

Nez Perce County Planning & Zoning Commission
Minutes – Tuesday, March 24, 2015
Lewiston, Idaho

I. CALL TO ORDER

The meeting was called to order at 6:03 p.m. with Chairman Wentworth presiding.

COMMISSION MEMBERS PRESENT: Jim O’Connell, Joe Greco, Terry Kristof, Kristin Gibson, and Shawn Wentworth.

COMMISSION MEMBERS ABSENT: Frank Dillon, Excused; Randy Arnold, Excused.

PROFESSIONAL STAFF PRESENT: Alison Tompkins, Planner; Connie Bell, Planning & Building Specialist.

II. APPROVAL OF MINUTES

Chairman Wentworth stated the minutes from February 17, 2015 were approved as written by an electronic vote.

III. PUBLIC HEARING

V 2015-1 HIGGINS ~ A request for a variance from minimum setback requirements in a subdivision in the Agricultural Residential zone, for property located at 25911 Hazel Street, Myrtle; RP0308000B0002. Daniel and Diana Higgins, Applicants.

Chairman Wentworth opened the public hearing and asked the Applicant to present his testimony.

DANIEL HIGGINS, 613 CROOKS ST, GRANGEVILLE, testified that he and his wife Diana have 8 tenths of an acre in Myrtle and were not aware of the setbacks when they bought the property. He said they talked with the neighbors and knew that the one neighbor has a shop about 7 feet from his property line. When he told the neighbors about his own plans, they told him the setbacks were 5 feet from the property line. He said they have put in a well and have setbacks from the river and the well for the septic that is shown on the diagram in his application.

Mr. Higgins said they are planning to build in a couple phases and at first they are going to build a 30 foot by 40 foot shop with a 1,000 square foot apartment area. He said they are requesting the variance from the setbacks being it is an odd shaped corner lot and are requesting a 7 foot setback in the NE corner. He said they are hoping in a few years to build a 3 bedroom home that is also on the diagram and would like to also ask for a variance for the setback to the rear of the home that would be on the river side of the parcel to be 10 foot as there would probably be a deck off the back of the house. He said Alison told him that would be a 45 foot required setback from the center of the road so he said that would only be about 5 feet shy of that if they kept the future home 10 feet from the property line [40 feet from road centerline]. He said they do not have specific plans for the home yet but this is what the vision is at this point.

Mr. Higgins said how they have this all planned out is the only way to utilize the property with it being a smaller lot and having all the setbacks that have been discussed.

Chairman Wentworth asked if there were any questions for the applicant.

Commission Member O'Connell asked if there were any utility easements running through the middle of the property and about the health department already giving them a plan [permit].

Mr. Higgins said there is an overhead power line that they have already had raised to meet the height requirements. He said this is a main line that serves this area. He said they do have their septic permit already.

Commission Member Greco asked about the setbacks to the rear of the shop/living quarters from the neighbor's shop that appears to be close to the property line.

Mr. Higgins said the neighbor's shop is about 5 to 7 feet from his property line making the 2 buildings about 14 feet apart when he completes his.

Being no further questions, Chairman Wentworth asked for the staff report.

Alison Tompkins, Planner began by entering the entire file and its contents into the record. She said the comments from Public Health were the only comments received. She said they discussed the site constraints and stated with the well and the river, the location on the site drawing of the septic permit is the only location for the drain field that is possible. She said with the drain field and the area reserved for a replacement septic in the SE corner, it does not leave much buildable area on the parcel.

Alison said that the Myrtle plat was done a long time ago and even though the area is in the ag residential zone which is a 5 acre minimum, this is a legal non-conforming lot being it is part of that old plat. She said the setbacks in a subdivision, which is what this really is being it was platted, are greater than setbacks in the ag residential zone. She said if the parcel was not in this old subdivision, the setbacks would only be 5 feet on the sides and the rear but instead, it is 20 feet in the rear, 10 on the sides and 45 feet from the center of the road. Being this is a corner lot and abuts a road on 2 sides; the setbacks on both of those sides are 45 feet from the center of the road making site constraints.

Alison said the Comp Plan states the future land use of the property as Rural Land: River Corridor Lands. She said the development should be low density but cluster and planned unit development will be encouraged. She stated the property is in the platted subdivision of Myrtle that dates back to the early 1900's so it is an existing "cluster" development so it does not conflict with the goals of the Comp Plan. She said this does meet the Comp Plan goals and policies.

Alison stated the zoning ordinance provides 4 criteria that have to be met for a variance to be approved. She said the first criteria is that the parcel is not the same as the surrounding properties due to topography, shape, etc. She said the parcel is .8 acres in a 5 acre zone but it is a legal non-conforming parcel. She said being a corner lot, it has the road setbacks on 2 frontages and it is a river lot so that adds constraints of setbacks from the health department for the septic system. She said these make it not the same as surrounding properties.

Alison said the second condition is the variance is necessary for preservation of the property right and is the same possessed by other property owners in the same area. She said the variance is necessary for the Applicants to be able to build a residence and an accessory building and still meet the required setbacks.

Alison said the third criteria is that the variance will not be detrimental to the purpose of the zoning ordinance or the county development plans or policies and it will not be injurious to the property in the zone or vicinity where it is located. She said the variance would not cause any apparent detriment to any surrounding property owners. She said the comments from Public Health do not raise any concerns for public health with this variance.

Alison said the fourth criteria is this is the minimum request to alleviate the hardship of the Applicant. She said this is the minimum request necessary to allow for the construction planned and still maintain the required setbacks for a standard septic drainfield. Alison stated the 4 criteria are met and her recommendation is for approval.

Chairman Wentworth asked if there were any questions.

Being no questions for Alison, Chairman Wentworth asked for testimony in favor.

Being none, Chairman Wentworth asked for testimony in opposition.

Being none, Chairman Wentworth asked for rebuttal from the Applicant.

Mr. Higgins had no further testimony.

Being none, Chairman Wentworth asked for discussion amongst the members.

Commission Member Kristof said she does not see any problem being it meets all the criteria, there are no complaints from anyone surrounding them and it allows them to use their property.

Commission Member O'Connell said there is not one conforming lot in Myrtle. He said the only problems could be the septic, well and utility easements and those are all ok. He said he sees no problem and it meets the criteria of the ordinance.

Being no further discussion, Chairman Wentworth closed the public hearing and asked for a motion.

Commission Member Kristof made a motion to approve V 2015-1; motion was seconded by Commission Member O'Connell. Motion passed unanimously.

IV.

ZC 2015-1 Big Canyon ~ Reconsideration and solicitation of additional testimony in the application for ZC 2015-1, a request to change the zoning of 2.39 acres at 21112 Big Canyon Road, Peck, from Rural Residential (RR) to Light Industrial (I1); Parcel RP36N01W100151; David Howell, Applicant.

Chairman Wentworth asked for anyone that had not signed in to please do so.

Chairman Wentworth reopened ZC 2015-1 Big Canyon for reconsideration and solicitation of additional testimony.

Chairman Wentworth asked the Applicant to present his testimony.

WILLIAM "BUZZ" MCLENNAN, 1612 RIDGEVIEW CT, CLARKSTON, WA, project manager for Dave Howell, testified 21112 Big Canyon Road was purchased by Dave Howell about 5 years ago and they were unaware at the time this was in a rural residential zone. He said the past history of the parcel represented that it was ok for light industrial use. He said they did not realize it was not zoned for the use until they were in the process of another zone change they were doing on Angel Ridge Road in Peck.

Chairman Wentworth asked if there were any questions

Being none, Chairman Wentworth asked for the staff report.

Alison Tompkins, Planner said she did not have anything new to add but would add everything from the record below into the record for this hearing. She said they received some additional information and wanted to make sure that gets included into the record.

Chairman Wentworth asked if there were any questions.

Being none, Chairman Wentworth asked for testimony in favor. He asked those testifying that if they had the same thing to say as the person in front of them that they state their name and address and say they agree with that prior testimony.

DOMINIC SPEDIACCI, 415 HOWARD ST, PECK, testified in favor stating he runs Big Canyon Environmental. He said the people present are the ones that depend on the jobs from his business and he has 27 employees. He said there are a lot of families and they have had advantages because of having these jobs. He said they have good pay and health care.

Mr. Spediacci said everything they have done in the past has been a reclamation company for the most part and everything they do puts everything back in to its original use and very little goes to waste. He said this business was started with Dave Howell and himself in his own garage. He said they figured out that they could make money and provide some jobs with what they were doing. He said because of this, they looked for a larger location to expand into.

Mr. Spediacci said they bought the property from Mr. O'Connell knowing that other businesses had been there in the past and didn't think it would ever be an issue. He said it went from 2 people in a garage to 27 people and they have had up to 36 employees in the past.

Mr. Spediacci said this is a service that is very needed in the County and he believes they are the only company in the Country that do reclamation for various government entities and manufacturers. He said everything they do is small caliber being from 22-50 caliber. He said they do not handle things that explode. He said they have a very controlled environment and have good employees. He said the safety of the company has been very good and they have inspectors come from OSHA and EPA that come and everything has always been in compliance. He said there are people from ATF that come in a couple times a year and ATK people that inspect the premises to make sure they are doing things properly and disposing of things in a proper environmental way and to make sure they are selling off and not storing material for later use. He said they sell the material back off so they don't have large amounts stored. He said over the years there have been rumors and speculated explanations of what they do there but they have always had an open door policy and are happy to give anyone a tour of the facility at anytime. He said a lot of the people they have invited to come in the past don't ever show up. He said there are a number of employees there to speak on how this job has changed their lives. He said they have been able to buy homes and vehicles and start families. He said the health care is a big issue and they provide it consistently.

LORI LOHMAN, 2662 CASCADE ST, CLARKSTON, testified she is the Environmental, Health and Safety Compliance Coordinator. She said she goes to each facility at least once a month to make sure everyone is doing what they are supposed to be doing and following all the laws required. She said whenever they make any waste; they have to make sure where it is going, recycled properly. She said they are checked by their vendors, ATK, ATF and the Border Patrol for example, and they make sure the materials they give Big Canyon are destroyed properly or recycled properly. She said she goes to Big Canyon once a month to make sure they are following all the rules. She said she does the worker's compensation claims and said they have a stellar record.

Ms. Lohman said when she is checking things at a facility, she thinks to herself would she let her kid work there and she said the answer is yes. She said this is one of the safest facilities they have and she goes around to all 8 facilities that Mr. Howell owns and Big Canyon has a stellar record.

MIKE STRAWN, 42 ROCKY DR, LENORE, testified that he works mostly on the equipment. He said he has a teaching background but said there is not much opportunity in the valley for a teacher and found out there is not the money he was expecting. He said he got into this job and found out he has a talent for the equipment and said they have re-tasked the equipment to extract the bullets. He said part of his job is to teach the new employees what they are to do and to do it safe and efficiently. He said this job has been a good thing for him and the first job in the valley since he moved here in 1992 that has been a steady income.

SARAH HARRIS, 21788 HAVEN LANE, PECK, testified that she has worked for the company for 3 years. She said she has seen it grow and grow. She said there is continued education for everyone and it is a safe place to work or she would not be working there. She said she lived in Peck, moved out and moved back. She said her kids go to school in Peck so she would drive them to school. She said she was able to buy property in Peck because of making a good wage and has been moved to a supervisor position. She said the biggest thing to her is the continuing education for all the employees about safety. She said it covers from lifting correctly to disposing of things correctly. She feels this is a good opportunity for everyone in the community as the company has brought in good people and jobs. She said she could not stay living in Peck if it wasn't for this job. She said she would have had to move back to the valley but she enjoys living in Peck and the life for her family.

TYSON IMEL, 12127 INDIO AVE, OROFINO, testified he has worked for the company for the last 5 years. He said he was there when it started at this location. He said it has increased from when he first started from the disposal to tear down. He said he was going from couch to couch out of high school and delivering pizzas prior to this job. He said he now has a house and a little family. He said he has been able to purchase reliable vehicles to get them to the hospital when they need appointments. He said he is able to provide food for them and has medical insurance through this job. He said the job not only helps his family but others also for example the post office. He said they would probably be shut down now if it wasn't for the daily shipping and receiving from the company. He said the company supports and helps the school by doing clean up and providing equipment for the school. He said it is about the only place around Peck that pays over minimum wage. He said it is a good place to work.

SANDRA CRAIG, 430 BELLE, PECK, testified she has been visiting and vacationing in Peck since 1993. She said she has lived here for the last 4 years and worked for Big Canyon during that time. She said she has seen it go from working on a folding table to the equipment they have now. She said she has a house and a life now and had to work 3 jobs when she first got here. She said it is a wonderful place to work. She said she heard the music was a problem and wished it was herself that someone complained to as she said she is the problem solver. She said she would have taken care of it and it is taken care of now. She said she likes the neighbors around there. She said some of them meet and visit at the mailbox and give them vegetables. She said she has family members that live in Peck and she loves her job and does not want to lose it. She said she lived in Texas and had to deal with the snow. She said she only lives 2 minutes from work now. She said she would have to drive to Lewiston everyday to have a job that pays as well as her job does. She said being she works in the office, she knows that the company donates to the school. She said they support the Big Canyon Inn by employees eating there. She said she knows that they ran \$75,000.00 shipping through the Peck Post Office.

LISA MILLER, 8 KAMLOOP, OROFINO, testified she has been working for Big Canyon since October 2014. She said this job provides income and benefits to support her and her children. She said she was divorced in 2010 and had 2 children. She said she was diagnosed with cancer but she is a survivor and because of Big Canyon, she is off of all state and any other support. She said she now has insurance through her work for herself and her children. She said because of Big Canyon she was able to take in 5 children that would have been separated and placed in foster care. She said it is because of her "family" at Big Canyon that has been so

supportive to her; she was able to make it through this health issue and her children taken care of. She said because of this job, she is able to support and take care of all her children. She thanked Dom and all her “family” at Big Canyon for their support to her.

BLAIN GRAENING, 1228 14TH AVE, LEWISTON, testified he does research and development for Mr. Howell. He said all the machines that he built for everyone to produce have PLC’s, programmable logic controllers, aka computers. He said that each of the computers have different instrumentation such as sensors. He said from a safety aspect, the machines are not going to blow up due to the programming for every possible scenario. He said he would also like to have everyone think about the affect on the economy, the people, the post office and the restaurant in Peck.

DAN VAUGHN, 12080 JEROME AVE, OROFINO, testified when he and his family moved here in 2007, delivering newspapers was the only job he could find. He said he applied for other jobs but never received a return call except when he applied at Big Canyon. He said he had an interview and 2 days later he had the job and has been working there for 2 years now. He said he has a wife and 4 children. He has health care and is able to have a house because of this job. He said he would hate to see it shut down and go away.

ELIZABETH HOLSTEIN, 205 E LULU, PECK, testified she has been working at Big Canyon for 2½ years and this was her first job. She said she was able to pay off her car and is in her first home because of this job. She said she is able to be a full time online college student as well as a full time employee being she lives so close to work. She said this job has opened so many doors for her as well as this being not only a work environment but also like being around family and she would hate to see this go away.

Buzz said this is an example of the employees they have and that a large amount of them live in Peck. He said when asked why they are in Peck, he said they are there because it is rural America. He said they have created jobs for people that can’t work at the hospital, the school district or Potlatch. He said those jobs aren’t available to everyone out there. He said they train their employees and pay them a livable wage in a rural community where they live and they don’t have to drive 70 miles a day. He said they are close so they don’t have the problems with childcare, getting them to school or if there is a problem, Dominic works with them to help with a solution for their personal problem.

Buzz said when asked about why they don’t move the business to a light industrial zone, that would mean moving to Lewiston as that is the only zone. He said everyone in the County can’t commute to Lewiston for work. He said they have a huge financial investment in Peck in the facility and in their people. He said they are not going to abandon their people and it is not practical to ask them to commute to Lewiston where there is light industrial. He said they are not hurting the environment, damaging the community of Peck but helping it. He said he feels they are giving Peck a “shot in the arm and some life blood there”.

Commission Member Kristof asked what their policy is when they receive a complaint. She said they can’t just know but when they actually get the complaint.

Buzz said when they get a complaint; they address the issue and respond to it. He said they have been accused in the past of not being responsive to complaints but they have had trouble documenting complaints. He said how complaints come to them and who in the organization received the complaint is a factor. He said if an employee is stopped at the gate and given a complaint, they might tell the proper person about it. He said if it goes through the proper channels, as Dominic or Sandra, in the front office, they will be addressed. He said after the last complaints from the neighbors were brought out, they have been proactive trying to solve all the issues. He said they want to be good neighbors and good for the community and they thought they were until this zoning issue came up and they all of a sudden got a flood of complaints.

Commission Member Kristof asked what issues were corrected.

Buzz said they got a noise complaint about the radios that the employees were allowed to play to try and cover up some of the background noise. He said they had the radios cranked up pretty loud and they were asked to turn them down. He said that was not successful so now the radios are gone. He said there was an alarm on the automatic gate that was obnoxious but they thought it was required by OSHA regulations. He said he investigated it after they received the complaints from the neighbors and found out it was not required so it was disconnected and a strobe light was put on it. He said they have a fire station on the premises and it had a light on the door that shined at the door but also out on the road and into the neighbors house. He said as soon as that was brought to their attention, they changed the light on the door to an LED that does not light up half the town.

Buzz said traffic congestion was also a complaint. He said there was congestion with employees coming to work and getting through the gate causing congestion with other people on the road along with the school buses. He said they changed their hours of operation and the procedure on the gate where they leave it open so they do not have to wait for the gate to open and cause a back up of cars. He said he thinks that covers it all.

Commission Member Kristof asked what about the shooting.

Buzz said a gun was test fired about 2½ years ago and there was a complaint so there has been no other shooting on that parcel. He said they were in a small rural community and didn't think it was a problem but since that day, there is only shooting from other parcels around this one but not from the Howell parcel.

Chairman Wentworth asked how many people that have complained to them have actually come in for a tour and looked to see what really goes on there or do they just want to complain.

Buzz said he does not deny the complaints but was unaware until they came forward with them. He said they invited the neighbors over last week or the week before and they did give them a tour through the facility and they did come over. He said they also discussed the complaints they had. He said they went over the ones they corrected so far and what they were doing to try to correct the balance of the issues. He said he asked them all to write down on paper any other concerns and give Big Canyon a chance to give the neighbors a written response and a time frame to get things handled in. He said he has not received anything from them. He said he was not aware of any other complaints and can only address the ones they know about.

Chairman Wentworth asked if there were any questions.

Being none, Chairman Wentworth asked if there was any other testimony in opposition.

SUSAN HARRIS, 21067 BIG CANYON RD, PECK, testified the handout she provided is the same info on her flipchart. The handouts were entered as Exhibit A. She said she wanted to thank Connie for helping her by explaining the procedure used and providing a map of the zones in the area. She said they were really unaware of how the public hearing procedures work and their options. She pointed out the rural residential and the ag residential zones on her map. She stated the only commercial zone is the Big Canyon restaurant and the recently rezoned parcel on Angel Ridge Rd. is the only light industrial zone in Big Canyon.

Ms. Harris pointed out the Applicant's property and said it is very narrow and a lot of the area around there is uninhabitable due to the flood in 1996. She said there is talk about the businesses that are present or that would be allowed in Light Industrial Zone and said then

they run into spot zoning. She asked what happens when the old business is no longer there and a new business comes in and that is a concern of hers.

Ms. Harris went over the topography of the area on her map. She went over the history and past owners of the Howell parcel. She pointed out where the buildings are and what they are on the Howell property and asked how they got there. She referenced Section 1.11: Zoning Certificate Required under the NPC Zoning Ordinance 72jj, which requires a zoning certificate or building permit. She pointed out where her residence is; her in-laws'; a rental house; and the Hudson's. She showed where the creek, highway and hillside are and said there is no room to grow. She discussed some measurements they said they took and talked about the congestion. She said the traffic starts at 6:00 in the morning.

Ms. Harris said that Mark Ridinger from the NPC Road Dept did not want a culvert put in to widen the road area and he suggested that someone be there early enough to open the gate so the cars did not back up. She said she thought operation hours should be quiet time from 7:00 p.m. to 7:00 a.m. being it is a residential area. She said if someone came earlier, they would have to be there another hour earlier and someone is already there around 6:00 to let employees in. She asked how that congestion problem could be solved. She said there are 20-some cars going in during the morning and then again at 5:00 p.m. and there is not much room.

BILL HARRIS, 21067 BIG CANYON RD, PECK, testified by submitting Exhibit B (flash drive with photos and word document with speaking points). He said he and his family live directly across from the business. He showed the photos of the Howell property and buildings, the surrounding area and also his and his sister's own home sites. He said they are not trying to get rid of the business but wonder if this is the right parcel. He said there are 6 homes across from Howell's. He said they start at 6:00 a.m. and they last until 5:00. He said then the music would start. He said the sound from the metal shed resonates the sound in the canyon along with forklifts running, rigs, and semi trucks coming. He said he was told they don't work on week-ends but a semi truck came on a Saturday and he watched a forklift work on Saturday and Sunday moving bullets. He said on a Monday he watched 84 vehicles come in and leave that included 23 vehicles in and back out. He said the gate opened and closed 30 times that included cars and 3 semis.

Mr. Harris said they [Howell] were going to put in shrubs and slats in the fence. He asked if the shrubs were going to be large. He asked why this was not done before. He said he questions if this is the right parcel and wondered about them moving to the 10 acre parcel. He said he is concerned about the gun powder going in and out of the bunker.

Mr. Harris said they have lived there for 36 years and want to retire there. He said they thought they were rural but it has changed for them and the 6 other families there. He said he didn't want to live next to an industrial park. He said he questions if they could ever sell it as he doesn't know if anyone would want to live next to an industrial park. He said he understands the jobs there but said to put yourself in their position. He said he drives an hour and a half everyday for work.

Mr. Harris said he thinks they should move the business to the 10 acres being it is 10 acres and not 2 and also already zoned light industrial. He said Howell has more money than he does so they could move it. He said someone needs to protect them and let them have their dream too. He said there have been a lot of changes by them over the years.

Mr. Harris explained some of the info he had already stated while showing the photos.

Commission Member Kristof said she had some questions.

Chairman Wentworth asked for other testimony in opposition and then would come back to the questions.

LESSIE ROUGHTON, 21073 BIG CANYON RD, PECK testified she will not go over what Bill and Susan have already gone over. She said she had a couple of questions and asked if this did happen, if this is a recycle business being Buzz said the lead and brass are recycled. She said

according to the County manual, it would require a conditional use permit. She said this is in Section 5.9.3 on page 32, Recycling. She asked if this would require a conditional use permit and would they have to come and do this again.

Ms. Roughton said she wanted to tell everyone that they themselves are also hard working folks and they are not against them having jobs but just where the business is located. She said she also appreciates the support the business gives to Peck as her children also went through that school. She said she has also fought for the Peck schools and post office. She said they feel this is not the right parcel for this business.

Chairman Wentworth asked for any other testimony in opposition.

Being none, Chairman Wentworth asked for Mr. or Mrs. Harris to answer any questions the Commission Members have.

Ms. Harris said she will answer the questions.

Commission Member Kristof asked how long the congestion lasts in the morning.

Ms. Harris said it depends on how late the person is who can unlock the gate.

Commission Member Kristof asked how long, 10 minutes, 20 minutes, half an hour, how long?

Ms. Harris said probably about 10 minutes.

Commission Member Kristof asked how many different week-ends do they work as she could not tell if it was a lot of weekends or one weekend with all the photos that were taken.

Mr. Harris said probably about 3 to 4 week-ends.

Commission Member Kristof asked if that was over 2 years time or 5 years.

Mr. Harris said probably 6 times in a year, he is just guessing.

Ms. Harris said the thing is that they have watched the business grow from 2 people to over 30 plus people and from 2 cars to over 20-some cars.

Commission Member Greco stated they did discontinue the use of the radios and that helped.

Ms. Harris said yes and they went on a tour about 2 weeks ago and they were told the radios would be pulled and they have not heard music since then.

Commission Member Greco said the congestion is still there but the beeper on the gate is gone now.

Ms. Harris said as soon as that first person gets there around 6:00, they open the gate and leave it open now.

Chairman Wentworth said that it sounded like all the complaints except the congestion have been fixed; the beeper on the gate, the light and radio is gone.

Ms. Harris said yes to all the other issues being taken care of. She said her concern is the amount of traffic in front of them and said she understands that the business does not intend to downsize. She said they want to get bigger and how big is bigger in a space that small. She said Howell owns 10 acres on Angel Ridge that is now zoned light industrial so she wonders

why they couldn't move at least some of the business up there. She also wonders what the limit to the size of the business is per zoning.

Commission Member Greco said he is trying to put himself in their shoes but wonders if the business was moved up the street [to Angel Ridge Rd.] that the cars would not be in front of them but would still be buzzing by to go up the road. He said he wondered if the cars speeding by might be just as bad or worse.

Ms. Harris said that is true too.

Commission Member O'Connell asked Susan, Bill, Lessie and Scott each at what time they leave for work in the morning. He was told Susan at 6:00 or a little before; Bill at 5:30, Lessie between 6:30 and 7:00 and Scott at 6:30.

Chairman Wentworth said all are gone by 7:00 in the morning.

Chairman Wentworth asked if there were any more questions.

Being none, Chairman Wentworth asked if Buzz had anything else to add.

Buzz said they are working to correct all the complaints. He said the zone change and its guidelines would correct the complaints. He said the guidelines for the light industrial zone address noise, light, congestion, all of it. He said they are adding the privacy fencing and said that only leaves the congestion. He said that confuses him being they are all gone when any congestion is happening.

Buzz said regarding the photos, anyone with a camera or cell phone camera can catch anyone at their worst one time. He said that Sunday was their worst but they had to move the powder bunker and that was the only time the contractor was available. He said they are not in there every Sunday with that heavy equipment.

Buzz said Dominic is part owner and he may go down on a Sunday to do paperwork or load up a few pallets for himself but they do not have employees working on Sundays.

Buzz said regarding the zoning on Big Canyon, the neighbors' side of the road is in a floodplain and he doubts there will be many new houses built. He said on their side of the road it is steep and against the bluff. He said that will limit much growth on Big Canyon except in those little small corridors. He said they are better for light industrial than residential sites. He said there are other businesses functioning as light industrial on Big Canyon. He said they may need to address themselves about the zoning. He said they are pretty land locked on the site they are on regarding more growth there. He said any growth would be at other areas.

Buzz said they have been there for 5 years and have a lot invested there into the facility. He said they weren't aware of any problems until this zone change was applied for. He said he requested and received the records from the Sheriff's Dept. and they did not show any complaints about Big Canyon to the Sheriff's Dept. He said all the complaints that have come to them have been addressed to correct them. He said he feels within 90 days, they will all have been taken care of completely.

Chairman Wentworth asked why they don't have a key pad to punch in instead of the employees having to wait for someone to open the gate. He also asked how many people can open the gate.

Buzz said they put the gate in for security issues and it does have a key pad on it but that would take longer for each person to stop and punch in the code. He said there are 4 people that can open the gate. He said he did go to Mark at the Road Dept and they discussed it and looked at the map of the area. Buzz said he wanted to put in a culvert and add a little turnout area but Mark suggested them changing their hours and leave the gate open during those busy times. He said that Mark did not want a culvert added because of possible cost and maintenance it might add to the County. He said Dominic did change the hours also.

Commission Member Kristof asked again, how many week-ends do they work.

Buzz said none. He said that one Sunday as he has explained was the only time they could get that equipment and contractor to move the bunker. He said he can't guarantee that Dominic might be in and out of there if he forgets his wallet there for example but that does not constitute them working that day.

Chairman Wentworth asked if Alison would come up to answer some questions. He asked what is the limit or if there is one on the number of employees.

Alison said there is not a limit. She read the definition and uses in the light industrial zone. She also read the permitted uses and the uses that require a conditional use permit. She said the ordinances are not perfect and the ordinance does not define Recycling Operations or Industrial Park so it leaves it somewhat up to interpretation but she can check with Legal on how they would interpret it. She said it could be required if it is considered a recycling operation and it could be considered an industrial park and then it would be allowed outright.

Buzz said they are not a recycling operation but some of the side benefits of what they do is recycle. He said just as Costco recycles their cardboard, you would not consider them a recycling business.

Chairman Wentworth asked if there were any further questions for the Applicant.

Being none, Chairman Wentworth closed the public hearing and asked for deliberation.

Commission Member Kristof said she went out last Tuesday to look at the operation because it was not clear to her. She said she has 30 years of environmental experience and she went out there trying to be open-minded but was also "loaded for bear", but she found nothing wrong out there. She said there are no problems to worry about. She said if there was a spill, it would be in a very small amount and it is not liquid so it will not keep pouring out. She said she saw everything she was hoping to see at the site and more. She said the signage was there and the employees that were using their safety gear knew why they were using it and she said a lot of times they don't know why they are using it. She said the site would pass a phase 1 evaluation very quickly and as to what was running she saw no environmental risk.

Commission Member O'Connell said he moved next to the property in 1998. He said he bought the property in 2002 and sold it to Howell in 2010. He said when he originally bought the property, there were 2 businesses operating there. He said if you go by the ordinance, they were not compliant and were not environmentally friendly. He said he bought the property due to that business bringing equipment in and out during early and late hours of the day. He said he has been next to Howell's since 2005 and minus the beeper and the stereos that are gone; the only thing he hears is the occasional bang of a forklift and a very muted hum of a compressor. He said the traffic starts early in the morning and long before Mr. Howell is there and there is a lot of traffic because many people in Peck have to commute. He talked about the heavy truck traffic. He said there are a lot of non-compliant businesses out in the County. He said a lot of local business is dependant on this facility and the Lewiston facility would be impacted if they did not receive materials from Peck. He said he does see some semi's going in and out of there but knows that one that goes there also goes to another non-compliant business up the road.

Commission Member O'Connell said the other people live across the street and he lives right next to Howell so he knows what is going on there. He said it is narrow there but most of the canyon roads are narrow. He said for the business to expand at Angel Ridge is not going to work as it is limited up there as that road can only handle so much traffic. He said one of the reasons that zone change was approved was because of there would be limited traffic there compared to Big Canyon from the traffic studies that were done. He said he knows the Cat

that was there on that Sunday was going to head to a job close by next. He said regarding any shooting, if it is not coming from Poppy's, another non-compliant business, it is probably coming from his own place. He said he knows there is no shooting at Howells. He said there was a business there when he bought the property that Howell now owns.

Chairman Wentworth said he understands about the neighbors being there for a long time but he said he does not understand why there are no known complaints until this zone change came about. He said this is a big turnout for something that has been going on for at least 5 years with no documented complaints until recently. He said he understands as a neighbor looking at a business but then he sees all the families [in the audience]. He said that small town America is going away and he sees someone living there that long but also sees someone doing things right and providing jobs. He reminded that the P&Z Commission is only a recommendation to the Board.

Commission Member O'Connell said at one time there were businesses all up and down Big Canyon before he got there and before many of the people present got there and there are still businesses there. He said there are businesses throughout the whole area around there. He said he feels the paved roads out in the County should be commercial light industrial and take advantage of the paved roads.

There was discussion about businesses not running people out and the surroundings are better looking now than when the construction business was there.

Commission Member Kristof made a motion to recommend approval to the Board of County Commissioners of ZC 2015-1; motion was seconded by Commission Member Gibson. Motion passed by 4 ayes and Commissioner O'Connell abstaining.

V. OTHER BUSINESS OR CONCERNS

There was no other business

Chairman Wentworth adjourned the meeting.

VI. ADJOURN

Being no further discussion to come before the Commission, the meeting was adjourned at 7:48 P.M.

Respectfully Submitted,

Connie Bell, Planning & Building
Senior Customer Service Specialist

APPROVED:

Chairman/Vice Chairman
Nez Perce County Planning and Zoning Commission