



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

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# **MINUTES**

**For:**  
**Thursday, July 27th, 2023, at 6:00 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, Jeff Blanksma, Ed Oppedyk and Mitch Smith. Also, present were Director Mitra Mehta-Cooper, Attorney of Record Abbey Germaine, and staff members Joel Cruz-Haber and Kacey Ramsauer. Absent was:

## **PUBLIC HEARING ITEMS**

### **Quorum Established**

1. Mayfield Springs Development LLC, for a Preliminary-Plat Permit to plat 956 lots on approximately 463 acres of land on two contiguous parcels within the approved Mayfield Springs Planned Community in Elmore County; the property is zoned for Mayfield Springs Planned Community. Case Number: PP-2023-01.

### **Applicant: Heath Clark 251 E Brunt St, Boise Idaho**

- Staff Report goes into detail that all conditions of approval have been met.
- "Everyone agreed with the staff conditions of approval."
- 5 different neighborhoods, Preliminary plat only applies to 3 of the neighborhoods.
- One of the required items was to include an EMS Building.
- Met with the Sherrif and Alan Roberts from the EMS as well as a personal fire consultant to identify a layout for the building.
- Sherrif, EMS, and Fire have approved proposed building layout.
- COP says building must be 5000 Sq Ft by day one.
- Building is 7500 Sq Ft. building which satisfies the COP for the 700<sup>th</sup> lock/law.
- Will be considered a "Joint Use Type Building."
- HOA may use or temporary school classrooms, Living quarters for Fire and EMS. Separate entry for the sheriff.
- Preliminary Plat overall layout for the Western and Southern portions of the project.

- Phasing, helping to see where we are going, we will be starting in internal area to plat for the emergency services building and waste management.
- Current Progress report, wastewater and water facilities are currently under construction.
- In a good position to be coming out of the ground early next year and start processing the next plat later this fall.
  - Opens floor for questions from Commissioners.

### **Questions from commissioners**

**Osborn:** On the Phasing when reading the staff report for phases “123” and “ABC” I’m finding that Incredibly Confusing.

**Heath Clark:** Walks through method for how they are planned for multi family and used for marketing purposes. Concept for ABC for what the market dictates. Numbers tract though single-family lot. ABC= Single Family, 123=Residential.

### **End of Questions**

**Joel Cruz-Harber – County Planner:** *Gives Staff Report and Background.*

### **No Questions from Commissioners**

**Two people signed in, in favor of Neutral.**

**Collin Homer 200 South Ragina Rd:** I share a boundary with the with development. My Concern is the traffic you have stewardship over most of this area your county and most access comes from the stage stop. Ada County Road, you have no stewardship over this road. It’s a terrible road, an old rural road that was just paved over. No planning with the curves or any signs. Ada County does not take care of that road. Takes forever to fill a pothole. Never puts any signs back up. With dozens of cars coming down this road. With all this traffic coming down what can you do to mitigate that or require something for the developer to mitigate that, how do we have this done when no one really cares about it?

**Osborn:** Thank you very much.

**Rosie Castle Declines to speak.**

**Nobody for the opposition.**

**Nobody in favor.**

**Applicant Heath Clark’s Rebuttal:** Appreciate the comments about the roads. Good Chance to talk about all this globally. When we started the planned community process, we looked at it like we have three masters to take care of, the Mountain home Highway District, ITD, and then we have the HCHD road. To potentially doing our own highway district. But it’s a good deal for the Mountain Home Highway District. They only must maintain the three roads but get property taxes from the whole project. ITD Has a requirement for having an MOU, but ITD has been moving slow so that has been deferred. HCHD said this is not their jurisdiction. We recognize that this road needs to be maintained/improved. We are collecting Fees from all residents, applying fees to road maintenance

and adding a roundabout. Through that process it will require us to sit down with HCHD to get a license agreement and get construction drawings showing those improvements, once they approve them, we can do the necessary work on the roads. HCHD has little incentive to do much with the road. We think development coming here will improve their priority on the roads. Preliminary plats will show the driveway easements.

**Osborn:** You answered my questions, the light bulb went off in my head.

**Bonnie Lane- 690 South Industry Way Meridian, ID:** Wanted to touch on phase “ABC” on the preliminary plat. That’s one area the phase line shows large parcel areas, but we will be coming back in with the master site plan, that’s when staff can double check the setbacks and phases. This is just the draft to show where things are. These will be reviewed once the development details come into focus. Mitra asked us to come forward with concept for what could fit there. So that’s what you see on the original plan as **Heath** mentioned. It dictates in the planned community how many multi family units we can put in the areas. We must stay with the plans and cannot go over the limit.

**No Questions for Bonnie**

**END OF PUBLIC HEARING FOR Case Number: PP-2023-01**

**Madame Chairman Osborn stands for a motion.**

**Motion carried unanimously.**

2. CUP-2023-12 from Brad Lewis, property owner, for a Conditional Use Permit for an Outdoor Amusement Recreation Facility at (RP01S05E231000 and RP01S05E230600) located in an Agriculture (AG) zone.

**Michael Keys 338 South Long Bay Way, Star ID:** Unpaid volunteer if you will, I hosted the neighborhood meeting for him, helped with the application. Trying to help him with anyway I can. I received concerns from the neighbors, the first issue was noise going all night long, she indicated that if we could lower the music during sleeping hours. We included a condition in our application stating that noise would be turned down from 10:00PM until 9:00AM to a level of 65 decibels at the property line. 60 Decibels is normal office noise, and 70 decibels is a vacuum cleaner. We have attempted to come up with a reasonable accommodation. The second issue that came up was regarding fire. The Applicant is sensitive to the issue so re requested a condition for a private fire protectant for larger events. Captain Harry also has several large ponds on the property that could be tapped into for emergencies. Also has no issues with staff’s additional request for a 2000-gallon water tank or truck. We all recognize that fire can be very dangerous and deadly risk to something like this. We wanted to address this. I would like to introduce Captain Harry.

**Captain Harry 10395 W Kodiak Dr Oasis, ID:** We have been doing this thing for 10 years, with no fires or accidents. All this is about is music. We are trying to get up to speed with all the laws and regulations of Elmore County. I’m looking forward to all the good things my neighbors have to say.

**Kacey Ramsauer- County Planner:** *Gives staff report and background.*

**No Questions for Kacey Ramsauer.**

## **IN SUPPORT OF CAPTAIN HARRY**

**Deanna Davis 10395 W Kodiak Dr Oasis, ID:** We've worked hard to build this for music for the people and the area. As a Volunteer for the Oasis Fire Department, we have protected neighbors' home and we take every precaution we can including Medics, Fire fighters, and security. Captain Harry is also an ordained minister and makes it very personal for all those who come. He's trying to create enjoyment for everyone who comes.

**Glenn Dotson 2117 Wind Dancer Ct Nampa, ID:** Lifelong friend over 60 years attended over 90% of the events at the Oasis. Part of security and fire team. The concerns from some of the neighbors are more than reasonable. They've taken every precaution. There have never been altercations. It's a wonderful, they have taken it to the next level, the local musicians appreciate the stage time. It seems to me like there are a couple of neighbors that have taken it too far. Regarding emails sent to you all. Most of the feedback has been mainly positive. Struggle for Captain Harry and Leanne for trying to do it right.

**Gary Adamson 188 Hammett, ID:** We have all worked hard to build the amphitheater, the hillside is the perfect place to make sure the sound stays in and does not spread. Water Protection, Security. Never missed an event. Never seen a fight or argument or anyone getting out of hand. Beautiful music and happy people. Great for camping. No charge for camping from Captain Harry.

**Greg Hart 117 Knight South** Speaking for his company. No one has talked about the objections made available online, I know that welcome to the oasis is not about annoying the neighbors or making them enjoy a festival they didn't sign up for it. We understand that Owners near the area can get free wristbands. We will address the sound as per the COP. Please talk to us about noise, we will try to accommodate the neighbors. Concerns about the impact to the environment. Want to make it clear. We will put a 2000 or even an 8000-gallon water tank out there if need be. We also personally bring an additional 500-gallon water tank for extra precautions. We are also Leave no trace certified through the US forest service. We teach to every participant. We can walk through the event after its over and be lucky to find a small piece of plastic trash. There are plenty signs stating for people to slow down. We want it to stay beautiful. Its always in better condition to when we got there. We make the events as safe as possible, with in reason. We do what we can to keep it safe. But can not keep everything out or situations which we are prepared for. We care about people.

**Osborn:** Let me ask you a question, you mentioned wristbands, how do you keep track of number of attendees. If you have 350 you must go up one level, if you have 3000 same things. How do you keep track?

**Greg Hart:** The Wristbands, we count ticket purchases. We only have a number of free wristbands for surrounding neighbor's and keep those in the count as well. We ID everyone. People support the local Walmart and Gas stations as well.

**Christopher Chavez 6712 W Clinton Ln Boise, ID** I am the other half of the Oasis, the dream is an event for people to showcase their music and art and talents. A space for those who may not get the chance. Not just a music festival but like a huge talent show for people to showcase their talents. We focus on safety; we make sure everyone understands the rules and making sure they respect the area. Hopefully people in the area enjoy it. We want to be in the position to prove ourselves and

that music can help spread different cultures. We want to create a new and safe space. We understand the concerns and are ready to do everything we can to mitigate those issues. We have our own onsite EMS, Fire, and Water to keep it safe. As long with Captain Harrys water. Also, the water is free and drinkable. We have a nonprofit safety crew to help all attendees. We as event owners want everyone to be safe and to have a great experience. We invite everyone to come out. In conclusion, I want to state that I appreciate you guys taking the time to listen to my business partner myself. Thank you.

**Scott Lewis elected not to speak.**

**Kacey Russel elected not to speak.**

### **Those in Neutral**

**Jolene Hobdey 10844 W Hobdy Ln Oasis, ID:** The things I've heard I did not see written in the COP. I want you to confirm that each of those things will be in writing. Since this goes in perpetuity.

**Osborn:** We have the COP that staff has presented and there is a supplemental that we have not read yet. But we will ensure that the things mentioned we will go over before voting on any approval.

**Judy Lehto elected not to speak.**

### **Those in Opposition**

**Jane Hunter 204300 Ditto Creek Rd Oasis, ID:** Something is very wrong here why is this CUP being pushed through so quickly. We were sent a letter with a short time to reply in writing to a document that was not available for review before the stated deadline. We were given 3 days to prepare for this meeting. Is this even legal? Certainly not ethical. The 11 standards of the COP that infringe on my rights as a landowner are; 2,4,6,7, and 10 three issues that infringe that most are Fire, Roads, and Noise. We bought our place 23 years ago to get away from the noise from the city. With my Veteran husband who has PTSD and is bothered by the noise. In discussion with the planning director, she suggested that we go stay with relatives during the festivals. How can you approve the CUP when this is the given advice. The granting of this CUP allows the noise and base pretty much every day. Why should our quality of life and safety be at risk so Captain Harry can make a lot of money. What does the County receive as far as benefits from this? Do you get paid or a fee.

**Osborn:** The County does not receive anything as far as I know.

**Chris Sirrani 19711 N Farns Place:** We went over several items. There are several items that we have issues with. We do not have the resources for Fire or Emergency's for events like this. We show up when we can, we don't have the right equipment. All our stuff is old and hard to get out and we don't have the time or effort to get out there. If there's a fire outside the boundary line, will we be able to get out there? We don't have the resources if I need to sign any approvals to let them have an event id like to see safety measures as well as a well-trained personal fire crew out there for all events. Crowd control training. Being able to manage the crowd during an emergency. I do not have anything else currently.

**Guy Burnham 204300 Ditto Creek Road, Oasis, ID:** I'm the assistant chief for Oasis fire. I'd more than likely be the one in a command role in the event of an emergency/fire. I may have to make judgments about resources or anything like that in the event of an emergency. I have been in 2 fires on the property in the past. Disgruntled attendees. Wind driven lightning which showed some inadequacies with being able to see the fire. So far, we have been taking on a lot of risks. The size of the events we need to do a better job of protecting the life safety of the public. We have adopted state standards national fire code 2018 edition. We follow their lead we have no expertise or fire marshal. We'd like to reserve the right to impose reasonable restrictions and be consulted in advanced and an COP stating we have the opportunity to impose restriction's and make requests to the applicant and sign off before events. We think that's more than far. Concerned that this proposal violates that it puts a burden on existing agencies. We don't have the expertise to mitigate the risks. We will have to divert resources or hire someone to help. Which we can't afford. We don't have the manpower to protect panicky people instead of the taxpayers in the area. It adds risks and degrades the level of service. Things will happen, non-preventable. Increase risks make increase demand for the fire fighters.

**Osborn:** Have you had a chance to read the COP for potential conditions of approval.

**Guy Burnham:** We submitted a written testimony. We should have the right to change the COPs.

**Osborn:** We did read that. "Reads off COP stating the applicant will have to prove that there will not adversely affect health and safety for surrounding residents."

**Dave Shaw 21427 Ditto Creek Rd Oasis, ID:** No issues with Captain Harry. Events have gotten bigger and bigger. Permit allows that. Enforcing the codes will be tough. Small events no problem, big events, is a problem. Too much noise and traffic now. Bigger events mean more traffic and more accidents. Heatstroke victims. Not enough space for Fire. Too much traffic. Roads can't handle it. The growth of the events isn't manageable. Is this going to be a permanent permit?

**Kathy Figueredo 10867 W JK Ranch Road:** Closest neighbor to the event center. Put in some concerns. Dave has gotten 30 signatures. two different male residents went over to the event and each saw drugs and alcohol and underaged youth. Complete nudity in underaged girls walking around, and sex. This Morning I got a phone call from a professional woman this lady shared that she witnessed young youth with fake IDs were being served alcohol and using explicit drugs. Girls walked around naked that looked very young. No one knew each other but all shared same stories. They wished to not be identified. What is the commission going to do with this information? What legal actions will be taken to help safeguard to help keep our children from underaged drinking young teens walking around naked and youth being around open sex. These are serious legal issues and can not be ignored. Our children are in valued citizens. How will we protect them?

**Michael Keys:** "The process is unfair says Jane Hunter" To answer to that, It's the county's rules. Mr. Lewis is just following them. We can't answer to those questions. She's the person we spoke to during the meetings, and she said if we could just turn that down it'd be fine. So that's what we put in the COP. The COP states with larger events 350 people or more we would provide personal fire protection. We also agreed to follow county's request for additional water on sight. Lighting fires happen with an event center or not. That's out of our scope. If they want to set additional conditions,

then I'm sure Captain Harry would be willing to do that. Mr. Shaw spoke about traffic with the event center, but it sounds like there was already traffic with out regard to the event center. Kathy Figueredo raised questions about illegal activity, and I guess my answer is, if you see something, say something. Contact the sheriff or county prosecutor. Captain Harry will not allow any illegal activity. Bring anything like that to the attention of Captain Harry or the sheriff.

**Osborn:** The only question I have for you sir is have you read the conditions provided by staff in the supplemental report?

**Michael Keys:** I have, I also discussed them with Captain Harry and he's fine with them.

**Osborn:** So, for the record you agree with all the conditions presented by staff in the supplemental report.

**Michael Keys:** I would like you to ask those questions to Captain Harry. He's the one who will have to agree to them.

**Osborn:** I will ask him that question, Thank you.

**Captain Harry:** Lets start with Fires, we built my place for fires. When we were surveying the property out there, I saw a fire. The fire is faster the gasoline or gun powder in a cowboy movie. The fire guys will never be there on time. All my trees are inset the property 30 feet around the fence. We have fire brakes built in around the place. It will be mowed down always. There will be o fuel for a fire. We will always have a fire crew on deck. I've been getting wind of some slander on these letters on past fire due to fireworks. That was Kathys sister and family that started that, the fire never came onto my property. The one that really gets me is about the underaged, that's personal. That will never and never have happened. We have weddings with children. But never at the parties. That's slander. That's personal, and uncalled for. Accusing me of underaged things.

**Osborn:** I have a question for you, the COPs as presented by the staff in the supplemental report. Do you agree to those terms.

**Captain Harry:** 100%

**Sue Fish:** Looking at number 23 in the COP, the annual number of events based on your size. In the past how big have your crowds been?

**Captain Harry:** I was actually told by the county to exaggerate those numbers so I would not have to go back in the future and re-do this. Everything you see is way over the number of what I do. The biggest has been 1000 and that's only one time a year. Usually around 200-300. The parties are not every week. This year is only two parties. This is not all the time.

**Public Meeting Closed**

**Osborn:** Questions or concerns from the board?

**Fish:** COP 23 for the size and number of attendees seems extremely large. Do we want to leave it extremely large?

**Jeff Blanksma:** COP 23, is that the total number of attendees for the season, or per event?

**Osborn:** Kacey I'm going to ask you that question. Your discussions with the applicant were that over the time of a multi-day venue or a single event.

**Kacey Ramsauer:** That was my assumption was over the course of the multi day event. The ticket sales will keep track for the events to ensure they stay in the limit.

**Osborn:** Jeff did that help answer your question?

**Jeff Blanksma:** Yes.

**Mitch:** Why aren't we doing an open permit instead?

**Kacey Ramsauer:** This type of use is allowed in AG with a COP. So, we can have control.

**Mitch:** With the permits being open that moves into COP 7 that it's disturbing the residents.

**Osborn:** in your opinion would there be a way to mitigate that?

**Mitch:** A Permit for each event. You can't put standards on every event with a CUP.

**KC Deuring:** Looking at the staff response on that it should not be hazardous or disturbing to residents or impede their normal routines. I can't see where an event will impede the normal events or will disturb, the surrounding properties based on their size. The event will be isolated.

**Ed Oppedyk:** I see it both ways. I like the idea of single use permits. But I agree with Kacey. It doesn't impede with normal development.

**Jeff Blanksma:** Regarding COP 21, add Fire to the COP for having on hand at the events.

**Osborn:** I Agree.

**KC Deruing:** I would suggest an added condition, that any event with 500 or more attendees the applicant have the Sherriff and Fire department sign off on the event.

**Mitra Mehta-Cooper:** In the past when we have had bigger events the code enforcement officer has coordinated with the Sherriff and fire district.

**Patti Osborn:** KC do you want that a little clearer in the COP that the county must participate in that all county codes are met?



**KC Deruing:** Yes, if the code enforcement officer coordinates with the Fire and Sherriff.

**Patti Osborn:** Does that alleviate your concern?

**KC Deruing:** Yes.

**END OF PUBLIC HEARING FOR Case Number: CUP-2023-12**

**Madame Chairman Osborn stands for a motion.**

**Blanksma:** Aye

**Oppedyk:** Aye

**Fish:** Aye

**Deruing:** Aye

**Smith:** Nay

**Chairman:** Aye

**Motion Carried**

3. Continuation for CUP-2023-11 - project is located approximately 21 miles West of Mountain Home as shown in the vicinity map (Exhibit 1). The 11-acre parcel is owned by Christopher Brown and Melissa Hartman in which they propose to develop a Dry Storage Facility/Contractors yard.

**Chris Brown 13542 W Tilly Rd:** Miss interpretation. RV storage was brought up. Not what I wanted to do. No business hours. Want to be zoned under a public storage 7-2-176 to store trailers.

**Patti Osborn** So not a contractors yard anymore?

**Chris Brown:** Correct, I don't know where Contractor's yard falls under definition. I had a previous employer who wanted to store RVs there but that is not happening anymore.

**Pattie Osborne:** The application in front of us is very clear. Dry Storage and contractor's yard. From a Legal standpoint, what you're saying is now different then application that's in front of us.

**Chris Brown:** The only Difference is that I'm no longer storing RVs.

**Abbey Germain Legal Counsel:** The best way to go about this is to deny the current application and have the applicant submit a new one with the correct information. So, it can be conditioned appropriately.

**Kacey Ramsauer:** If I can read the email from Ms. Hartman, "We lost the contract from the employer due to time constraints. This is no longer the situation; it never should have been classified as one. Contractor's yard 7-2-84. We have decided to store only trailers to the open public 7-2-176. We hope we no longer fall under the Contractors Yard."

**Chris Brown:** the only difference is the employer is no longer apart of it. We want to use open land as a storage.

**Patti Osborn:** So, no different than a RV Storage?

**Chris Brown:** Big difference. That's why we are going with trailers. No mobile homes.

**Kacey Ramsauer:** Gives Staff Report and Background.

### **In Support**

**Joyce Mcbrown 14544 W Tilly Rd:** On their application it does say Contractor Yard the contractors yard definitions do not fall under what they are trying to do. A trailer with his boss makes that confusing but the trailers should fall under dry storage trailers.

**Guy Burnham:** I have no issue as the assistant fire chief for a dry storage.

**Chris Sirani:** I know his property will be up kept. From the fire department he will keep the area safe.

### **None in Neutral**

### **In Opposition**

**Pete Rampft 13420 W Tilly Rd:** The concerns I've made but now I have more concerns. Anything that can be towed can be considered a trailer, closed car trailers or livable trailers All combustible material. I think there's a Biased opinion between the fire chief and other fire members. I want to see a list of what will be allowed on the property.

**Chris Brown:** Definitions are there for this situation. RVs, there are ways to classify this. We are doing what's expected.

**KC Deruing:** Recommendation for waiver for his application.

**Patti Osborn:** We cannot do that.

**Mitra Mehta- Cooper:** They need to apply for a waiver from the board of county commissioners.

**KC Deuring:** I think we need to move with the denial. And ensure the neighbors are dully notified.

**Ed Oppedyk:** I agree with KC 100%

**END OF PUBLIC HEARING FOR Case Number: CUP-2023-11**

**Madame Chairman Osborn stands for a motion. To Deny the Dry Storage and Contractors yard.**

**Motion Carries Unanimously**

**CONSENT ITEMS**

1. FCO - CUP 2023-09 Motion to Approve.

KC: Moved Oppedyk: Second Motion carried: unanimously

2. FCO – Motion to table CUP 2022

KC: Moved Oppedyk: Second Motion carried: unanimously

3. MINUTES – Motion carries: unanimously

**ITEMS FROM THE PUBLIC** – None

4. Tablets to be tested for public hearings.

**INFORMATIONAL & DISCUSSION ITEMS**

4. Meeting on the 31<sup>st</sup> of August at 6:00 Pm

**MEETING ADJOURN**



Patti Osborn, Chairperson

8.24.23

Date:



Attest:  
Mitra Mehta-Cooper, Director

08/25/23

Date: