

**ELMORE COUNTY  
PLANNING AND ZONING COMMISSION**

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**MINUTES**

**Wednesday, May 17, 2023, 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, Sue Fish, Ed Oppedyk and Mitch Smith. Also, present were Director Mitra Mehta-Cooper, Attorney of Record Ralph Blount, and staff members, Outside Counsel - Abbey Germaine, Joel Cruz-Haber and Kacey Ramsauer. Absent was: Jeff Blanksma

**PUBLIC HEARING ITEMS**

1. **CUP-2022-17 USA TRUCKING** - The proposed uses on the site; vehicle repair and service shop, office, accessory dwelling unit, and shop.

Applicant – Salomon Uribe 163 D St, Mountain Home, ID 83647, Juan Contreras – 176 NW 36h St. Ontario, OR translating for Mr. Uribe – explained Mr. Uribe got the property to do repair work on his trucks, then the County came in and told him he needed permits and since then he's been trying to do everything he's been told. He's been having difficulty with the county staff as they have been telling him he has junk where he has his trucks. He has proof of what he has on his property. What he wanted to do in the first place was to ask for a permit to do a pole barn so he could do his projects or maintenance... whatever he needs to do. When the County came out, he felt they put things in their own perspective not what he told them. What he is trying to do is just his own work and try to get his own house to his own land. Mr. Uribe has documents, should he submit those documents?

Chair - Anything you submit will be submitted into the record and then will be kept as a part of the record. So, whatever you are wanting to give us you will not get back, it will become a part of the record.

Applicant – Ok, thank you.

Staff Report - Joel Cruz-Haber gave staff report. Sept 21, 2022, CUP-2022-17 was tabled due to chronic code violations existing since approximately 2020. At that time the owner of the property was Diego Armando Bustamunte who did not reside in Elmore County but had several unregistered vehicles on the property which are a violation of County Ordinances. Since that time more vehicles have been continually added to the property. Mr. Uribe was notified in early 2022 that in order to continue work or develop his business he would need to apply for a Conditional Use Permit. Mr. Uribe started the CUP application process in June of

2022. The hearing was tabled at the September 21, 2022, meeting so Mr. Uribe could have time to bring the site into compliance with State & Federal Regulations, Elmore County Comprehensive Plan and Ordinances, the standards of the Conditional Use Permit, as well as Private Property Rights and the Tipanuk Community. Since then, Elmore County Sheriff, Assessor, EMS, and DEQ have visited the site in an effort to provide guidance and insight into helping Mr. Uribe develop his business. Elmore County Code Enforcement, County Staff, County Engineer, along with EC Building Official, Johnny Hernandez, who provided translation, have visited the site multiple times to also provide guidance. A Compliance Assistance Visit (CAV) was held on February 2nd, 2023, with the Department and County Engineer, and DEQ. On February 9th, 2023, DEQ completed its CAV report, identifying hazardous and universal waste such as broken lead acid batteries and mercury-containing lamps as well as the required methods to containerize and dispose of the hazardous waste. It was determined through these site visits that the actual and proposed use of the Application is a junkyard or automobile wrecking yard. Mr. Uribe was quoted the County code & ordinance that defined his business as it sits currently, as a junkyard per County Code and was given suggestions and ideas to help bring his project into compliance with his proposed CUP. Mr. Uribe removed a few vehicles, and cleaned up batteries as suggested by the DEQ, however, after additional site visits with staff, the site still does not meet the standards of the Conditional Use Permit and staff recommends that CUP-2022-17 be denied.

Chair – Any questions for Joel? None from the audience.

Chair – Have the issued code violations been resolved?

Joel – Staff, due to the wrecked vehicles still on site that have not been removed, staff and the code enforcement officer have determined that no, they have not been resolved.

Testimony- None.

Applicant rebuttal - Mr. Uribe just wants to understand why he needs the permit. He feels he doesn't have a junkyard, everything he does have there he uses for his work and just wants to understand why he needs it. The DEQ didn't find anything out of place except 2 batteries and a lamp. At this point Mr. Uribe feels harassed, he does feel it's been discriminatory profiling towards him, because he's been trying to clean it up, he's been trying to keep it organized as much as he can, cleaning in adverse conditions such as rain, snow and mud when his neighbors actually do have trash and things like that. (Applicant began presenting a picture)

Chair – Sir, if you present that picture, we will need to take it into the record.

Applicants continued rebuttal – Mr. Uribe said yes, present it for the record. He also said that he had that (reference to picture) to put things that would get wet or ruined with snow, rain, or you know, and he did have a compressor on the side to keep it from getting wet because they are expensive. The pictures that he's going to show you are of him trying to make the place look good, trying to be in compliance. At this point he wants to know what kind of permit he needs, what he needs to do, because he's not working for anyone else, just working for himself. So, he did talk to a lawyer because Joel told him they were like a marriage, they are not a marriage, he did get offended by that. That's something completely inappropriate for him to say to him. He's just trying to get everything in order for him to give

his things, work and provide for his family. At this point he just wants to know what he needs to do; he feels he has gotten the permits and everything that he needs to make the place in compliance with the County. At this point he feels like it's getting personal, it's not something he feels like is legal, just towards him. Joel did tell him that they had 12 lawyers trying to intimidate him, so that's something, he told him (Joel) he only had one. He's not rich but he's going to try to get them himself as much as he can. He does have a small store where they sell produce, they have lower prices, and they are trying to help the community as much as they can, he doesn't know what to do anymore, he just wants to know what to do to get all this gone and fixed.

Chair - So, before us this evening, is the continuation of the public hearing for the conditional use application that you had before us in September and at that point in time you were asking for a specific application, a truck, correct me if I'm wrong, a truck repair shop, and that is solely what this hearing is for is that application. We have taken testimony for that application from yourself in this meeting, from your representatives in the previous meeting, from staff currently in this meeting and in the previous meeting, so before us this evening, is that application, and we need to make a decision on that application. So, understand that as we move through the process, like close the public hearing, and we make a decision on your application that decision, whether it be an approval, or a denial will not prohibit you from making the correct application for what you are wanting to do on a personal basis. It has to be within the zoning ordinance, and the rules. So that's what we're doing this evening.

Applicants' additional comments – Mr. Uribe is just a little worried because the last time they didn't tell him that they were going to send the police to arrest him.

Chair – And I have no knowledge of that Sir. So that before us is just the application. So, we'll make our decision. If you have any additional information on the application before us we will hear that. Otherwise, we'll move to the closure of the public hearing. With no additional information needed we will close the public hearing and move forward with the discussion portion. Questions, Concerns, Motions?

Mitch - A concern. It doesn't meet any of the 12 standards of what's going on currently.

K.C. - One of the concerns is the initial application was not complete. I don't see a site plan, building layout, etc. or any kind of detail for the proposed vehicle repair shop with office.

Sue – A concern for me would be how much the language barrier has hampered what Joel's been trying to tell him and what he understands and thinks he's getting done. I just think that's a concern.

Joel - Staff definitely had the same concern for the language barrier, fortunately for nearly all the site visits and the in-person meetings we had our Building Official, Johnny Hernandez who speaks fluent Spanish on site with us. I will say on record that did exclude the May 5<sup>th</sup> site visit and that was the only time Johnny was not there to translate or help. I speak Spanish also, it's not as fluent as some and can be mis-construed in translation, and I can say that happened tonight.

Chair – Thank you for the clarification. Any thoughts Ed?

Ed – I was just having the same thoughts here as everyone else. But my concerns are will it live up to the code? My recommendation is for denial and they can on their own time do what needs to be done and then reapply when they are ready.

Chair - With that I'll stand for a motion to deny the conditional use permit for CUP-2022-17-USA Trucking that it does not meet the 12 standards of a Conditional Use Permit.

Moved – K.C.

Seconded - Mitch

Motion- carried unanimously, the application is denied.

Chair – You are entitled to appeal our decision to the Board of County Commissioners after the FCO is signed.

### **CONSENT ITEMS**

2. FCO\_CUP-2023-10 -- Jennifer Reece of Cold Springs Winery – Motion to approve  
Moved: Ed      Second: K.C.      Motion: carried unanimously
3. FCO – FCO\_CUP-2023-08 – 84 Lumber – Motion to approve  
Moved: Sue      Second: Ed      Motion: carried unanimously
4. FCO\_FP-2023-01 & Revision to FCO SUB 2022-01-- Ridge View Estates - – Motion to approve with correction.  
Moved: Ed      Second: K.C.      Motion: carried unanimously
5. MINUTES – April 19, 2023 – Tabled to the June 22, 2023

**ITEMS FROM THE PUBLIC** – None

### **INFORMATIONAL & DISCUSSION ITEMS**

6. Introduction to Outside Counsel – Mitra introduced Abbey Germaine
7. Planning & Zoning Meeting date – 4<sup>th</sup> Thursday of the month –  
Mitra - Presented to the board changing the date of the P&Z Meeting to the Fourth Thursday of the month to allow for better noticing requirements for staff.

Ralph - stated the bylaws can be amended by resolution and that resolution may be oral then by documenting the appropriate day and date to be announced in the newspaper as the date going forward to make our open meetings notice much easier as we wouldn't have to give the seven-day meeting notice we would then be able to give a two-day open meeting notice based on our agenda.

Chair - asked for a motion and resolution to change the bylaws to reflect and move forward amending the meeting date to the fourth Thursday of the month.

Moved – K.C.

Seconded – Ed

Motion- carried unanimously.

- 8. Department Head Memo – Announced Kacey is now officially a Planner; we have hired Colton Janousek as our new Building Inspector and have just finished the interview process for Permit Technician. Impact Fees have been adopted and will be in effect on May 25, 2023.

MEETING ADJOURN



Patti Osborn, Chairperson

06/23/23

Date:



Attest:  
Mitra Mehta-Cooper, Director

06/23/23

Date: