

**Reasoned Statement**  
**Design Review / Conditional Use Permit / Variance**  
**Browns Business Park**  
**City File: Brown's Business Park Applications**

A public hearing was held on October 21, 2013 at 7:00 p.m. before the New Meadows City Council at New Meadows City Hall, 401 Virginia Avenue, New Meadows, Idaho, regarding the above-referenced applications. The subject property is described as follows:

Block 84, Lots 10-18 of the New Meadows City Official Map, also bearing the Adams County Assessor's Parcel Number of RPM0240084010AA.

**Property Owner:** Brown, William P & Donna D

**Applicant:** Bill & Donna Brown  
PO Box 325  
New Meadows, ID 83654

**A. Findings of Fact:**

1. The Design Review application for the construction of a new commercial building were submitted and received June 28, 2013.
2. The Conditional Use Permit application for the construction of commercial storage units were submitted and received August 12, 2013.
3. The Variance application for relief of construction of a sidewalk were submitted and received on August 12, 2013.
4. The Design Review application fees of \$100 were paid with check #3699.
5. The Conditional Use Permit application fees of \$250 were paid with check#3974.
6. The Variance application fees of \$100 were paid with check #3973.
7. The subject property is within New Meadows city limits and Commercial Zone of the official New Meadows Zoning Map.
  - Permitted Uses within the Commercial Zone per Ordinance 313-2008:
    - A. Agriculturally-oriented service or sales;
    - B. Automobile and equipment repair conducted within an enclosed area screened from public view;
    - C. Automobile or motor vehicle sales lot; boat sales lot;
    - D. Banks and other financial institutions;
    - E. Beauty and barber shops;
    - F. Cabinet or carpenter shop within an enclosed building;
    - G. Farm implement sales and repair;
    - H. Garden shop, florist, nursery, greenhouse;
    - I. General business office;
    - J. Hospital, medical facilities;
    - K. Hotels, motels;
    - L. Laundromats;

**Reasoned Statement**  
**Design Review / Conditional Use Permit / Variance**  
**Browns Business Park**  
**City File: Brown's Business Park Applications**

- M. Lumberyards;
- N. Public or private academic schools;
- O. Rental facilities; tools and small equipment;
- P. Restaurants, coffee shops, bars and lounges;
- Q. Retail stores;
- R. Service station and/or car wash;
- S. Theaters;
- T. Wholesale establishments;
- U. Public safety and administrative buildings.

- Conditional Uses within the Commercial Zone per Ordinance 313-2008:
  - A. Above ground combustible liquid tanks;
  - B. Day care centers;
  - C. Light manufacturing / assembly work conducted within an enclosed building;
  - D. Mobile home sales lot;
  - E. Recreational Vehicle Park;
  - F. Shopping Centers;
  - G. Storage facilities, personal and commercial;
  - H. Commercial Boarding Kennels;
  - I. Non-profit Clubs and Lodges of a fraternal order;
  - J. Retirement, convalescent or nursing home.

8. The subject property is within the New Meadows City limits. The property is owned William P & Donna D Brown. As a fee owner of property, the applicant has the same rights as any other property owner. The city is under no obligation to allow uses on property which it finds to be detrimental to itself, its citizens or surrounding neighbors.
9. A Design Review Public Hearing was first held before the Planning and Zoning Commission on July 22, 2013 at the New Meadows City Hall, 401 Virginia Avenue, New Meadows, Idaho.
10. Prior to the Design Review Public Hearing before the Planning & Zoning Commission, public hearing notices were sent to the affected property owners within three hundred feet of the property on July 3, 2013. The property was posted with public hearing notices by the City on July 10, 2013. Notices were published in the Star News (Newspaper of record) on July 3, 2013 and July 11, 2013. Agendas for the meeting were posted at City Hall, 401 Virginia Avenue, Sterling Savings Bank, 308 Virginia Street, US Postal Service, 221 Virginia Street all in New Meadows Idaho on July 18, 2013.
11. The public hearing was held at the specified date, time, and location as stated in the mailed notices, publication, and postings on the property.
12. Written comments were received from the following either prior to the Design Review Public Hearing or at the Hearing and read into the record:
  - State of Idaho – Highway Transportation Department
  - Bob Crawford
  - Curt & Lori Barnett
  - State of Idaho – Bureau of Aeronautics
  - Wes & Dixie Jeffs
  - Tony Koberstein

**Reasoned Statement**  
**Design Review / Conditional Use Permit / Variance**  
**Browns Business Park**  
**City File: Brown's Business Park Applications**

- Helen Myrick
- Richard Brown
- Patty Smith
- Marlene Twiford

13. Public testimony was solicited at the Planning & Zoning Hearing and given by the following:

- Dan Zillner
- Wes Jeffs
- Dixie Jeffs
- Jeff Lund
- Tim Farrell
- Steven Mehen
- Ed Kalinowski
- Bruce Stuart

14. The Commission requested that the applicant address the following items to be answered, addressed or included in the next meeting

- A. Proposed Hours / Days of Operation
- B. Waste Storage such as Tires, Scrap Metal & Fluids
- C. How will waste be disposed
- D. Conceptual Drawings and design of all buildings
- E. Elevations of each building site and each building side
- F. Engineer's Report of how the building will be brought up to New Meadows Code
- G. Photos of the building as it sat in Lewiston, specifically the color and metal
- H. Actual Approved Reclamation Plan indicating that once the reclamation work is complete the property is ok to build upon by Department of Lands
- I. Plan identifying the underground utilities
- J. Variance Application for 8' sidewalks if not going to build them
- K. Additionally the following questions must be answered and identified on the plan:
- L. How will the Design of the building alleviate noise pollution for adjacent residential lots? – Design Review Section 21-7.2
- M. How will Storm Water Retention be handled? – Design Review Section 21-7.4
- N. Where is the Snow Storage Area? – Design Review Section 21-7.5
- O. How does the application meet the Site Design? – Design Review Section 21-7.7
- P. Where is the parking identified on the plan? – Design Review Sections 21-7.8 & 21-7.9
- Q. How does the application meet the Lighting Standards? – Design Review Section 21-7.14
- R. How does the application meet the Landscaping Plan? – Design Review Section 21-7.15

15. Planning & Zoning Commission called for a special meeting that was held on August 5, 2013.

Applicant answered with the following:

- Proposed Hours/Days of Operation:
  - *8a-9p, six days/week*
- Waste Storage such as Tires, Scrap Metal, and Fluids:
  - *Tires and scrap metal to be stored behind a privacy chain link fence in a secured storage area, out of site. Fluids will be disposed of onsite with a waste oil burner and stored in reclaimed barrels that will also be kept in the secured storage area until transport to an appropriate disposal location.*
- How will waste be disposed:
  - *Waste will be transported to the Adams County Transfer Site.*
- Conceptual Drawings and Design of all buildings:
  - *The Commission was provided with building drawings.*

**Reasoned Statement**  
**Design Review / Conditional Use Permit / Variance**  
**Browns Business Park**  
**City File: Brown's Business Park Applications**

- Commissioner Hellbusch asked that Mr. Brown provide a 3-d drawing of all sides of the proposed building.
- Elevations of each building site and each building side:
  - *Elevations were included on provided drawing. The peak of the building is 24 feet and side walls are 13 feet.*
- Engineer's Report of how the building will be brought up to New Meadows Code:
  - *The Engineer originally planned on adding a new support beam to the building to bring it to the snow load requirement in Adams County but after further review of the building is working on a plan to add two supports to the structure.*
- Photos of the building as it sat in Lewiston, specifically the color and metal.
  - *The Commission was provided with a photo of the front of the building in Lewiston.*
- Actual Approved Reclamation Plan indicating that once the reclamation work is complete that the property is ok to build upon by Department of Lands:
  - *The reclamation and leveling of the property must be completed and reviewed by the Department of Lands before this information is available.*
- Plan identifying the underground utilities:
  - *A power pole is located in the center of the property and will either go underground or above ground to provide power to the building following a recommendation from Idaho Power.*
- Variance Application for 8' sidewalks if not going to build them:
  - *The Variance Application will be completed before the next Public Hearing date.*
- How will the Design of the building alleviate noise pollution for adjacent residential lots? – Design Review Section 21-7.2
  - *The building walls and ceiling will be sprayed with foam insulation. The plan also proposes 14 mini storage units be built in the north-west corner of the lot providing an additional noise barrier.*
  - Chair Person Shriver suggested that a fence be built along the alley from the corner of the proposed storage units south to Taylor.
- How will Storm Water Retention be handled? – Design Review Section 21-7.4
  - *The property will drain at the natural slope away from residential lots*
- Where is the Snow Storage Area? – Design Review Section 21-7.5
  - *Snow will be stored in the north-east corner of the property within the secured storage area.*
- How does the application meet the Site Design? – Design Review Sections 21-7.8 & 21-7.
  - *Submitted drawing identified parking areas that meet requirements referenced in 21-7.8 including landscaping and a split rail fence along Highway 95.*
  - The Commission suggested that parking along Taylor be parallel to comply with section 21-7.9.
- How does the application meet the Lighting Standards? Design Review Section 21-7.14
  - *Lighting is identified on submitted drawing.*
  - The Commission suggested that hooded lights be used to direct light onto the property away from Highway 95 and residential lots.
- How does the application meet the Landscaping Plan? Design review Section 21-7.15
  - *Landscaping is indicated in submitted drawing.*
  - Chair Person Shriver suggested that more live plants be added to the design.

**Reasoned Statement**  
**Design Review / Conditional Use Permit / Variance**  
**Browns Business Park**  
**City File: Brown's Business Park Applications**

16. The Commission called for more detailed drawings, a variance application and conditional use permit application to be supplied for the next Public Hearing.
17. A Design Review, Conditional Use & Variance Public Hearing was held before the Planning and Zoning Commission on September 3, 2013 at the New Meadows City Hall, 401 Virginia Avenue, New Meadows, Idaho.
18. Prior to the Design Review, Conditional Use & Variance Public Hearing before the Planning & Zoning Commission, public hearing notices were sent to the affected property owners within three hundred feet of the property on August 16, 2013. The property was posted with public hearing notices by the City on August 19, 2013. Notices were published in the Star News (Newspaper of record) on August 22, 2013 and August 29, 2013. Agendas for the meeting were posted at City Hall, 401 Virginia Avenue, Sterling Savings Bank, 308 Virginia Street, US Postal Service, 221 Virginia Street all in New Meadows Idaho on August 29, 2013.
19. The public hearing was held at the specified date, time, and location as stated in the mailed notices, publication, and postings on the property.
20. Written comments were received from the following either prior to the September 3, 2013 Design Review, Conditional Use, Variance Public Hearing or at the Hearing and read into the record:
- State of Idaho – Highway Transportation Department
  - Bob Crawford
  - Curt & Lori Barnett
  - State of Idaho – Bureau of Aeronautics
  - Wes & Dixie Jeffs
  - Tony Koberstein
  - Helen Myrick
  - Ricky Brown
  - Patty Smith
  - Marlene Twiford
  - State of Idaho – Highway Transportation Department
  - State of Idaho – Highway Transportation Department
  - Shelly DeMoss
  - Dave & Susan Kellogg
21. Public testimony was solicited at the Planning & Zoning Hearing and given by the following:
- Marlene Twiford
  - Sandy Schiffman
  - Don Moreaux
  - Tony Koberstein
  - Tim Farrell
  - Wes Jeffs
  - Curt Barnett
  - Jeff Lund
22. The New Meadows Planning & Zoning Commission moved to accept the proposed design with the following conditions;
- Developer to follow all appropriate regulations;
  - Fencing along the alleyway is completed prior to June 1, 2014
23. The New Meadows Planning & Zoning Commission moved to forward approval of the Conditional Use Permit application to construct 12 foot by 10 foot storage units as drawn in submitted plans according to section 8.8-G in the New Meadows Zoning Code to the New Meadows City Council.

**Reasoned Statement**  
**Design Review / Conditional Use Permit / Variance**  
**Browns Business Park**  
**City File: Brown's Business Park Applications**

24. The New Meadows Planning & Zoning Commission moved to forward approval of the submitted Variance application to waive the requirement to build a sidewalk bordering the property based on the fact that it would not be sensible to have a sidewalk at the location leading to nowhere and no other business in the vicinity have been required to do so to the New Meadows City Council.
25. The New Meadows Planning & Zoning Commission used the following standards in evaluating the application:
- i. New Meadows Zoning Code 313-2008
  - ii. New Meadows Zone Map 314-2008
  - iii. New Meadows 2005 Comprehensive Plan
26. A public hearing was then by the City Council on October 21, 2013 at the New Meadows City Hall, 401 Virginia Avenue, New Meadows, Idaho.
27. Prior to the public hearing before the City Council, public hearing notices were sent to the affected property owners within three hundred feet of the property on October 2, 2013, and published in the Star News on October 3, 2013 and October 10, 2013. The property was posted with public hearing notices by the City on October 3, 2013. . Agendas for the meeting were posted at City Hall, 401 Virginia Avenue, Sterling Savings Bank, 308 Virginia Street, US Postal Service, 221 Virginia Street, New Meadows Depot, 101 South Commercial Avenue all in New Meadows Idaho on October 17, 2013
28. The public hearing was held at the specified date, time, and location as stated in the mailed notices, publication, postings on the property and the posted agenda for the hearing.  
Written comments were received from the following:
- X
29. Public testimony was solicited at the hearings and received by the following:
- X
30. The Public Hearing was closed before the New Meadows City Council on Month/Day/Year at Time.
31. Permitted uses in the Industrial Zone are:
- i. All uses permitted outright in the "C" and "CBD" Districts;
  - ii. Manufacturing, assembling, fabricating, processing, packing, repairing, laundry cleaning, or dry cleaning which has not been declared a nuisance by statute, resolution or any court of competent jurisdiction;
  - iii. Wholesaling, warehousing, storage, and distribution;
  - iv. Contracting equipment maintenance or operating equipment of a public agencies or public utilities, or materials and equipment of a similar nature including lumber, coal, sand and gravel storage yards;
  - v. Research and development; Hybrid production facility

**Reasoned Statement**  
**Design Review / Conditional Use Permit / Variance**  
**Browns Business Park**  
**City File: Brown's Business Park Applications**

32. The subject property is within New Meadows city limits and Commercial Zone of the official New Meadows Zoning Map.

- Permitted Uses within the Commercial Zone per Ordinance 313-2008:
  - A. Agriculturally-oriented service or sales;
  - B. Automobile and equipment repair conducted within an enclosed area screened from public view;
  - C. Automobile or motor vehicle sales lot; boat sales lot;
  - D. Banks and other financial institutions;
  - E. Beauty and barber shops;
  - F. Cabinet or carpenter shop within an enclosed building;
  - G. Farm implement sales and repair;
  - H. Garden shop, florist, nursery, greenhouse;
  - I. General business office;
  - J. Hospital, medical facilities;
  - K. Hotels, motels;
  - L. Laundromats;
  - M. Lumberyards;
  - N. Public or private academic schools;
  - O. Rental facilities; tools and small equipment;
  - P. Restaurants, coffee shops, bars and lounges;
  - Q. Retail stores;
  - R. Service station and/or car wash;
  - S. Theaters;
  - T. Wholesale establishments;
  - U. Public safety and administrative buildings.
  
- Conditional Uses within the Commercial Zone per Ordinance 313-2008:
  - A. Above ground combustible liquid tanks;
  - B. Day care centers;
  - C. Light manufacturing / assembly work conducted within an enclosed building;
  - D. Mobile home sales lot;
  - E. Recreational Vehicle Park;
  - F. Shopping Centers;
  - G. Storage facilities, personal and commercial;
  - H. Commercial Boarding Kennels;
  - I. Non-profit Clubs and Lodges of a fraternal order;
  - J. Retirement, convalescent or nursing home.

33. The requested use **is/not** a permitted use.

34. The requested use **is/not** listed in section XX of the zoning ordinance as a conditional use.

35. The proposed use **is/not** consistent with the objectives of the zoning ordinance because it **is/not** a permitted use.

**Reasoned Statement  
Design Review / Conditional Use Permit / Variance  
Browns Business Park  
City File: Brown's Business Park Applications**

36. A conditional use is a favored use but one that can be permitted only after public hearing and public comment. The purpose of receiving public comment is to obtain information about the proposed conditional use permit and request for variance.
37. One of the objectives of Idaho Code 67-6502 (a) is to protect property rights and (c) to ensure that the economy of the locality is protected.

**38. Synopsis of testimony**

39. In making a decision the council must weigh the adverse impact on the surrounding property owners and their property rights as well as the economy of the city.
40. The council concludes that there would be *(insert conclusion)*
41. The proposed use is/not consistent or compatible with the objectives of the comprehensive plan because:  
a)

**B. Conclusions of Law:**

1. The burden is to show that a proposed conditional use is allowed in a specific zone is upon the applicant. The applicant *has/not* met that burden.
2. The burden is to show that a request for variance is *(insert comment)*

**C. Council Decision:**

**D. Alternatives:**

The applicant may request mediation. The applicant or any adversely affected person may appeal this decision to the District Court of the Third Judicial District of the State of Idaho, in and for the County of Adams in the manner and within the time limits provided by law.

Reasoning Statement approved on Month/Day/Year.(usually following decision at following meeting)

\_\_\_\_\_  
Julie Spelman, Mayor

Attest:

\_\_\_\_\_  
Jacob "Mac" Qualls, City Clerk