicant would be shipping any lumber to market.

Reisch stated that there would be no shipping of lumber but if it were it would be locally in Atlanta.

Smith stated that there is a definition of sawmill in the ordinance.

Clark read this definition for the record.

Jennifer Moore signed up to testify in support. She stated she is the significant other to the applicant. She stated that she helps the applicant with the sawmill and she and others are in support of this in the Atlanta community.

There was no one signed up in neutral to the application.

Daryl Coleman was signed in as opposed. He stated that he has property adjacent to the applicant in Atlanta. He presented a letter to the commission members from the applicant regarding the CUP. He asked if the CUP was intended for the property or the sawmill itself.

Blount stated that a CUP is a site-specific permit.

Coleman stated in this letter presented that he would like to extend the CUP to other areas of Elmore County and can he do this with a site-specific CUP.

Clark stated that this has been discussed with staff and if the applicant were to take the sawmill to other areas in the county the Department would deal with this administratively.

Coleman stated that he had a letter and pictures that are part of the record that he submitted to staff. He stated that the property this sawmill is located on is .432 acres in size and is near three other properties and close to a county road. He stated that the storage and processing of material not only makes this an annoyance but an environmental and life safety issue with the logs stacked up so high it could cause serious harm if they fell. He stated that this is also a fire hazard.

Coleman played a video of the sawmill in operation to display the sound it makes as well as chain saws going that are associated with this operation. He stated the filed an ordinance complaint that the applicant was operating a sawmill without a permit. He stated that there are employees camped randomly on the property, sometimes a few feet away from his bedroom and its an invasion of privacy. He stated that nobody is opposed to sawmills, that is not the issue, but the position of the sawmill is an issue. He stated at times it is directly under neighboring property owners' windows. He stated that this type of operation should not have a direct negative effect on their quality of life. He stated that this type of operation will have negatively affect his property values.

Suzanne Inama called in to testify in opposition. She stated that she had sent a letter stating everything from her view and she would like to add that she retired in 2016 and that she has enjoyed her retirement up until last summer when everything changed, and she would like it to go back to the way to the way it was before this sawmill started operating.

Craig Reisch responded to the public testimony. He stated that there are no back up alarms on his older equipment that makes noise. He stated that any heavy equipment is on the adjacent lot. He stated that he has met everyone on the land use staff and he stated that there have not been numerous complaints filed against him, but the sheriff has been to his property to investigate threats. He stated that everyone makes noise in Atlanta as weekends are busy. He stated that there are a lot of changes and activity happening up there. He stated that when he heard automatic gunfire on the adjacent property on May 1, 2021, he felt like his quality of life and safety were in jeopardy.

Osborn asked if there were employees living on the property in tents.

Reisch stated that they have guests visiting his property and he can do that in Atlanta. He stated that there are no employees running the sawmill. He stated he may have employees in the future, but he will address that when the time comes.

Blount asked how he could reduce the risk of logs breaking free and rolling and possibly injuring someone. He stated as a good neighbor you would want others to do this as well.

Reisch stated that this has been out of hand and is ridiculous. He stated that he would prefer a permit for this not be required and allow him to continue doing what he is doing. He stated that the code needs to be adjusted to identify this. He stated that he does not understand why he is being singled out as there are other sawmills in Atlanta operating without a CUP.

There was no further testimony.

Osborn closed this public hearing.

**Commission Action:**

Duerig moved to approve with conditions:

1. Conditional Use Permit be granted to Craig Reisch, to operate a portable saw to mill lumber for personal use in the Agriculture Zone.
2. Failure to comply with any condition may result in the revocation of the conditional use permit.
3. Proposed use shall comply with all requirements of Title 7 Chapter 2 ("Zoning") and Chapter 9 ("Conditional Use Permit") of the Elmore County Zoning and Development Ordinance 2018-03
4. The Applicant shall maintain hours of operation of the saw during the daylight hours of 9:00 am to 5:00 pm.
5. The Applicant shall obtain any applicable permits for any structures and/or other permittable projects on site.
6. The Applicant shall comply with all applicable fire codes, fire restrictions and fire management plan requirements, to include always maintaining a fire access route on the property and having fire extinguishers on the job site.
7. The Applicant shall complete the six (6') foot buffer fence on all adjacent properties within 12 months of approval.

8. The Applicant shall comply with all applicable state, federal, and local laws, ordinances, and requirements to include but not limited to wood permits, licenses, insurance, and any related mandates.
9. The Applicant shall provide the Department with any proposed changes of the approved use for review and proper approvals.

Blanksma seconded.

Osborn asked for a roll call vote:

Blanksma-**AYE**  
Fish-**NAY**  
Oppedyk-**AYE**  
Vice Chair Duerig-**AYE**  
Smith-**AYE**  
Chairperson Osborn-**AYE**

Motion carries **6-1**.

Minutes

Minutes from March 17, 2021

Duerig moved to approve.  
Oppedyk seconded.  
Motion carries unanimously.

INFORMATION ITEMS

Update on Land Use and Building Departments Procedural Changes

Mehta-Cooper updated the Commission members the Land Use and Building Department procedural changes.

Upcoming P & Z Schedule

The next public hearing is scheduled for June 16, 2021.

MEETING ADJOURNED AT 9:18 pm.

Approved

Approved

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Patti Osborn, Chairperson

Date:

Attest: \_\_\_\_\_

Mitra Mehta-Cooper, Director

Date: