

Valley County Planning and Zoning Commission

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Katlin Caldwell, Chairman
Ken Roberts, Vice-Chairman

Sasha Childs, Commissioner
Scott Freeman, Commissioner
Gary Swain, Commissioner

MINUTES

Valley County Planning and Zoning Commission
February 9, 2023
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. by Chairman Caldwell. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Sasha Childs:	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Gary Swain:	Present
PZ Assistant Planner – Lori Hunter:	Present

B. MINUTES: Commissioner Childs moved to approve the minutes of January 12, 2023. Commissioner Swain seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 22-09 Tamarack Resort P.U.D. – Phase 3.3 Osprey Meadows Estates – Final Plat:** Tamarack Resort Two LLC is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of 17 single-family residential lots. Lots would be accessed from West Mountain Road (public), Discovery Drive (private), and new private roads. The approximate 16-acre site is in Section 5, T.15N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Not a public hearing.**

Chairman Caldwell introduced the item. Chairman Caldwell recused herself and left the room due to a family member in contract with Tamarack Resort. Acting Chairman Roberts asked if there was any further exparte contact or conflict of interest. There was none.

Director Herrick presented the staff report and displayed the final plat on the projector screen. The existing Idaho Power easement and changes from the preliminary plat were discussed.

Scott Turlington, Tamarack Resort, concurs with the staff report and recommendations. The road name on the plat should be Osprey Meadows Court, not Osprey Meadow Court. The stub portion of road may be used for access in the future.

Staff recommends that a dotted line be added to delineate the difference between the unnamed stub and Osprey Meadows Court.

Mr. Turlington stated that dust mitigation will be discussed with the Board of County Commissioners. The road will be paved in the future. The Capital Contribution Agreement is still in effect.

Commissioner Freeman moved to approve the final plat for P.U.D. Tamarack Resort – C.U.P. 22-09 Phase 3.3 Osprey Meadows Estates with conditions as approval as presented and authorize the Chairman to sign. Commissioner Childs seconded. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley County Code 9-5H-12.

Chairman Caldwell returned to the Commission.

6:18 p.m.

2. C.U.P. 22-54 Haney Solar Panels: David Haney is requesting a conditional use permit for detached solar panels for personal use. The residence is addressed at 1504 Crown Point Parkway. The 1.5-acre lot is Alberta Estates Subdivision Lot 6 located in the NWSE Section 11, T.14N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Tabled from January 12, 2023.**

Commissioner Roberts moved to remove CUP 22-54 Haney Solar Panels from the table. Commissioner Childs seconded. Motion carried unanimously.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Caldwell asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – The applicant responded with information on the septic system and permit #6137 from Central District Health. The septic system is located on the back side of the cabin, 150-ft or more from the solar panels. (Jan. 9, 2023)
- **Exhibit 2** – Lisa Mohler, Lake Fork, recommends that this application be denied. (Jan. 31, 2023)

Chairman Caldwell asked for the applicant's presentation.

David Haney, Boise, stated he installed the solar panel. He was not aware a conditional use permit was required. The home is off-grid and powered by the stand-alone solar panels. It has been inspected by the State Electrical Inspector but the inspection was delayed due to Covid Pandemic. The lot is 1.5 acres. The solar panel placement is based on the view of the southern sky. Large granite rock resulted in the house design and placement not being conducive to solar panels on the roof. His immediate neighbors do not have any issues.

The Alberta Estates Subdivision was platted in 1978.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing.

The Commission deliberated. Commissioner Roberts appreciated the willingness of the applicant to apply and have a public hearing regarding his existing solar panels. The lot is large. The solar panel is an appropriate use for this off-grid residence. Valley County Code includes ordinances which regulate solar panels.

Commissioner Roberts moved to approve C.U.P. 22-54 Haney Solar Panels with the stated conditions. Commissioner Childs seconded the motion. Motion carried unanimously.

(Vote occurred after vote for C.U.P. 22-55)

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley County Code 9-5H-12.

6:30 p.m.

D. NEW BUSINESS:

- 1. C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B – Preliminary Plat:** Jug Mountain Ranch LLC is requesting a conditional use permit to amend C.U.P. 21-40 and approve a preliminary plat in a part of Jug Mountain Ranch Planned Unit Development 97-1. The plat would include 12 single-family residential lots and 4.91 acres of open space on 29.37 acres. No change in approved uses or densities is requested for the P.U.D. Shared driveway variances are requested. The lots will be accessed from new private roads onto York Street, an existing private road. The homes will use individual septic systems and the existing central water system. The site is part of in the SW ½ Section 6, T.17N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any *ex parte* contact or conflict of interest. There was none. Chairman Caldwell does not have a family member under contract with Jug Mountain Ranch at this time.

Chairman Caldwell asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Amy Pemberton, Applicant's Representative, responded to Staff's Comments in the Staff Report regarding traffic study, wildfire mitigation, emergency access road, and easements. (February 8, 2023)
- **Exhibit 2** – Amy Pemberton, Applicant's Representative, included details and attachments regarding the existing Road Development Agreement. (February 8, 2023)
- **Exhibit 3** – Valley County Auditor's Certificate for \$56,000. (July 24, 2001)

Staff recommends that COA # be modified to include septic maintenance in CCRs. A traffic study was done as part of the original P.U.D. application.

Chairman Caldwell asked for the applicant's presentation.

David Carey, 13895 Lang Court, is available to answer questions. This is a reduction in lots from 16 to 12 and change from central sewer to individual septic systems. Jug Mountain Ranch is working with Idaho Department of Environmental Quality (DEQ) for additional sewer hooks ups as previously approved. At this time, no new hooks ups are allowed for the central sewer system. These 12 proposed lots would use the existing domestic central well, utilities, and fire hydrant system. Conduit for fiber optics has been installed in Jug Mountain Ranch in every

phase since 2004, prior to being asked to do so by Valley County. Fire mitigation has occurred and is ongoing; logging and clearing has occurred on the property.

The access road has existed for over 40 years, prior to the establishment of Jug Mountain Ranch. This access road joins with Ashton Lane, which is a public road. Traffic accessing Jug Mountain Ranch will not use this access road. Jug Mountain Ranch is accessed using the private road from Farm to Market Road, not from Ashton Lane.

A traffic study was part of the original Planned Unit Development (PUD) process and approval. The PUD approval involved much scrutiny of the entire project. Since 2004, the increased growth in the area is due to the increased activities along the Farm to Market corridor and Jughandle Estates area, not just Jug Mountain Ranch.

The PUD approval included permission for 325 homes at Jug Mountain Ranch; 161 lots have been recorded. A traffic study should not be required for each phase of the PUD.

Director Herrick clarified that the Valley County Planning and Zoning Commission approved Phase 3B in 2021. The Phase 3B application and plat have been amended to:

1. Allow individual septic systems instead of central sewer for this phase;
2. Increase the open space acreage slightly; and
3. Decrease lot numbers from 16 to 12.

Commissioner Swain asked about the applicant's answers to Impact Report Questions # 1 and # 2 regarding work force housing and traffic.

Mr. Carey stated that Jug Mountain Ranch LLC is currently working on work force housing by platting areas outside of Jug Mountain Ranch as there are no additional available central sewer hookups within Jug Mountain Ranch. Jug Mountain Ranch LLC also rents affordable housing units in McCall.

The Impact Report #1 answer refers to traffic within Jug Mountain Ranch PUD.

The existing Road Development Agreement was discussed. Mr. Carey referred to **Exhibits 1 and 2**, and documentation regarding payments. Mr. Carey believes that the Road Development Agreement payments had been completed.

Commissioner Roberts stated that Conditional of Approval # 14 directs the applicant to work with the Valley County Road Director.

The Road Development Agreement payment schedule was based on sale of lots. Phase 3B is the first plat since the threshold of 130 lots sold has been met.

Mr. Carey discussed fire mitigation for Jug Mountain Ranch. Wildfire mitigation occurs as part of the landscaping requirements for the lot owners, design review committee requirements, and CCRs. There is a lot of open water on the property plus fire hydrants. Jug Mountain Ranch has its own pumper trucks. Thinning and logging has occurred; the State has also done much logging in the area. Approximately half of Jug Mountain Ranch is within the McCall Fire District and the remainder is within the Donnelly Fire District. Jug Mountain Ranch has petitioned unsuccessfully to have the entire development within the McCall Fire District. Jug Mountain Ranch pays a higher insurance rate as the development is further from the Donnelly Fire Department station than the McCall Fire Station.

The Jug Mountain Ranch central sewer system was stubbed out to the boundary of this phase.

Sewer service was the original intent. At this time, additional hook ups are not allowed by Idaho DEQ. Adding the infrastructure for future sewer service in Phase 3B would involve adding lift station(s) due to the topography in Phase 3B. Jug Mountain Ranch intends to use central sewer for the remainder of the development. The central sewer is privately owned; it is not a sewer district. The proposed lots in Phase 3B are larger than existing platted lots due to septic system requirements and topography.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Freeman stated that it is unfortunate that the applicant must switch from central sewer to individual septic systems. He agrees that the topography would make it more difficult for central sewer. Commissioner Swain stated that Jug Mountain Ranch is one of the better developments in Valley County and is a model for other subdivisions. Commissioner Childs concurs that this is a responsible development model and is well done. It is unfortunate that central sewer is not available, but the applicant is able to move forward with a different plan. Commissioner Roberts concurs that Jug Mountain Ranch is a quality long-term development; multiple public hearings were held for the PUD application. CCRs should include septic system maintenance information. A wildfire mitigation plan would not be a huge burden; he recommends one be required as a condition of approval. Mr. Roberts is disappointed in Idaho DEQ; however, the proposed lot sizes make the septic systems compatible.

There was further discussion regarding the Wildland Urban Interface Fire Protection Plan. Staff stated that Valley County Code (VCC) 10-7-4-A requires a Wildland Urban Interface Fire Protection Plan for new plats. This is a new plat for an area that was designated as Future Phase area in Planned Unit Development. Commissioner Freeman believes that it is already taken care of by Jug Mountain Ranch's actions and requirements including the Landscaping Plan. Chairman Caldwell concurs that mitigation is included in the Landscape Committee requirements and CCRs. Commissioner Swain thinks that mitigation is already occurring; he does not believe a Wildland Urban Interface Fire Protection Plan would have any other recommendations in addition to what Jug Mountain Ranch is already doing.

Staff stated that the Commissioners could determine that the existing landscaping submittals, logging and clearing activities, and fire hydrants adequately complies with the requirements of VCC 10-7-4. A Wildland Urban Interface Fire Protection Plan was not required for C.U.P. 21-40.

Staff recommends that Condition of Approval # 14 be modified to include the Board of County Commissioners.

Commissioner Roberts moved to approve C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B and the preliminary plat with the stated conditions and:

COA: Septic system maintenance added to CCRs;

COA #14: Modify by including the Board of County Commissions and use the standard language that the Commission has been using; and

COA: Wildland Urban Interface Fire Protection Plan required according to VCC 10-7-4.

Motion died for lack of second.

Commissioner Childs moved to approve C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B and the preliminary plat with the stated conditions and:

- **Remove COA # 15;**
- **Modify COA #14 by using the standard language which adds the Board of County Commissioners; and**
- **Add septic system maintenance requirements to the CCRs.**

Commissioner Childs stated that information in **Exhibit 1** shows that fire mitigation is already occurring. This is enough to not require what is listed in VCC 10-7-4.

Commissioner Roberts seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley County Code 9-5H-12.

7:28 p.m. – Short break (approximately 5 minutes)

2. C.U.P. 22-57 Lamon Multiple Residences: Jim Lamon is requesting a conditional use permit for three residential homes on one parcel. Individual wells and septic systems are proposed. Access would be from Corral Creek Road, a public road. The 320-acre parcel is RP13N04E150006 located in the E ½ Section 15, T.13N R.4E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Caldwell asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. A Wildland Urban Interface Fire Protection Plan is not a requirement of this application. This is not an application for a subdivision.

Chairman Caldwell asked for the applicant's presentation.

Teia Golden, McCall, represented the applicant. The application was for three homes on one parcel. The applicant has decided to build only homes on this 320-acre parcel; the proposed ranch manager home will be moved to the adjacent 160-acre parcel. Wildfire mitigation will be done. The homes will have internal sprinkler systems for fire protection. Barns would be built during 2023. Construction of the main home on the far east side of the property would be started in 2023. This is not a proposed subdivision. It will be a family cattle ranch. Perc testing for septic systems will occur Spring 2023. The applicant is buying adjacent parcels and will own from the green gate location on Corral Creek Road. The applicant is working with Idaho Power and a surveyor to create an electrical easement.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell asked for undecided.

Deb Powell, Goslin Loop, Cascade, has questions. What are the future intentions for the remaining property? Mr. Lamon has a solar farm company in Kuna and other locations; thus, she is concerned if a solar farm could occur here. She is glad that the applicant will not short-

term rent the homes. She is concerned about noise of generators as no power lines exist to these home sites. Other concerns include the existing wetlands and effect on the agricultural use in the area. She asked if Valley County has any ordinances regarding for solar farms.

Micheal Powel, Goslin Loop, states the area is very woody. Generators produce noise and heat. Wildfire is a concern. Fire trucks take 20 minutes to reach his home and would take much longer to get to these proposed buildings.

Chairman Caldwell asked for proponents.

Joe Kennedy, Cascade, is the current owner of the property. This area is behind a big ridge and would not be visible from the existing subdivisions.

Chairman Caldwell asked for rebuttal from the applicant.

Ms. Golden clarified that Mr. Lamon sold the solar farm company in 2021. He will be conscious of fire concerns. He will want solar panels for the residences and is aware that solar panels would be a separate permit.

Director Herrick clarified If solar panels are on the primary structure, a conditional use permit is not required.

Chairman Caldwell closed the public hearing.

The Commission deliberated. A solar farm would require a conditional use permit and public hearing as would a subdivision application. This conditional use permit approval would allow two homes on a large parcel. Commissioner Freeman said this area is not visible from the existing subdivisions. Commissioner Childs responded to Ms. Mohler's comments and stated that it is the City of McCall that limits building size to 5,000-sqft, not Valley County.

Commissioner Freeman moved to approve C.U.P. 22-57 Lamon Multiple Residences with the stated conditions. Commissioner Roberts seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley County Code 9-5H-12.

7:58 p.m.

E. Appeal of Administrative Decision that a Conditional Use Permit Is Required.

Is a C.U.P. required for a storage building at 14014 Highway 55? Action Item.

The staff report includes maps and renderings of the proposed structure at 14014 Highway 55 [Parcel RP18N03E331807].

Dusty Bitton, 7 Boulder View Place, bought the property about a year ago. There are many dilapidated buildings on the parcel. He wants to replace an existing building with a new storage building. This new building would be used for personal use by his family and his business partner's family. The building would be used to store boats, snowmobile trailers, RVs, and other seasonal equipment. He is aware that a conditional use permit would be required before the building could be used for business use. The site is visible to neighbors who would be aware if a business use was occurring. The subdivision that Mr. Bitton and his business partner lives in does not allow long-term storage of vehicles such as RVs and snowmobiles.

Commissioner Roberts stated that due to the sheer magnitude of proposed building, it appears to be a commercial building. A 300-ft long building can store a lot of stuff. Commissioner Freeman disagrees and believes the building would be used for personal use. Commissioner Swain believes accepting this commercial-looking building as personal use would set a precedent; who would police the use? Commissioner Freeman believes the neighbors would be aware of any business activity at this site due to the location. Commissioner Childs would not require a conditional use permit at this time when the storage building would only be for personal use.

Commissioner Roberts moved to deny the appeal of the administrative decision and determine that the proposed building at 14014 Highway 55 does require a conditional use permit. Commissioner Swain seconded the motion. Commissioners Roberts and Commissioner Swain voted in favor. Commissioners Child, Commission Freeman, and Chairman Caldwell voted in opposition.

Motion did not carry; thus, a conditional use permit is not required for storage building used for personal use only at 14014 Highway 55. If the use changes, a conditional use will be required.

F. FACTS AND CONCLUSIONS - Action Items:

- C.U.P. 22-50 Elk Haven Acres Subdivision
- C.U.P. 22-51 Amendment of C.U.P. 16-21 Mountain Meadow Rentals
- C.U.P. 22-52 North Pasture Subdivision
- C.U.P. 22-53 Harlow Subdivision

Commissioner Freeman moved to approve the Facts and Conclusions as presented and authorize the chairman to sign. Commissioner Childs seconded the motion. Motion carried unanimously.

The next meeting is on February 21, 2023. There will be two work sessions. A joint training with the Board of County Commissioners will be held from 5:00 p.m.– 5:30 p.m. Immediately after, the PZ Commissioners will hold a work session.

Commissioner Roberts moved to adjourn the meeting. Commissioner Childs seconded. The motion carried unanimously.

Chairman Caldwell adjourned the meeting at 8:11 p.m.