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The Commission met at 7:00 p.m. for a hearing in the Gooding County Planning and Zoning meeting room with the following members present: Judy Stockham, Kathleen Goicoechea, Terry Ruby, Curtis Merrill, Miles Hall and Luverne Shull.

Hearing Officer Ruby called the hearings to order at 7:04 p.m. Introductions were given. First hearing was a Variance: application made by William Stinemates. The application requests a variance from Gooding County's setback requirement to build a shop closer to his western property line than the five foot setback required. The address of the property is 2249 E. 3100 S., Wendell, ID 83355 and is located in Section 12, Township 8 South, Range 15 EBM.

William Stinemates gave testimony for the application. He stated he is wanting to build a 36 foot by 70 foot shop with several small bays and a larger bay for his horse trailer. The shop would be three feet off of the western property line instead of the legal setback of five feet. The placement of the shop will not impede any visibility as far as entering the roadway or for traffic, given the layout of the land. Due to the placement of the septic system, he can't move his driveway any further east without being on top of the drain field. The horse trailer is large, requiring a circular driveway around the house. If he goes with the five foot setback, there won't be any room to pull big trailers around the house without driving on the drain field or on the grass around the house.

Mr. Stinemates stated Roland Ruby is the nearest neighbor. Mr. Ruby has submitted a letter in support of the variance. The shop size is such so he can park the trailer inside and have more room for family and horse activities. Chairman Stockham asked about the building code. This would require a minimum three foot setback and a fire resistant wall.

Commissioner Hall asked for clarification about building codes. Mr. Klingler explained that the State of Idaho has made the adjustment to building code to allow a three-foot separation without requiring protection. This is used primarily on property under the same ownership. Chief Bailey sent a letter stating he wants a 10 foot separation between buildings. Mr. Klingler said the code states when distances are reduced below 10 feet, then a one hour fire wall is required to be installed with no windows or other openings in that wall. For a one hour firewall, there are several methods that can be done or an engineer stamped drawing would be accepted. The different methods to meet the one hour rating on the wall include: 2 x 6 or 2 x 4 construction with 5/8-inch sheet rock on each side and mineral wool insulation. Mr. Klingler stated the building proposed will have eight foot separation, which will require the one hour rated wall. The walls have to be rated on both the inside and outside. This protects both the neighboring property owner and the applicant.

The staff report from the Planning and Zoning Administrator, Ami Bennett, dated March 22, 2016, was submitted as filed and is hereby incorporated.

Oral testimony was given in support of the variance. Neven O'Berg, C-N-R Construction, stated his company has done several one hour/two hour fire walls. Plans have to be engineered and submitted to Planning and Zoning and the building department for approval. Commissioner Hall asked if this would be cost prohibitive. Mr. O'Berg said given the 70-foot length of wall and being 14-feet tall, it will be expensive. If it is cost prohibitive, they will go back to meeting the five foot setback. Commissioner Hall asked if there were other options. Mr. O'Berg explained there are other alternatives out there but the least expensive is to do the 5/8-inch, one hour wall. Commissioner Merrill asked if the portion of the wall adjacent to the other building could be required for the fire wall, rather than the entire length.

Mr. Klingler discussed the protection for the existing shop owner. Mr. Stinemates asked about non-compliance even if he builds with a five-foot setback given that the neighbor's shop doesn't meet the setback. Mr. O'Berg added that other jurisdictions in which he works don't include the eaves or overhang of a building when determining setbacks. The building will be used for a garage and shop so it would not

qualify for an agricultural exemption. The fire department is requiring a 10-foot separation, so that requirement is not something that can be exempted. There is already a shop on Mr. Ruby's property. Mr. Merrill asked if the building could be moved further south. Mr. Stinemates said this would put the building in his arena. Mr. O'Berg was asked what the cost of the fire wall would be. He estimated about \$3,000 or 10% more of the total cost of the building.

There was no uncommitted or oral testimony given in opposition of the application. Hearing closed at 7:25 p.m.

The next hearing was a Special Use Permit application made by Todd Crist. The application request a special use permit for the operation of a small equipment rental business out of the existing structure located at approximately 1963 South Frontage Road, Wendell, ID 83355 in Section 4, Township 8 South, Range 15 EBM.

Todd Crist gave testimony for the application. He stated the property is located next to the Farm House Restaurant. There is a double wide manufactured home housing a flower shop and hair salon. He would be building a shop for the rental equipment and front office. The two acre parcel is now bare ground with a manufactured home on the corner. The property borders the freeway. The road will be graveled. The new building will be on the farther southwest corner. He will have an office in the front where people will check out. A sign will be put in off the frontage road. The flower shop will stay the same. This business will be similar to Barry Rental in Jerome and Twin Falls. The building will be metal with stucco and stone on the front. The secretary from Crist and Sons will have an office here. The equipment will include skid steers and mini excavators. Maintenance on the equipment will be done by a mechanic. Hazardous materials guidelines would be met.

The staff report from the Planning and Zoning Administrator, Ami Bennett, dated March 22, 2016, was submitted as filed and is hereby incorporated. Ami read a letter from Brad Christopherson, City of Wendell, which is in the file. There wasn't any oral testimony in support, uncommitted or opposed of the application. Hearing closed at 7:32 p.m.

Next hearing was a Minor Land Division application made by Donald Pica. The application has been reviewed administratively and pursuant to Gooding County Subdivision Ordinance No. 102, requires additional information about ingress/egress. The proposed land divisions would be access on the North side of West Valley Road between 351 and 431. The property is located within Section 14, Township 7 South, Range 13 EBM.

Dr. Donald Pica gave testimony. He explained that he had gone through several minor land divisions, with both Mrs. Bennett and prior to that, Mrs. Davis. This one has to do with the ingress and egress of the property. In 2002, he had a membership in the Hagerman Gun Club and hunted there in the 1980s. He had retired from the practice of medicine in Twin Falls in 2006 and planned to build a home in Hagerman. He bought a 30-acre parcel from Mr. Fred Beckstead, the only access being a 20-foot easement to the property. He tried to reach an agreement with the Wickhams for accessing through their property along the portion of land on the East side, but could not reach an agreement. He shifted his attention to trying to get access off West Valley Road. In 2007, he bought approximately seven acres from Harlan Brookbank. Then in 2009, he bought a lot from Mr. Lynch so he would have access off of West Valley Road. He showed the Commission, using a parcel map with satellite imagery, the location of each parcel. He referenced a letter from Ms. Davis regarding the splits approved by her in 2008. He had misunderstood her at first and when the first split was approved he only got three parcels. Then he made a second split and, at that point, the easement was the only access. He had a 21-acre parcel and the other three parcels at that time. He indicated, for the Commission, the other parcels on the map, as well the easement. He explained the other divisions that had been approved, leading up to the one at issue at this hearing. In the letter he got from Mrs. Bennett, the question of ingress/egress was raised. Dr. Pica asked the Commission to look at the application he had submitted for minor land division which was signed by Rich Regnier of the Hagerman Highway District. When he talked to Mrs. Bennett, he explained that the ingress/egress was the same. With his final request for minor land division, he wrote that the

approval of the appropriate highway jurisdiction was on file. The letter indicated that it wasn't there and led to the situation here tonight. Had he known that more than five parcels was a subdivision, he wouldn't have done this. He never realized that until this letter from Ami came ten days ago. He acknowledged that the Mayor has expressed a lot of concern over the roads in Hagerman. He is going to address those concerns tonight.

Chairman Stockham asked for clarification on the 30-acre parcel he originally purchased, asking if he would outline on his survey where that parcel was located. Dr. Pica showed the 30-acre parcel boundaries, as well as the Lynch property. He said they had to buy that property in order to have adequate ingress/egress, as they needed 50 feet. Chairman Stockham clarified that there are eight parcels. Dr. Pica stated he has deeds to eight parcels. He understood when Gooding County changed its land division requirements a few years ago, he gained a new set of potential splits. There was discussion over the original parcel and the ensuing divisions, parcel combinations and lot line adjustments. Chairman Stockham acknowledged that the piece-meal method he has used to divide up multiple parcels was not the intent of the minor land division process adopted with the most recent ordinance revision. The single driveway accessing 11 parcels was discussed, as was the approach off Valley Road.

Dr. Pica stated that he would like to address the issues raised by the City of Hagerman and the Hagerman Highway District. He utilized maps to show West Valley Road, Valley Circle and the subdivision containing 46 lots with 20 homes. The road is built to highway district standards. All of the roads off West Main Street are very similar. If you look at the number of residences off East Valley Road, there are more than off West Valley Road not counting the Pica property. Commissioner Hall clarified that Dr. Pica was trying to compare East Valley Road with West Valley Road and asked if East Valley Road had any bridges. Dr. Pica acknowledged that East Valley Road does not have any bridges. Within the last year, the bridge over the Buckeye Ditch along Hagerman Avenue has been re-done. Prior to that time, it was a one-lane bridge. He has been driving that road for over twenty years to access their gun club. He used photographs to show the Commission multiple roads around Hagerman. The photographs are in the file.

Chairman Stockham asked if the photograph shows the ingress/egress to the property in question. Dr. Pica confirmed that it does and is built to Hagerman Highway District standards. Commissioner Hall asked for clarification about the jurisdiction of West Valley Road. Dr. Pica stated that Rich Regnier told him the highway district just found out a couple of weeks ago that they are responsible for the stretch of West Valley Road starting from the middle of the Sands Ditch and ending at the West Valley Road dead end. Dr. Pica stated the lady from the hardware store had everyone believing that it was a private road, but it is not. Discussion arose about the access to his property in relation to the Sands, Buckeye and Bell ditches.

Dr. Pica showed photographs of a semi-truck with a side dump hauling dirt, explaining that a pond is being dug at the Shaw property, dirt was being hauled up and down that road all day, so the Mayor's concerns over the bridges should not be limited to merely residential traffic. He stated that the Silverado Lane, 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue entrances are all gravel. He discussed the most logical traffic patterns. He explained that he has no intention as a 77-year-old to sell off these parcels. He just spent the money to set up a private hunting club. But he would like to get these land divisions completed for the next generation - his kids. If he needs to go through the subdivision process, he would consider that. He would like to know how we will work with the City of Hagerman to resolve the issues surrounding the road. There's no question the roads are bad and the three bridges off West Valley Road are one-lane. He would appreciate the Commission's consideration in allowing the splits to go forward. The road situation isn't going to get any better until perhaps more growth comes. The Wickham property to the east is already in the city limits. They were going to develop that, but the financial downturn took over. When Dr. Pica bought this he had agreed to put a whole new road in, but Wickhams wouldn't agree to it.

Commissioner Hall clarified the number of parcels Dr. Pica is trying to obtain as being 11. They discussed the potential cost to the public to maintain a road for that number of residential properties. Dr. Pica

provided that the average residence creates eight to 10 trips per day of vehicle traffic. He considers the roads on the East side of Hagerman as comparable and they have many more houses. Chairman Stockham summarized Dr. Pica's information that building on each of his parcels could produce 110 trips a day of vehicle traffic. Discussion started about the irrigation system provisions and private road maintenance agreements being recorded on the deed. Dr. Pica claimed he would need to look at the deeds to see if that had been done. Commissioner Goicoechea referenced that a state law, as well as the minor land division application, requires that water rights agreements be provided.

Curtis made a motion to have Ami read into the record the staff report. There was no oral testimony in support, uncommitted or in opposition of the Minor Land Division. Hearing closed at 8:29 p.m.

Chairman Stockham called the regular meeting to order. First item on the agenda was the Findings of Fact for William Stinemantes – Variance. The criteria was read and approved with conditions.

Curtis made a motion to approve there wasn't a takings on the Idaho Regulatory Takings Guidelines. Miles seconded. Motion carried.

Curtis made a motion to approve the Variance for William Stinemates with two conditions. The application requests a variance from Gooding County's setback requirement to build a shop closer to his western property line than the five foot setback required. The address of the property is 2249 E. 3100 S., Wendell, ID 83355 and is located in Section 12, Township 8 South, Range 15 EBM. The conditions are as follows: 1. The building must meet fire code requirements. 2. The building must meet International Building Code requirements. Miles seconded. Motion carried.

Next item on the agenda was the findings of fact for Todd Crist. The criteria for a special use permit were read and met. Terry made a motion to approve there wasn't a takings on the Idaho Regulatory Takings Guidelines. Kathleen seconded. Motion carried.

Curtis made a motion to approve the Special Use Permit made by Todd Crist with a condition. The application request a special use permit for the operation of a small equipment rental business out of the existing structure located at approximately 1963 South Frontage Road, Wendell, ID 83355 in Section 4, Township 8 South, Range 15 EBM. The condition is as follows: All structures proposed with this special use permit will be subject to review through the Gooding County Building Department and must meet relevant building and zoning codes. Miles seconded. Motion carried.

Next item on the agenda was the Minor Land Division by Donald Pica. The staff report from the Planning and Zoning Administrator, Ami Bennett, dated March 24, 2016, was read into the record and is hereby incorporated. Terry made a motion to approve there wasn't a takings on the Idaho Regulatory Takings Guidelines. Kathleen seconded. Motion carried.

The Commission reviewed the application for minor land division based upon Idaho Code, Title 67, the goals and objectives of Gooding County Comprehensive Plan and Gooding County Subdivision Ordinance No. 102, Section 7, D, Minor Land Division Procedure and Requirements. The application did not meet the following requirements:

- e. If water rights are available then agreements for water rights, creation of irrigation association, and maintenance of ditches that adhere to Idaho Code will be recorded with deed.
- f. Maintenance agreement for any private roads within the minor land division.
- g. Review and approval by the appropriate highway district for ingress and egress.

Access off Valley Road of the three additional parcels proposed has been conditionally approved by the Hagerman Highway District, contingent upon all provisions in the Gooding County Transportation Plan being met and all road and development work being coordinated between the City of Hagerman and the Hagerman Highway District.

The City of Hagerman did not provide approval. As the proposed land division has no access point other than the stretch of Valley Road over which the city maintains jurisdiction, the city's approval is a vital component to this process, both in meeting the requirements of the Gooding County Subdivision Ordinance and in meeting the condition of approval issued by the Hagerman Highway District.

Judy made a motion to deny the Minor Land Division application made by Donald Pica. The application has been reviewed administratively and pursuant to Gooding County Subdivision Ordinance No. 102, requires additional information about ingress/egress. The proposed land divisions would be access on the North side of West Valley Road between 351 and 431. The property is located within Section 14, Township 7 South, Range 13 EBM. Miles seconded. Roll call vote: Terry, aye; Kathleen, aye; Judy, aye; Miles, aye; Curtis, abstained. Motion carried by majority vote.

Next item on the agenda was a proposal by Wayne Roth regarding Special Use Permit No. 108. Mr. Roth didn't appear before the Commission. He is wanting to take an existing special use permit and add units to the Western Legends lodges. He wasn't sure if he wanted to put in a duplex, adding to the lodge or additional units. The existing Special Use Permit is to allow two multi-family units formerly part of the Bald Mountain Lodge to be moved to the property to be used by the owners of the property and their guests for hunting and fishing. Ami will let the Commission know when he decides to come before them.

Next item on the agenda was the administrative report. The Board signed the final decision on Julie Gold's reconsideration for the Deven Hatfield Special Use Permit. All Ms. Gold's administrative procedures have been exhausted. The special use permit will be issued.

Kathleen made a motion to adjourn the meeting. Curtis seconded. Motion carried. Meeting adjourned at 9:08 p.m.

Submitted by

Lori Capps