

**Custer County Commissioners
Public Hearing Appeal Minutes
Wilson Lane Rezone
March 30, 2022**

Call to Order at 6:00 p.m.

Roll Call

Present: Commissioner Randy Corgatelli, Commissioner Steve Smith, Clerk Lura Baker, Planning & Zoning Administrator Jessica Clemenhagen. In the audience Wayne Butts and Sherry Mastas.

Public Hearing Called to Order at 6:05 p.m. (Recorded)

Commissioner Vice Chairman Randy Corgatelli called the hearing for Wilson Lane zoning change from Residential to Commercial. He reviewed the rules of testimony for those attending.

Planning & Zoning Administrator's Testimony: Jessica Clemenhagen testified for the Custer County comprehensive map amendment of twelve parcels located along Wilson road, near Challis from residential to commercial. Parcel # RP14N19E288430, RP14N19E288420, RP14N193288410, RP000630040240, RP000630040230, RP000630040220, RP000630040210, RP000630040200, RP000630040190, RP000630040180, RP000630050022 & RP14N19E282300. The location of these parcels is; 11 are south of the road, and one of the parcels is north of Wilson Road. A public hearing notice was posted in the public notice section of the Challis Messenger newspaper on January 13, 2022. Notices were mailed to all property owners located within 300 feet of the property boundaries on January 12, 2022. The property was physically posted at the junction of Highway 93 and Wilson Road on January 26, 2022. Notices were also posted on the doors of the courthouse and uploaded to the Custer County planning & zoning web-page. Notice were also given to Challis City Hall, Custer County Road & Bridge, Idaho Dept. of Transportation, North Custer Fire Dept., Challis School District, Challis Irrigation Company., East Idaho Health Dept., Custer Co. Sheriff Office, N. Custer Ambulance, Custer Telephone, and Salmon River Electric. It was brought to her attention by the Custer County Board of Commissioners that the proposed area was meant to be zoned as commercial when Planning & Zoning was established in Custer county in 2007. They requested that as the new P&Z Administrator, Jessica Clemenhagen work on getting the area officially re-zoned to commercial. All but one of the proposed parcels are currently zoned residential and most of them have commercial structures on them that were grandfathered in, but they cannot expand in any way because of their current zoning. The current dwellings and uses of the parcels shall remain as such, and be grandfathered in if for some reason they do not fit commercial use. The proposed re-zone request, from residential to commercial is in compliance with the Custer County Planning & Zoning Ordinance #2007-09 Article 14, Section A. Whenever the public necessity, convenience, general welfare or good zoning practices require, the board after receipt of recommendation thereon from the commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries and classifications of property. It also is in compliance with the Custer County Comprehensive Plan, Article 1, Section 2(b) Upon request to amend or repeal the plan, the planning commission shall set a public hearing, giving at least fifteen (15) days public notice in the local newspaper or

by mail. One letter was received at the start of this discussion by the Custer County Planning & Zoning office. No additional letters were received after the notice of public hearing. The Planning & Zoning Commission held a public hearing on February 3, 2022, where they heard all testimony and considered all timely comments regarding the rezone request. They deliberated and voted unanimously to approve the rezoning of parcels to commercial. A recommendation was given to the County Commissioners to approve the Comprehensive Map Amendment and rezoning of the twelve (12) parcels to commercial. On March 17, 2022 the Custer County Planning & Zoning Commission adopted the Finding of Facts for the Comprehensive Plan Amendment. Public Notice hearings in front of the Custer County Commissioners was posted in the Challis Messenger in the public notice section on March 10, 2022. Notices were mailed to all property owners within 300 feet of the property boundary. The property was physically posted on March 10, 2022.

Support testimony was heard from Wayne F. Butts

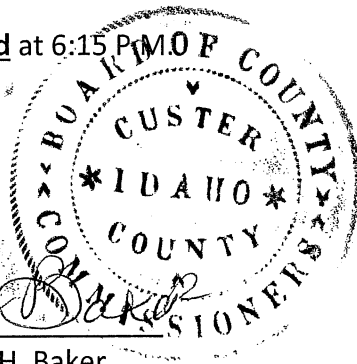
Wayne explained that he abstained from participating as a county commissioner as he owns three parcels in this rezone request. When Round Valley Acres I, II and III were developed in the early 1980's it was the intention of his parents that the south side of Garden Creek be residential, and all business operations needed to be on the north side of the crick. When my wife and I purchased a lot, we offered to buy the biggest lot that was available on the north side of the crick. I was advised by my folks that I needed to get a lot on the north side of the crick because I would eventually begin a business at my home. So we did. At this present date we have a B & B with cabins that we rent out. When P&Z was created in 2007, this area was overlooked as being understood that it was already commercial on the north side. When the P&Z map took effect, they had us zoned as residential.

This concluded the support testimony. There was no Neutral testimony or Opposition testimony. Vice Chairman Randy Corgatelli then concluded the public hearing.

Deliberation was begun between Commissioner Corgatelli and Commissioner Smith.

Commissioner Smith felt the information given cemented his agreement with the Planning & Zoning Commissions decision. Commissioner Smith then moved to affirm and hold with the Planning and Zoning Commissions decision on these 12 lots being rezoned as commercial. Commissioner Corgatelli seconded the motion. Roll call vote; Smith/Aye and Corgatelli/Aye. Motion passed. The deliberation was closed at for the Wilson Lane rezone public hearing.

Meeting Adjourned at 6:15 PM



Randy Corgatelli
Vice Chairman, Randy Corgatelli

Attest: Clerk, Lura H. Baker