



SPECIAL MEETING OF THE BOISE COUNTY
PLANNING & ZONING COMMISSION

ORIGINAL

November 2, 2017
Public Safety Building
3852 Hwy 21
Idaho City, ID 83631

Present: Vice Chair John Jauregui, Commissioner Charles Haupt, Commissioner Rosemary Ardinger and Commissioner Edith Williams.

Staff Present: Planning and Zoning Administrator Rora A. Canody, Admin. Assistant Brenda Wood and Admin. Assistant Malynda Turner-Danes.

Roll call: P&Z Admin. Assistant Wood called the roll, four (4) of the five (5) Commission members were present and a quorum was established. Vice Chair Jauregui called the Special Meeting to order at 6:31 p.m. Chair Dan Gasiorowski was absent.

Executive Session: Commissioner Williams made a motion to convene into executive session per I.C §74-206(1)(f) pending litigation-to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated; seconded by Commissioner Haupt.

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| Roll call vote: | John Jauregui | Aye | Edith Williams | Aye |
| | Charles Haupt | Aye | Rosemary Ardinger | Aye |

All Aye; Motion carried.

Vice Chair Jauregui reconvened the meeting coming out of executive session per I.C §74-206(1)(f) pending litigation; stated a procedural error had risen; and asked legal counsel, Steven Meade, to explain the situation. Mr. Meade stated that proper legal notice of the public hearing was not done by the Idaho World. Mr. Meade advised the Applicants of two options for the Applicant to consider prior to the Commission proceeding: 1) the Applicant could agree to waive their right to procedural due process of notice of the public hearing as required by ULO #2016-01 2.4.D.1 and have the matter heard; or 2) not waive their right to procedural due process of notice of the public hearing as required by ULO #2016-01 2.4.D.1, the reconsideration would be deemed denied due to the fact that the decision on the matter could not be reached by the Planning and Zoning Commission within the 60 days required by Idaho Code 67-6535 (2)(b) and ULO #2016-01 2.10.B.1, and that the Applicant would then have the right to appeal the decision directly to Board of County Commissioners. Mr. Meade answered questions from Applicants.

Vice Chair Jauregui recessed the meeting at 7:14 p.m. and reconvened the meeting at 7:20 p.m.

Mr. Meade answered continued questions from the applicants. Commissioner Williams stated for the record that she was recusing herself from all further proceedings and left the Commission table. Vice Chair Jauregui called upon both Applicants and swore them in.

Vice Chair Jauregui called on Keri Pattee-Krosch, applicant is the Reconsideration application #2017-05. Ms. Pattee-Krosch waived her right to procedural due process of notice of the public hearing as required by ULO #2016-01 2.4.D.1 and asked that the matter be heard at this meeting. P&Z Administrator Canody gave an overview of the Reconsideration application. Ms. Pattee-Krosch gave her testimony and answered questions from the Commission.

Commissioner Haupt made a motion to convene into executive session per I.C. §74-206(1)(f) pending litigation; seconded by Commissioner Ardinger. All Ayes. Vice Chair Jauregui brought the meeting out of executive session per I.C §74-206(1)(f) pending litigation.

Vice Chair Jauregui called upon Raeleen and Stuart Welton, 3 Springs Hunting Ranch applicants, to respond to the Reconsideration application. The Welton's presented a report from Environmental Conservation Services, Inc. regarding shooting range noise and its effect on wildlife, and answered question from the Commission. Vice Chair Jauregui called upon Mr. Mark John, who gave a statement and answered questions from Commission. Ms. Pattee-Krosch gave rebuttal and answered questions from Commission.

Vice Chair Jauregui closed the public hearing at 9:02 p.m. and requested deliberation from the Commission regarding the Reconsideration application. Vice Chair Jauregui discussed all points made by Ms. Pattee-Krosch. Commissioner Haupt made a motion that the Commission affirm the original Findings of Fact, Conclusions of Law, Conditions of Approval and Order based upon the record and no further evidence presented by Ms. Pattee-Krosch; seconded by Commissioner Ardinger.

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| Roll call: | John Jauregui | Aye | Rosemary Ardinger | Aye |
| | Charles Haupt | Aye | Edith Williams | recused |
| | Dan Gasiorowski | Absent | | |

Majority ayes; motion carried.

Vice Chair Jauregui stated the written decision will be placed on the November 16, 2017 regular meeting agenda for review, approval and signature.

Vice Chair Jauregui recessed the meeting at 9:15 p.m. and called the meeting back to order at 9:20 pm.

Vice Chair Jauregui called on Raeleen and Stuart Welton, applicants in the Reconsideration application #2017-06. The Welton's agreed to waive their right to procedural due process of notice of the public hearing as required by ULO #2016-01 2.4.D.1 and requested the matter be heard at this meeting. P&Z Administrator Canody gave overview of reconsideration. The Welton's gave their testimony and answered questions from the Commission. Keri Pattee-Krosch and Mark John gave testimony. Mr. Meade, legal counsel, advised the Commission of the concern with site specific condition #14 after reading I.C. §18-3306(J) and recommended the Commission strike the condition.

Vice Chair Jauregui closed the public hearing at 9:56 p.m. and requested the Commission deliberate. Discussion ensued. Commissioner Haupt made a motion, based on discussion, the Commission approve a modification to Site Specific Condition #2-changing the language for the days and hours of operation to coincide with the days and hours of operation as stated in the Idaho Fish and Game Shooting Preserve Permit issued for 3 Springs Hunting Ranch; and, to strike Site Specific Condition #14 in its entirety based upon I.C. §18-3302(J); seconded by Commissioner Ardinger.

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| Roll call: | John Jauregui | Aye | Rosemary Ardinger | Aye |
| | Charles Haupt | Aye | Edith Williams | recused |
| | Dan Gasiorowski | Absent | | |

Majority ayes; motion carried.

Vice Chair Jauregui stated the written decision will be placed on the November 16, 2017 regular meeting agenda for review, approval and signature.

Adjourn:

Having no further business on the agenda, Commissioner Haupt moved to adjourn the special meeting; seconded by Commissioner Ardinger. All ayes, motion carried.

Vice Chair Jauregui adjourned the Special Meeting at 10:02 p.m.

Approved by the Commission this 14 day of November, 2017.

Rose J. Ardinger for Chairperson
Vice Chair John Jauregui

Attest:

Brenda Wood
Brenda Wood, P&Z Administrative Assistant