



WASHINGTON COUNTY PLANNING & ZONING REGULAR COMMISSION MEETING MINUTES

March 16th, 2021

COMMISSION MEMBERS:

Connie-Roze Burr
Mark Moura
Gary Frederick
Lisa Horzen
John Jensen

Mindy Sands
Jeff Chance
Tim Wrightman
Sherry Young
Delton Walker

ADMINISTRATION: Bonnie Brent, Planning & Zoning Administrator

P & Z ATTORNEY: Delton Walker, Washington County Legal Council

VISITORS:

- Mike Brown
- Levi Wolfe
- Jeri Soulier
- Margaret Ann Border
- Nancy Williams
- Casey Carpenter
- * Tanya Moye
- * Judy Beery
- * Terrill P. Briggs
- * Gene Wyss
- * Chad Brock
- * Jerod Odoms
- * Kay Wyss
- * Bret Shepard
- * Diana Noe
- * Marv Williams
- * Michael Rockwell
- * Jay Border
- * Lily Rockwell
- * Tim Walker
- * Mark Thompson
- * Mary Thompson
- * Michael H. Walker

MEETING CALLED TO ORDER:

The March 16th, 2021 regular meeting of the Washington County Planning and Zoning Commission, held at the Washington County Courthouse District Courtroom in Weiser, Idaho was called to order at 7:03 PM by Chairwoman Connie-Roze Barr. The following proceedings took place:

PLEDGE OF ALLEGIANCE:

Led by Commission Chairwoman Connie-Roze Burr

ROLL CALL:

Connie-Roze Burr - Present
Mark Moura - Present
Gary Frederick – Present
Lisa Horzen - Present
John Jensen - Present

Mindy Sands - Absent
Jeff Chance - Absent
Tim Wrightman - Present
Sherry Young - Present
Delton Walker – Zoom

APPROVAL OF MINUTES:

- Chairwoman Burr requested a motion to approve the minutes of the February 16th, 2021 regular meeting.
- Opened for discussion - No discussion.
- Lisa Horzen moved to approve the minutes as written.
- Seconded by Sherry Young.
- Motion carried.

HEARINGS:

- **Crossley Subdivision Final Plat**
 - P&Z Administrator Bonnie Brent read the legal notice into the record
 - Applicant Cliff Crossley testified as to his plan for the proposed single unit subdivision.
 - Crossley testified that the County road borders one side on the proposed single unit subdivision, and the cemetery on the opposing side. He stated that the process has been quite a hassle, and that he would not do it again.
 - Lisa Horzen asked if Crossley would explain his statement that the process was quite a hassle.
 - Crossley stated that they had ran into problems with the perc test for Southwest District Health Department and then additional problems when Jeff Batten retired from the Department.
 - John Jensen asked about the zoning and a past rezoning hearing on the property.
 - No other testimony
 - Lisa Horzen made the motion to send a favorable recommendation to the Board of County Commissioners conditional on Southwest District Health signing off on the Crossley Subdivision final plat.
 - Seconded by Sherry Young.
 - Unanimous vote in favor. Motion passed at 7:09 pm.
- **Michael H. Walker & Mary D Walker Rezone**
 - P&Z Administrator Bonnie Brent read the legal notice into the record
 - No conflicts or ex parte communications
 - Applicant Michael H. Walker testified that he has 58 acres that has been divided into (3) three parcels. The property is currently in grazing land and the ground is not good grazing ground. Property has county road access and power access. No irrigation exists for the property and no environmental issues exist. No real ag use on the property. Property well suited for housing.
 - Tim Wrightman asked if Walker knew where he was going to place the house on the parcel.
 - Walker stated that he was not sure at this time.

- Tim Wrightman asked if he was asking for the rezone on all (3) three parcels with the intent of going in at a later date and building houses. Walker responded, “Yes.”
- Lisa Horzen asked if there are any current building permits on the property. Walker responded, “No, there is not, this is why we are asking for the rezone from A1 to A2.”
- Presently Walker is just wanting to build a single dwelling. Possibly additional splits/homes at a later date.
- Walker described the location of the split on the parcel.
- Casey Carpenter testified against a subdivision due to the condition of Goodrich Rd. He stated that the added traffic would cause significantly more damage to the road surface.
- Commission Discussion: John Jensen stated concerns about water quality in the area. Lisa Horzen stated that she thought the narrative and the testimony of Michael Walker was misleading. The Commission had concerns about the roadway and the effects of a multi-unit subdivision on the road. The Commission requested Jarod Odoms, Washington County Road & Bridge Supervisor testify on the condition and maintenance of Goodrich Road. Lisa Horzen asked how he maintains Goodrich Road and how often? Odoms stated the road was on the general maintenance program which entails one per year blading, unless it gets real bad. The road from the hot springs to Cove Road will be re-based and re-paved. No other plans to do major maintenance.
- Motion by Tim Wrightman and seconded by Gary Frederick to send a favorable recommendation to the Board of County Commissioners on the Michael H Walker & Mary D Walker Rezone request.
- Roll call vote was called for. No: 3, Yes: 3. Tie vote. Tie broken by Chairs vote of Yes. Motion carried: 4-3 in favor at 7:35 pm.
- **Randy Ader Special Use Request**
 - P&Z Administrator Bonnie Brent read the legal notice into the record
 - No conflicts or ex parte communications
 - Applicant Randy Ader testified that he purchased the property from his parents with the promise that they could live out their lives on the property, and that he would purchase a tiny home to live in and to assist with his parents care and the care of the ranch.
 - Mark Moura asked about a previous special use for the property on a trailer sales business. Ader stated that this was probably not going to happen.
 - Lisa Horzen asked if he planned on putting in a foundation for the tiny home. Ader stated he originally had not planned on a foundation but if required he would install one.
 - Mark Moura asked about the dimensions of the tiny home? Ader stated the tiny house is 12’ X 35’ with a 6’ porch attached.
 - John Jensen asked if the tiny home will be a temporary building unless a foundation was required. Ader advised yes. Ader stated that he would like to just pull the unit in and use it for as long as his parents are alive, then remove it.
 - Bonnie Brent advised that as per County Code, all homes are required to have a permanent foundation.
 - Commission had further discussion of the permanent foundation requirement in reference to a temporary dwelling.
 - John Piper testified in favor of the special use. He stated that it was only appropriate for the family to assist their parents.
 - Chad Brock testified that in the past the County did not require a permanent foundation on a temporary dwelling.

- Commission Discussion: Lisa Horzen expressed concern that there is no necessary time frame and the tiny home has an incinerator toilet and a gray water holding tank that must be transferred to a dumping station. She stated that this could be a long time to deal with those procurements. John Jensen agreed with Lisa. Mark Moura stated that he supported the proposal as long as the tiny house was removed within (6) six months after the parents no longer resided at the property.
- Motion by Mark Moura to send a favorable recommendation to the Board of County Commissioners on the Randy Ader special use request without the foundation requirement and require the removal of the tiny house within (6) six months after the parent's passing or they move to an assisted living facility, i.e. vacating the property. Motion seconded by Lisa Horzen.
- Roll call vote called: yes 6, No 0. Motion carried in favor at 7:48 pm.
- **Samuel & Stefanie Lancaster Rezone**
 - P&Z Administrator Bonnie Brent read the legal notice into the record
 - Conflicts or ex parte communications – Tim Wrightman stated that he had a conversation with Gene Wyss in reference to the issue.
 - Applicants Stephanie and Sam Lancaster gave testimony on their request. They testified that they have 351 acres and they request a rezone for 120 acres of that. They intend to divide/rezone the 120 acres into (6) six (20) twenty acre parcels. Parcels are considered marginal ag use with soil designated as not prime farm land and proposal meets the requirements of the comprehensive plan. (22) twenty-two acres of the 120 is classified as prime ag land if irrigated. There is no irrigation present on the property. Part of this acreage includes Gentry Lane. The parcels are large enough to maintain a rural character and allow for wildlife movement, are close to Hwy. 95 and (5) five miles from the city of Weiser. Not a burden to services, would increase local property values. The road would be widened and improved through this section from cattle guard to cattle guard. CC&R's would include a minimum square footage of 1500 sq. ft. Stephanie Lancaster went on to explain the locations of the proposed home sites.
 - John Jensen asked about the road improvement, if it would include the part that runs through Moye's property. Sam Lancaster stated that he was unclear who owns or controls this part of the road. It was stated that the County was allowed to go through the property to turn around with the snow plow.
 - Mark Moura asked how much water they get from the well at their house. Sam Lancaster stated 12 GPM.
 - Tim Wrightman asked about the possibility of irrigation water. Sam Lancaster stated that the line that once existed in the area that furnished irrigation water, no longer is serviceable and is blown out.
 - Jerri Soulier testified in favor of the proposal. She testified that as she understands it, there are currently (7) seven homes in the area, past the cattle guard. Soulier testified that she has pulled well logs in the area, (8 total), and found that the current wells produce from 3 gpm to 20 gpm. Soulier testified that she believes the proposal meets Washington County Comprehensive Plan requirements.
 - Chad Brock testified that he was asked by the Lancaster's to assist them as a consultant on the project. He stated that the project meets Idaho state requirements and the Comprehensive Plan requirements for a project such as this. Proposal is within the area designated for growth, will not tax services, and the roadway will be improved by Lancaster's to upgrade safety and health response by emergency responders. Home sites will have a very good view, and due to spacing will accommodate wildlife habitat in the area. Adverse impact will be minimal. Brock testified that neighbors may see minor impacts. Brock testified that the proposal will assist with guiding

growth in the area that is coming. Brock testified that the area is not suitable for prime crop production as it does not have irrigation and the terrain is steep overall, assisting with isolation of the home sites.

- Jay Border testified against the proposal. Border testified that he is concerned about water issues and ag use issues. He testified that the roadway through Moye's property is only 16' wide. He is concerned with additional traffic causing issues for them. He believes an alternate route. He has seen his water production from his well drop as more people move into the area. This gives him concern as to the effect of additional wells in the area cutting water availability even more.
- Tanya Moye testified against the proposal. She testified that she has lived at 1580 Gentry Lane all her life and that from the end of July to mid-September her family must plan out who takes a shower, who uses the dishwasher and laundry. The items cannot be used at the same time as water availability will not support multiple uses at the same time. Moye testified that every time a new resident built a home in the area, her water production decreased. Moye testified that she now has to use a laundry mat, and go to friends' homes to shower. She testified that her family has tried multiple wells with no success. Moye testified that she had her well water tested and found that it contains the highest concentration of arsenic in Washington County. Moye requested that an environmental impact study and a watershed study be required. She testified that the reason the road is plowed during winter is that the snow plow has to come through her property to turn around.
- Judy Berry testified against the proposal. She testified that she is concerned with the additional traffic. She stated that they have animals on the road as it runs through their barnyard. They have had animals struck by automobiles in the past.
- Gene Wyss testified against the proposal. Has concerns about additional traffic and problems with people trying to tell them what to do with their property. He voiced concerns about water availability and additional people and animals in the area. Lisa Horzen asked if was still raising his girls at home. Wyss stated no, but they do come to visit.
- Catherine Wyss testified against the proposal. She testified that cattle have been grazed on the property and is suitable for grazing. She also voiced concerns about water availability and additional people.
- Diana Noe testified against the proposal. Has lived in the area for 21 years. Concerned about water issues, roadway issues, and fire issues and egress in the event of a fire.
- Marv Williams testified against the proposal. Williams testified that he is concerned with water, conserving ag land and the roadway. Has ran cattle on the Lancaster property for 11 years. Cattle are turned out the first of May. Williams stated that the property is good for cattle and sheep grazing. Williams stated that he has produced hay on the ground. Williams testified that there is currently water on the property but that by July the water will have dried up as it is surface water. Mark Moura asked how many head of cattle Williams grazes on the property and what he does for water. Williams stated that there is a spring on the property that he waters his cattle at. When the cattle are grazing the area of the proposed development he has to use a stock tank at Moye's that is filled with a garden hose. Williams testified that last year he ran 32-36 head of cattle through August on the property.
- Tanya Moye added that she will be fencing her property to be able to utilize it for her 45 head of registered sheep. She voiced concerns about the safety of her sheep due to the additional traffic. She related that the agreement with Williams was to furnish water in exchange for grazing for her sheep.

- Bonnie Brent read written testimony by the Tate's and Lily Rockwell into the record. The Tate's voiced concerns about water, traffic, road condition and maintenance, fire hazard, emergency services response, property values, and the overall impact on their property and life style. They ask for an environmental impact study be done. Lily Rockwell voiced concerns about maintaining ag land, citing grazing potential.
- Applicants Rebuttal: Sam Lancaster testified about the water issues, and stated that with the exception of the Moye's, all the other land owners are located above the proposed development. He testified that the development plan is to spread the home sites out, but that the existing home sites above are crammed in close to each other and on top of the same water source. He testified that arsenic is present in the water throughout the county. Majority of the lots will be broke up and in, "Sugar Sand." This is the best choice for septic systems. He admitted that there is animals in the area on the roadway. Lancaster testified that the grazing is minimal and he believes the land is over grazed. Lancaster cited trespassing in the area. He addressed spring water in the area. He was skeptical about hay production on the property. Lancaster reaffirmed that there would be (6) six (20) acre lots.
- Questions from the Commission: Mark Moura asked about the roadway right-of-way and Tim Wrightman asked about any issues with travel through the Moye property. Jarod Odoms, Washington County Road & Bridge Supervisor testified that any growth in any part of the county, effects every road in the county. He stated that the Moye property is a "Prescriptive Right-of-Way" that is very limited in scope. Odoms explained that even though the roadway is upgraded and improved, does not mean it will be incorporated in the County road system. Roads must meet strict requirements before they will be incorporated into the County Road Maintenance Plan.
- Commission Discussion: Gary Frederick stated that the water issue concerns him. He felt we need more information on the water condition and availability.
- Jeri Soulier stated from the audience that they could not hear the discussion. Lisa Horzen advised that the Commission was just discussing the matter and that there are no microphones for the Commission. Soulier stated that by law the audience must hear the discussion. Sherry Young recapped the Commission discussion that they were hearing only the rezone issue and not the subdivision issue at this hearing. They were discussing that they were hearing the rezone from A1 to A2 and only the evidence germane to that issue. The Commission went on with further discussion.
- Motion by Lisa Horzen to send a favorable recommendation to the Board of County Commissioners on the Samuel & Stefanie Lancaster rezone request, seconded by Tim Wrightman.
- Roll call Vote: Yes: 6, No 0. Motion carried.
- **Soulen Special Use**
 - P&Z Administrator Bonnie Brent read the legal notice into the record
 - No conflicts or ex parte communications
 - Preston Weigel of RWE Renewables Americas, on behalf of Harry Soulen of Soulen Livestock Co. Weigel testified that his company proposes to install (3) three different types of wind measurement equipment, one being a 60 meter meteorological evaluation test tower, two being a 100 meter meteorological evaluation test tower, and three being a LiDAR system. Weigel went on to explain the technical specifications and related information about the systems and equipment. These test instruments are to determine the feasibility of a wind energy project in Washington County. John Jensen asked about the visibility of the towers from local roadways.

Weigel testified that the towers would be visible but that the LiDAR “cube” would be much less visible as it is a (3) three by (3) three by (3) three structure on the ground. Lisa Horzen asked if property owners would receive royalties on the project and has this been discussed with neighboring land owners. Weigel stated that discussion of this nature has only been with Harry Soulen. He went on that they are open to working with more of the community. John Jensen asked how many proposed wind mills could be installed if testing is successful. Weigel stated they are looking at a 150 to 200 megawatt project, and that as many as 50 to 75 turbines. Turbines could be anywhere from 400’ to 656’ tall depending on FAA and DOD regulations.

- Mike Brown testified that he thinks Harry should be able to do whatever he needs to be profitable but that he has concerns about the traffic created on local roadways during construction of the turbine and the impact of that traffic on the roads.
- Levi Wolfe testified against the proposal. He testified that he has concerns about the amount of work required on the roads to make it adequate for transport. He also has concerns about the noise created by the turbines.
- Applicants Rebuttal: Weigel stated that many of these concerns are premature, as presently they are only looking at doing the feasibility study. He went on to state that they know the land and transmission capabilities are favorable, they now need to find out if the wind is favorable.
- Commission Discussion: Sherry Young reiterated that the current hearing is only for the feasibility study, and not for the turbine project.
- Mark Moura moved to send a favorable recommendation to the Board of County Commissioners for the feasibility study for the (3) three sites on the Soulen Special Use. Seconded by Lisa Horzen.
- Roll call vote: Yes 6, No: 0. Motion carries.

ADJOURNMENT:

- Mark Moura moved to Adjourn, seconded by John Jensen. Motion carried. Meeting adjourned at 9:09 PM.