

Nez Perce County Planning & Zoning Commission
Minutes – Tuesday, December 14, 2015
Lewiston, Idaho

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m. with Chairman Wentworth presiding.

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

COMMISSION MEMBERS ABSENT: Joe Greco, Excused; Randy Arnold, Excused.

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

II. APPROVAL OF MINUTES

Commission Member Dillon made a motion to approve the November 17, 2015 minutes as written; seconded by Commission Member Kristof. Motion passed unanimously.

III. PUBLIC HEARING

Bugle Point Preliminary Plat – A preliminary plat for 5 residential lots consisting of 0.8 acres each; lots to be served by Cougar Ridge Water District, Avista, Cable One, and individual septic systems. Located on Cougar Ridge Road; Tax Parcel RP35N05W023200. Donna Mueller, Applicant.

Chairman Wentworth opened the public hearing and explained the procedures.

Chairman Wentworth asked the Applicant to present testimony.

DONNA MUELLER, 1020 BIGHORN DR., LEWISTON, testified they are proposing to develop the 5 acres between the existing residences that are there now. She said they want to get rid of the wasteland as there is nothing you can do with it. She said she wants to put 5 lots at .8 acres. She said there will be a paved driveway and a circle cul-de-sac that will be large enough to turn around on. She said it is basically completing Cougar Ridge [subdivision]. She said it would get rid of the open field between the other residences and putting households through there and they will be maintained with yards and homesteads.

Chairman Wentworth asked if there were any questions.

Being none, Chairman Wentworth asked for the staff report.

Alison Tompkins, Planner, said Ms. Mueller covered most of what is in the staff report. She said the paved road would have a 24-foot surface and a 50-foot right-of-way with utilities on the outside. She said stormwater retention with an 18 by 100 foot swale is proposed at the end of the cul-de-sac. She said Cougar Ridge Water District is to provide domestic water. She said the developer is supposed to complete the connection and this is subject to approval by DEQ. She said this property is located in the Groundwater Management Area and additional homes

can be served per Idaho Department of Water Resources under the existing municipal water right. She said this is only if the instantaneous diversion rate and the annual volume of the license is not exceeded. She said wastewater would be treated by private septic systems, and on-site evaluations were done by Public Health in 2004. She said Public Health stated the soils appeared to be satisfactory for individual systems.

Alison said the zoning is PUD. She said there is no minimum lot size in this zone. She said the .8 acres is consistent with the neighboring lots in Cougar Ridge. She said it is just an unused vacant lot right now so it would be considered infill development. She said there is access to public roads.

Alison said the County Comp Plan does support development of this area due to the proximity to the City of Lewiston and is categorized as Transitional Lands. She said this allows for a mixture of low-density residential uses and small farms. She said there are Goal and Policy Statements in the Land Use Section that also support this.

Alison said the water is the only question she has. She said the DEQ comments state they have not given a final go ahead as they do not have the documentation they say they need. She said her recommendation would be for approval of this preliminary plat with a condition the Developer obtains IDEQ approval of the proposed water supply prior to the final plat approval. She said this would allow the Developer to proceed with other improvements while getting the documentation they need regarding the water. She said by placing this condition, it would insure that the proper documentation would be given to DEQ to make sure there is sufficient water before the final plat could be approved by the county.

Chairman Wentworth asked if it was still a PUD in the area and about maintenance of the road.

Alison said the PUD is still in the area, but part of it was taken out of the PUD. She said it is her understanding that the new road is to be dedicated to the County and accepted by the County for maintenance.

Commission Member O'Connell asked if the rest of the roads in Cougar Ridge would be dedicated to the County.

Alison said she was not sure and did not check into the status of the other roads in that area. She said all the roads that were part of the Local Improvement district from years ago are already public roads and were accepted by the County at that time. She said the road in this plat is intended to be public.

Chairman Wentworth asked if there were any further questions for Alison.

Being none, Chairman Wentworth asked for testimony in favor.

Being none, Chairman Wentworth asked for testimony in opposition.

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

Chairman Wentworth asked Ms. Mueller what it was she is missing that DEQ needs.

Ms. Mueller said she would need to ask Brennan Duclos, President of the Water District, as she was given 8 water rights when she bought the property and she thought when the State came through, all was in order. She said even though the 8 hook ups were not being used, she said it was all figured in.

There was discussion about the paperwork and an engineer is involved.

BRENNAN DUCLOS, 1081 BIGHORN DR, LEWISTON, testified he is president of the Cougar Ridge Water District. He said that Nick at DEQ wanted a current updated and stamped set of plans. He said the initial set of plans are about 10 years old. He said that Eric, the engineer, wanted to make sure the County didn't require anything before he updated the plan. He said Eric will update and send to DEQ as soon as he knows the County is not asking for anything from the Applicant.

Chairman Wentworth asked if there were any further questions.

Being none, Chairman Wentworth asked for discussion.

Commission Member Kristof said this seems straight forward and simple. She said it fits with what surrounds it and fits with zoning. She said it looks like a good project.

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

Commission Member O'Connell made a motion to approval of Bugle Point Preliminary Plat with the condition that the paperwork needed for the water approval be met; motion was seconded by Commission Member Gibson. Motion passed unanimously.

Chairman Wentworth reopened the public hearing.

CUP 2015-3 RV Park – A request for a conditional use permit to operate an RV park with four (4) RV sites served with power, water, and sewer; and including development of an internal access road off of Bakers Garden Lane; located at 26334 Bakers Garden Lane, Juliaetta; Parcel #RP37N03W212800. Michael Sams, Applicant.

Chairman Wentworth asked the Applicant to present testimony.

Being neither the Applicant nor a representative was there, Commission Member Dillon made a motion to table this public hearing until the next month; motion was seconded by Commission Member Kristof. Motion passed unanimously

Chairman Wentworth apologized to the audience that was there to testify in opposition to the CUP. He said the hearing would be continued until the January 19, 2016 P & Z Meeting.

Chairman Wentworth reopened the public hearing.

IV. PUBLIC HEARING

CU-02-13 Howell Machine – A public hearing to review compliance with, and request for changes to, conditions of approval for a conditional use permit to operate a warehouse at 4093 Lucky Lane. Tax parcel RP35N05W216951; David Howell, Property Owner.

Chairman Wentworth asked the Applicant to present testimony.

WILLIAM "BUZZ" MCLENNAN, 1612 RIDGEVIEW CT, CLARKSTON, WA, testified there have been difficulties since they moved in out there and they have not lived up to their conditional use permit. He said there have been lots of written complaints

and one issue after another. He said he does not deny any of the written complaints. He said it has been a growing project for the last 2 years they have been there. He said they had a general manager that did not allow them to do what they needed to do in a timely manner as required by the conditional use permit. He said there is a new general manager as of about 3 months ago. Buzz said this new GM is behind them to do what is required to correct the problems at this facility.

Buzz said he has already been able to do some of the landscaping on the north side of the building that is required. He said they got half of the asphalt in but still have the other half to do. He said the traffic has increased at the facility due to growth but knows they need to mitigate the noise from this additional traffic.

Buzz said he thinks the landscaping will help this. He said they didn't do the landscaping last year due to the lack of water. He said they just got the well permit approved by the State about 10 days ago. He said he ordered shrubs being they will have water now to water them. He discussed where and what plants they were planting at the facility on the north side. He said he will do the west side next.

Buzz said there are complaints about weekend noise and traffic. He said he's heard about trucks in there on the weekends. He said he has gone out and tried to catch the drivers himself but has not been able to. He said he has put up signs and notified drivers of their hours.

Buzz said other than living on the site, he can only put up signage of the hours, no idling, and no overnight staying on the property. He said he talked to James and there are still trucks showing up. He said he ordered garbage containers and they were supposed to be delivered during the week but were delivered on the week-end.

Buzz said there are things happening that shouldn't, but he does not know what to do. He said maybe they need to hire a security guard. He thought about putting up a gate also but then the neighbors would have to deal with going through the gate also.

Buzz said he knows they were slow on addressing the problems at first but that was due to not being very proactive. He said with the new general manager, there is some real clout behind things now. He said with the new well permit, they will get a lot of landscaping done out there. He said with the new manager, he thinks they will be able to address and solve problems as they come up instead of going through a chain of command and then nothing getting done.

Buzz said his suggestion is a security guard that can over-see the facility. He said that James and Mr. Pepper have a lot of legitimate complaints. He said the neighbors that live in the trailer are the closest and probably take the most abuse from the noise. He said he feels the shrubs should help with the noise. He said States and Counties are using these shrubs along freeways instead of walls and fences and they absorb the noise and help with the line of sight. He said they grow to about 24 feet tall and that will cut down on the neighbor's sight of the semi-trucks and help with the noise.

Chairman Wentworth asked if there were any questions.

Commission Member Dillon asked if Buzz had seen the last complaint. He asked how many employees they have working for them. He said every time he drives by there are between 30 and 34 rigs there. He also asked if there have been any problems with the septic.

Buzz said he was asked this about 10 days ago and said they have between 20 and 25 permanent employees at that facility. He said if he or contractors are at the site, this is going to add people at the facility. He said they had some roof leaks and the contractor generated a lot of these complaints as they started early in the morning and used unacceptable language.

Buzz said he asked Alison about addressing the CUP as when it was set up, he did say it was an 8 to 5 facility but thought that to be a more generic term. He said it is impossible for a business to not have an employee show up until 8:00 and then be off the premises by 5:00. He said they have not had any problems with the septic system. He said they also have 2 port-a-pottys there.

Commission Member Dillon asked if anything has been done regarding the stormwater.

Buzz said they have storm retention ponds up in the front that handles all the rain gutters off the front of the building. He said they also have 2 storm retention ponds at the back of the building that handles the rain off the back of the building and the run off that comes off the asphalt of the parking area.

Commission Member Dillon said he is just going through all the promises that were made at the public hearing when the CUP was approved. He asked if there were 2 water trucks there all the time

Buzz said they have asphalt so water trucks not needed.

Commission Member Dillon said he was talking about the statement made there would be at least one water truck there all the time and the employees would do fire training.

Buzz said the fire truck is at Peck.

Commission Member Dillon said Buzz met with the Commissioners on November 5th [2015] and talked over the complaints. He said the letter starts on November 21st through December 4th. He said all of these things happened since the meeting with the Commissioners. He said he is surprised that Buzz came up and admitted to all the complaints and that a new general manager has been there for 3 months.

Buzz said that after the meeting with the Commissioners, he said immediately he talked to the general manager who said Buzz could do whatever was necessary to do. He said he can't just "flip a light switch and reverse some of the stuff going on" but he has already addressed the landscaping, the signage, the well and the rest of the things. He said they are relocating employees to cut down on the amount at this facility. He said they are also trying to address the truck traffic so there is not as much of a burden as it is now.

Commission Member Dillon asked what changes to the CUP Buzz was asking for.

Buzz said would like to see the hours change from 7 to 6 so managers can show up before the start of a shift. He said this was not including truck traffic. He said every facility runs over a little.

Commission Member Dillon said it was stated there might be a truck or two on a Saturday. He said he went by there one Saturday and there was a truck pulling out and a truck going in. He said he roped for a couple hours and when he was leaving, there were 2 more trucks pulling in on a Saturday. He said he has seen up to 35 cars there but realizes that if there is construction work going on, there will be additional vehicles.

Buzz said he just finished some bathrooms and things at another site so that if a trucker comes on a weekend, they are going to stay at the other site until Monday.

Commission Member Dillon said the findings stated the hours would be 8 to 5 and if there were people there from 7:30 to 5:30 there would not be any complaints. He said these complaints are for all hours, from 6 in the morning until late at night. He said if they want the hours changed, how does the P & Z Commission know anyone will do what is requested when nothing has been followed that was allowed so far?

Buzz said James did a good job at documenting all this and he [Buzz] is not there in the middle of the night so he is amazed. He said he does not see a truck coming or going in the middle of the night. He said he is not sure why that was happening. He said a gate on the facility would stop that. He said the management people are salary so they can work extra time if they get behind.

Commission Member Dillon said the P&Z granted this CUP and a lot of the neighbors were not happy about that. He said now that they [Howell] are not living up to what was said, it is hard for P & Z to give more grace when this has happened as it has.

Buzz said he agrees but when he did the original CUP, he did not think that would be taken in literal terms. He said when he met with the County Commissioners he got a full understanding of the impact of the parts of the CUP that they have not lived up to and how much trouble they are in. He said he did relay to the general manager what was said at the County Commissioners' meeting. He said he is dumbfounded by this last complaint from James and he said he guarantees when he shows it to the general manager in the morning, there will be some radical changes made. He said they will either hire a security guard that can monitor the site or they will put up gates on the driveway. He said they will do anything needed to correct these problems.

Commission Member Kristof asked if the new general manager was present.

Buzz said the general manager was in Wisconsin now.

Commission Member Kristof said she felt it will be hard to take a tough stand from that far away. She said she thought they would have taken this seriously and that they would have made sure he was here. She asked how much more traffic they have than what they had estimated.

Buzz said the traffic is probably double what was estimated.

Commission Member Kristof said she does not see how a gate would be a hassle as all they should have to do is push a button to open it. She said she does feel there needs to be a security guard. She said she thinks they need both. She asked where the other site is that the trucks can park at and wondered if there would be more complaints generated.

Buzz said the facility is by the mill so it should not be a problem.

Commission Member Kristof asked what the Peck facility would do if they took the truck from there. She asked if the fire truck at the Peck facility was part of their application. She said she remembers when she was doing the site visit there; she was assured the fire truck would be there.

Buzz said the Peck Fire Dept. is only a block down the road. He said the truck there was not part of the application. He said he would have to check on the truck being there. He said Dominic who runs the facility is part of the Peck Fire Dept. He said it was originally placed there to have onsite fire protection but said it would make more sense for it to be at Tammany. He said the fire trucks have to travel further down there. He said he was not sure where a fire truck would come from.

Chairman Wentworth said it would come from about 6 blocks away. He said they are type 2 or 3 use and not structure use trucks. He said you could not stop the fire by the time a structure fire truck got there. He said if a truck was on site, it would be a quick response. He asked about sprinklers in the building.

Buzz said the building was not sprinklered. He said there was not enough water for that type of system. He said even with the new well, there would not be adequate water to be able to sprinkle anything.

Commission Member Dillon said the conditions were to have a fire truck there and the employees would go through fire training. He said these conditions have not been met for the past 2 years. He said it was stated there would be one and possibly 2 trucks there.

Buzz said the fire truck issue just slipped away from him.

Commission Member O'Connell asked which trucks were coming and going.

Buzz said the biggest offenders are the outside contractors.

Commission Member O'Connell said he lives next to the Peck facility and there used to be trucks that came during late hours and he had to call law enforcement to tell them they can't park on the road and let their trucks idle. He said the gate on the facility stopped the truck traffic after hours at the facility. He said the Peck facility is controlled by the gate to any before or after hour vehicles. He said he feels a fire truck would be useless. He said an internal fire suppression with tanks mounted up high that can be filled when no one is there and could fill automatically would be best. He said they would trip like a sprinkler system if there was a fire. He said it would do more good and unless someone knows how to run the fire truck, it would not do any good.

Commission Member O'Connell said he feels an internal fire suppression as opposed to a truck should be addressed and also to train people to manage an emergency to get out safely. He said he does not understand why the manager can't control people coming and going as it worked in Peck so it can work here.

Buzz said he thinks the best thing to do right now is to put an on-site security guard there 24 hours a day. He said he thinks it would be good to talk to the neighbors and if there are any complaints, to vent them through the security company. He said to table any decision for 90 days and come back to the P&Z at that time and review if there has been a reduction in the complaints at that time.

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

Alison Tompkins, Planner said there is not really anything new and asked if the Commission had any questions. She said the City P&Z originally denied the CUP for reasons this could be a potential nuisance and injurious or detrimental to adjoining properties or the neighborhood. She said an appeal was filed to the Nez Perce County Commissioners, and at the hearing on May 30, 2013, the Board approved the CUP with conditions to address concerns of the neighbors.

Alison said in 2014 the Planning and Building department responded to complaints from the neighbors and verified violations which included the failure to complete parking lot improvements required by the conditions of the CUP.

Chairman Wentworth asked what the consequences are when conditions are not met.

Alison said the conditional use permit can be revoked. She said this is a new hearing so the P&Z have a full range of options. She said Buzz also asked what it would take to change the hours of operation and that by itself would have required a new application and public hearing. She said because of the complaints, this is why it has come back to the P&Z.

Chairman Wentworth asked how many complaints are on record prior to Howell when there were loud speakers and rodeos.

Alison said she was not here at that time and there was no paper complaint form to process as there is now. She said the Sheriff's office may have a record if they were called.

Commission Member O'Connell asked if there was a CUP when the property was an event center and equestrian center. He also asked if alcohol was served with those uses.

Alison said she did not think there was as she thinks it was a legal non-conforming use. She said it's not Planning and Building that has to deal with the alcohol. She said that would require a beer and liquor license from the County Commissioners. She said that does not go through Planning and Zoning.

Commission Member Dillon said they had to get a special event permit during those times. He also asked if he could ask a question of the Building Official. He asked what his relationship is with this and if they have been conforming to his rules and regulations. He also asked if they have gotten permits for other jobs.

RICHARD BIGELOW, NPC BUILDING OFFICIAL, testified they have had an issue with a sales room they were going to build out there. He said there was no permit or floor plans for it. He said he talked to Buzz and he was going to get plans to Richard but said the last he heard they were not going to do a sales room at this facility. He said they have pulled permits for the other jobs that were done at all facilities since he has been with the County.

Richard said the building at the Angel Ridge location went from a storage building to a manufacturing facility.

Richard said they have not applied for any permits at Tammany since he has been with the County. He said they have ceased to do what they had planned to do. He said the electrical work would be through the State.

Richard said there was a small area that was framed and drywalled and he talked to the staff about that and that has ceased as far as he knows. He said he has not been back out there.

Chairman Wentworth said he feels there has been a lot placed in front of them that they have not had time to really look into. He said it has been through the City and the County and now tonight. He said they are supposed to make a recommendation from what they have to read but he feels with something of this scale, they need more time to look into all this before making a decision. He questions how Howell can be doing this without some fire suppression in the building. He wonders how they can get the permits. He said a person could not put up a tent for hay storage without a lot of complaints without fire suppression and then we have this facility.

Richard said when the classification changed in Peck, Howell hired a specialist out of Colorado and it was recommended that the facility at Angel Ridge in Peck was to put in a 20,000 gallon storage tank for fire suppression. He said they are pulling a permit for another storage building and due to the size, he said fire suppression

might be required. He said he is waiting for plans that are with engineers and architects on that building.

Richard said Lucky Acres probably should have had a sprinkler system at the time but that was before he was with the County. He said he does not know the reasons why it was processed the way it was.

There was discussion about how this can go through so many steps and has never been corrected. It was discussed if it was a requirement or not at the time from the County or the State.

Richard said the fire codes are enforced by the Sheriff and he is the one with the authority with fire codes.

Chairman Wentworth asked if there were any questions.

Being none, Chairman Wentworth asked for testimony in favor.

Being none, Chairman Wentworth asked for testimony in opposition.

PAUL TOMLINSON, 1165 TAMMANY CREEK RD, LEWISTON, testified that Buzz talked about the business being from 8 to 5 but he said there are cars showing up at 5:30 in the morning. He said he has called Steve Howell about trucks idling several times. He said there are people in the building at 9 and 10:00 at night. He said a few nights ago, he was outside with his dog about 9:30 or 10:00 at night and he looked over and there were 3 cars in the parking lot and they were waiting for someone to come unlock the building so they could go to work. He said it was Sunday. He said he doesn't know if they are allowed to store explosives. He said there was a truck there Sunday all day and that night and until Monday morning with the explosive placard on it. He said he worked for ATK so he knows what the explosive placard means and what the explosive regulations are. He said at ATK, all the explosives are stored in bunkers until in use. He said explosives are supposed to be in a concrete bunker and that is what the truck had. He said he went over and talked to the truck driver and asked what they had and he was told gun powder. He said his understanding is that it is not to be stored out there and to hear this and find out no fire suppression, he said he would rather pick up his trailer and move it. He said if that goes up, he is gone and he does not want to live next to this.

Mr. Tomlinson said there were signs put up last week and he said even so, at 7:00 this morning there was a truck sitting there.

Commission Member O'Connell asked where Mr. Tomlinson lives. He also asked how a gate would affect him.

Mr. Tomlinson said he was the first house from the corner and pointed it out on the Commission Member's map. He said it would not affect him as that would not be on his access driveway.

Commission Member O'Connell asked if he sees the trucks and if they seem like from out of the area.

Mr. Tomlinson said at first the biggest offenders seemed to be the full size Dajo trucks, not the little box car ones. He said now it is the outside entities. He said they have called Steve [Howell] quite a few times and either he or someone came down to take care of the problem. He said the fact is though that they have to call at 9 or 10:00 at night and it is right across from their bedroom. He said during the winter time, it is worse as the truck drivers have to keep them running. He said he got

called out to work at 4:30 a.m. and when he got back at 5:30, there were already cars there.

Commission Member O'Connell asked if the operation hours were followed and the trucks weren't idling there and showing up at all hours, he asked if that would be better.

Mr. Tomlinson said it would be better and he understands that the hours may vary when someone has to work over a little. He said not when trucks are being unloaded on Saturday and Sundays.

EARL PEPPER, 1159 TAMMANY CREEK RD, LEWISTON, testified that Buzz cleared up some things tonight about the new manager. He said during most of the summer, there were 10-15 cars but about the last 3 months, it has increased tremendously. He said there were 42 cars parked there when they drove in from out of town tonight. He said there is a lot of traffic besides the employee traffic. He said he brought photos from two different times in one week into Alison that showed 28 to 30 cars parked there. He said it has been a lot worse in the last 3 months since the "high powered CEO" has taken over. He said they have complied with about nothing that they were supposed to do so why should anyone believe they are going to do what they say they are now. He said this bothers him.

Commission Member Dillon asked about how it was when the arena was there and if he complained then.

Mr. Pepper said he didn't complain even though they didn't like some things. He said regarding the fire suppression, it is pretty hard to set dirt and concrete on fire. He said that is all that was in the building at the time it was an arena. He said there are 3 to 4 trucks a day that go into the building with their explosive signs on the trucks. He said these are mostly the box trucks.

There was discussion about uses prior to this conditional use and also about trucks going in and out could be delivering to other facilities.

PAULA PINTAR, 4071 LUCKY LANE, LEWISTON, testified she leaves for work about 5:30 in the morning and stated there are already sometimes up to 15 cars there. She said a 7:00 starting time is not going to work. She said her bedroom window faces the facilities big windows that are lit up at night. She said they have been there 24 hours a day. She said this has been happening at least one night a week for about the last 3 to 4 weeks. She said one night the lights were off by about 8:00 but when she woke up at 3:00 that morning, she said the lights were on and there were cars there again. She said she thinks this has increased over the last 2 to 3 months. She said it has just exploded in a lot of ways with people being there and more trucks coming and going. She said it was stated there were only going to be cardboard boxes, packing and shipping equipment. She said every time she has seen the doors open, there are 55 gallon drums in there. She said they watch them load and unload trucks over and over and that is not shipping materials. She said this is far different from what they said. She said they have not followed anything they said they were going to do. She said they are proposing things and hours that they are not going to comply with what they are doing. She said she does not trust that they don't have gun powder in there and that is against all the things that were originally talked about. She said this is a huge concern of hers along with the hours and the trucks. She said there was a truck on Sunday at 4:30 and there are delivery trucks every night between 6 and 7 in the evening.

JAMES ROBERTS, 4071 LUCKY LANE, LEWISTON, testified he moved out there to have some quiet. He said his biggest complaint is the idling diesels. He said they have been a little better lately. He said they can hear the trucks in their living room on a summer day.

LUCILLE PEPPER, 1159 TAMMANY CREEK RD, LEWISTON, testified the hours were set from 8 to 5 but every morning by 6 to 6:30 you can count 30 cars there. She said the trucks are coming and going all the time. She said they have not followed one condition regarding the time, trucks and people working. She said there must have been a lot of construction today as there were 42 cars there. She said we can't believe anything they say.

Chairman Wentworth asked for Applicant rebuttal. He said he thinks it is safe to say that there has been a loss of confidence. He said it doesn't appear that any of the original conditions are being met. He said he can understand the water issue but said there are a lot of problems here.

Buzz said he is not sure about the 42 cars as the only information he received today was that there were some employees from Southport working in that building. He said he was not sure what the issue with that is being they are inside a big facility and they are not making any noise or causing problems inside the facility. He said the bathrooms are set up for 25 employees and he did bring in the 2 porta-pottys. He said this has all been functioning fine.

Buzz said he does not have an answer for the weekend truck traffic. He said the only way he knows to stop it is to put a security guard out there. He said they are told when the company orders stuff that the deliveries are to be made during the day. He said these are not Dajo trucks but trucks from across the country like from L.A. and across the United States. He said they show up and think they can park their trucks there. He said they can try to head this off with a security guard as all the signs he has put up aren't making a difference.

Buzz said regarding the 1.3 explosives, they are on all of their trucks because they do handle and transport gun powder. He said the DOT containers travel all over the country on the freeways and the highways. He said they store at Barns Blasting and that is where their powder magazines are stored. He said when he found a Dajo truck was there, he called Joe and he went right down there and ran the truck out of there.

Chairman Wentworth said he understands the trucks showing up and feels a guard and a gate will help that. He said there were 42 people there and Buzz told them 20 to 25 employees. He asked what all those people are doing there.

Buzz said there are 20 to 25 assigned to that facility. He said they are doing some remodeling work at the Southport facility so he said it was either lay off those people 2 weeks before Christmas or let them work there temporarily. He said some of the changes the new Manager is doing are improvements to the Southport facility and that would have displaced these employees.

Commission Member Dillon said what bothers him the most is not the 42 employees but that the CUP said there was a 20 employee maximum. He said the CUP does not seem to matter to him but why does he think they are on there if they don't matter. He said he understands not wanting to lay people off and thinks that would not have been a problem if all of the other issues had been resolved. He said he is not going to address the sprinkler system because that was not requested originally. He said the P&Z was told there would be a fire truck there and the employees would be trained and that it would be available to help neighbors around them there. He said all of

this just went out the window. He said he feels that Buzz has the worst job to come before the P&Z and the neighbors after he says one thing and the people over and under him have no regard for what he says. He said he is not blaming Buzz but when they [P&Z] tell the people how things are going to be when they pass something and it won't be as bad as they [public] think, but then it is 3 times as bad as they thought. He said this is not good.

Buzz said he appreciates the position of the neighbors and said he has tried to address the problems as they were brought before him. He said he knows that the neighbors do not think things have happened in a timely manner.

Commission Member Dillon asked Buzz what he did when he did receive the complaints. He also asked what the position of the new General Manager is being most of the complaints before them are from the last 2 weeks.

Buzz said he took them to management and expressed the problems. He said he took copies of the complaints and the CUP to the General Manager at that time but he would not give it any attention. He said he thinks the neighbors will agree that changes are starting to be made in the last 2 weeks.

Buzz said he had an outside contractor remove some of the things that were being stored outside the facility. He said the barrels contain spent brass bullet cases. He said they come from Peck and are stored here until they are taken to Southport to process.

Chairman Wentworth asked for the record if there are or are not explosives in the building.

Buzz said there is ammunition in the building in consumer packages like you would find at Walmart or any sporting goods store.

Commission Member Kristof asked what the busy work was that the employees from Southport were doing.

Buzz said some of it was inventory work and putting together cardboard boxes. He said they were just trying to keep from laying people off before Christmas.

Chairman Wentworth said he can understand that but if the rest of the issues weren't happening, he feels no one would have said a thing. He said there has been one broken promise after another and people are getting tired of it.

Commission Member O'Connell said in looking over all the complaints, it is the same thing, hours of operation and the trucks. He said both of these things were addressed in Peck so he feels sure they can be addressed here. He thinks if the person in charge can be talked to, maybe this can be resolved. He said Dominic is the one in charge in Peck and when then radio was a problem, he unplugged it.

Commission Member Kristof said maybe Buzz should have the Manager come and explain things to the P&Z Members.

Buzz said the out-sourced truckers are the majority of the problem and said the security guard and the gate will hopefully be the solution. He said they are told when they order things that the facility is an 8 to 5 and five-day-a-week facility.

Chairman Wentworth asked how many residences use the road by their facility.

Buzz said there are 2 residences.

Alison said there are 3 addresses on the property that Robin Medley owns.

There was discussion about the residences and the small arena and its traffic that would be affected by a gate.

Commission Member Dillon asked if the security guards would stop the all night workers that the neighbors testified are showing up.

Buzz said the guards would stop it and those employees are showing up on their own. He said they are salary. He said he was there on a Sunday working on frozen water pipes. He said there are truck drivers that show up and need to get back on the road so they might show up early. He said this is not the norm.

There was discussion about these things happening often from what is being testified and hard to believe Buzz and what is being said. There was discussion about entering the property and if the entrance for the employees and trucks could be changed to the east side of the property. It was stated the entrance at the east side is very steep.

Buzz stated the gate would affect Robin's horse boarders and renters along with the people using her arena.

There was discussion about any possible alternative access.

Mr. Pepper the gate would cause traffic problems. He said he has seen 2 and 3 semi's try to get into the facility at one time. He said if there is a gate there, they will be out on the road. He said the Dajo trucks are the big problem on the week-ends most of the time. He said they are there almost every Saturday. He said he is not sure if Buzz knows how many employees they have after he said 20 as there have been a lot more for a while now.

Mr. Roberts said he needs to keep to his CUP and keep his hours. He said if they would work during the permitted hours and have a little respect for the community, keep the truck traffic down at night and work 8-5 he said it would be simple.

Chairman Wentworth said it is a County road the facility accesses off and feels the approach and traffic needs to be addressed. He said he drove by there and there was a truck in the road, one trying to get out and one in the facility area.

Commission Member Gibson said it has been the same for years with the horse trailers going in and out of there in the past. She said they used to have to wait for those pick-ups and trailers to get in and out of there.

There was discussion and agreement the traffic and access needs to be addressed.

Being no further discussion, Chairman Wentworth closed the public hearing and asked for discussion amongst the Commission.

Commission Member Dillon said he is not sure what the solution is. He said it sounds like if the hours were followed for employees and trucks, there wouldn't be these problems. He said he is not going to give any more leeway until they can be shown that the current conditions can be followed. He said he knows there are a lot of employees and knows a lot of money was spent on the facility and it would be to

their benefit to get things in order. He said he is for giving them 2 or 3 months to get it together and if they don't then he would be for denying the CUP. He said he does want to give them a second chance. He said he understands businesses building but said they only have 4 acres there and there is not enough parking or truck parking. He said he thinks they can get along with the neighbors and keep people employed.

Commission Member Kristof asked Commission Member Dillon what he thought would be a reasonable amount of time and Commission Member Dillon said 90 days.

Chairman Wentworth said he does not think they should need 90 days to tell the employees when to show up and to stop the truck traffic. He said there is an original agreement and he feels 30 to 45 days should be enough time. He said he is not sure how the trucks showing up at all times can be handled but feels the employees can be told when to show up and that should be the end of that.

There was discussion about trucks showing up and if a security guard will be able to handle having the trucks go to a different site as they can't park on Tammany Creek Road.

Chairman Wentworth reopened the public hearing.

Mr. Tomlinson said the employees were 19 and 20 years old so they were not salary employees. He said if they were, he wants a job. He said he went over and asked the ones that were there and they said they were waiting for a supervisor to come and unlock the door. He said every time he has talked to people, they told Mr. Tomlinson they were waiting for someone to unlock the door. He said they said they were sent there to do some extra work to catch up.

Chairman Wentworth closed the public hearing and asked for a motion.

Alison said being this hearing was held due to a complaint; the Commission can change, deny or leave the same any of the conditions.

Commission Member Dillon made a motion to postpone any decision for 90 days with no changes to the CUP and give them a chance to work things out with the neighbors.

Alison asked if that was leaving the conditions as they are recorded now with them being the hours are 8 to 5 Monday through Friday with an occasional week-end delivery. She said there is no condition on the number of employees. She said the only limitation on employees was by Public Health for the septic and the water. She said even though it was testified about there only being 20 employees, it was not a condition of the CUP.

Commission Member Dillon said he wanted to leave it the way it is now and after 90 days, they can look at the number of employees and the fire protection or rescind the CUP and this will be at the March 15, 2016 P&Z meeting.

Chairman Wentworth said the motion was to table this for 90 days until March 15, 2016 to give them a chance to comply with what is required of them; motion was seconded by Commission Member Kristof. Motion passed unanimously.

Buzz said he would like to apologize to the Commission for having to deal with this and said he is sympathetic to the neighbors. He said he sat on the hillside a couple weeks ago and just watched and listened to all that was going on. He said he would be right there with the neighbors if he lived there. He said he will be at a meeting

tomorrow morning with the general manager to get a redirection. He said this is going to take a week or so to see changes.

Commission Member Dillon said he appreciates what Buzz is saying but he would like to see Buzz tell Mr. Howell that if this doesn't get this straightened out, his next motion is going to be to cancel the CUP.

Chairman Wentworth reopened the meeting for the Findings of Facts.

V. FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

Skyview Estates Preliminary Plat – A preliminary plat for 17 residential lots: 8 half-acre lots and 9 one-acre lots; Lots to be served by Lewiston Orchards Irrigation District, Avista, Cable One, and individual septic systems. Located at the intersection of Powers Avenue and 22nd Street, Lewiston; Tax Parcels RP35N05W243000 and RP35N05W242401. Joe Greco, Applicant.

Chairman Wentworth asked for any discussion.

Commission Member Dillon made a motion to approve the Findings of Fact, Conclusions of Law and Decision for Skyview Estates Preliminary Plat; seconded by Commission Member Kristof. A roll call vote was taken and motion passed with 3 Ayes and 2 Abstain being Commission Members O'Connell and Wentworth were absent for the public hearing last month. Commission Members Arnold and Greco were not present tonight.

Commission Member Dillon said he thinks the Commission needs to look at and develop a standard so when complaints come in they know what to do about it. He said he is not sure that a CUP shouldn't be on a probation period before a final decision is made. He said after 2 years of them not following the conditions of the CUP, the neighbors finally complain. He said they don't have any way to enforce. He recommended Richard, the building official, go out tomorrow and look and see what is going on with the building.

Commission Member Gibson said those neighbors have complained forever about everything. She said one neighbor would complain every time someone drove by their place.

Commission Member Dillon and Kristof agreed there should be a probationary period.

Commission Member Kristof said she went over to Montana and talked to the County Planner there and said the person was not gifted in charm. She said it made her realize how important it is the way the Planner talks to people and important to the growth of the County.

Alison said the County is being sued for a CUP that was issued 10 to 15 years ago regarding the McHargue rock pit. She said she will try to get something on an agenda for CUP procedures.

VI. ELECTION OF OFFICERS

Commission Member O'Connell said he made a motion to leave the officers as they are now. He said to leave as the following: Chairman Wentworth, Vice-Chairman

Greco and Secretary Alison; motion was seconded by Commission Member Kristof.
Motion passed unanimously.

VII. OTHER BUSINESS

Chairman Wentworth asked if there was any other business.

Commission Member O’Connell said the people that were here tonight had valid complaints about the hours of operation and truck traffic. He said this was very different than the complaints that were testified about at the Peck facility public hearing about their lives being ruined.

Alison said there were never any complaints regarding the Peck facility until the zone change was advertised. She said with this Tammany Creek facility she has had complaints since it started.

Commission Member O’Connell said he has talked to the employees in Peck and they are very happy with their jobs and working at that facility.

There was discussion about what the facility was to be used for and questions about no one asking Buzz directly if there was any gun powder stored there. There was more discussion about Buzz being asked about explosives and the rating of a building due to what is stored inside it. It was discussed about Buzz admitting to the complaints and also about the history of complaints over the years in this area.

Commission Member Dillon made a motion to adjourn the meeting, seconded by Commission Member O’Connell. Motion passed unanimously.

VIII. ADJOURN

Being no further discussion to come before the Commission, the meeting was adjourned at 8:00 P.M.

Respectfully Submitted,

Connie Bell, Planning & Building
Senior Customer Service Specialist

APPROVED:

Chairman/Vice Chairman
Nez Perce County Planning and Zoning Commission