

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
March 16, 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:	Excused
PZ Commissioner – Gary Swain:	Present
PZ Assistant Planner – Lori Hunter:	Present

C. NEW BUSINESS:

- 1. C.U.P. 23-03 Xperience Glamping Site:** Jennifer Anderson is requesting approval of a conditional use permit for rental of five geodomes. Each dome would include a bathroom. An individual septic system and individual well would be used. Access is from Deer Trail (a public road) onto West Mountain Road (a public road). The 2.4-acre site, addressed at 1734 Deer Trail, is part of CR-5 Subdivision Lot 36, located in the SESE Section 18, T.15N, R.3E, 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, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Response from Martin Rodosh and the Rodosh Family in opposition. Reasons include health and safety; environment; and quality of life and community. (Received March 13, 2023; this was forwarded to Commissioners prior to the public hearing.)

Recreational Business definition and lot coverage requirements were discussed. Staff believes that this proposed use would not be subject to the maximum 1% lot coverage requirement of Valley County Code 9-5F-1C3.

The response from Central District Health (CDH) was discussed. The conditional use permit would need to be approved for more than one year to give the applicant time to monitor test holes and obtain septic approval.

If approved, the applicant would meet with the Valley County Road Superintendent and/or Board of County Commissioners. The resulting road development agreement would be based on anticipated traffic counts and Capital Contribution Plan. The Valley County Engineer would assist.

Chairman Caldwell asked for the applicant's presentation.

Jen Anderson, Meridian, Idaho, stated the proposed site is located in an area designated as Multiple Use. There are no CCRs nor homeowner association for the lot. She purchased the lot earlier in 2023. The previous owners used the site for two camping trailers. The properties immediately northeast and northwest are vacant lots. The adjacent lot to the west has a home that is used as a second home. The adjacent lot to the east has a home with a fulltime resident.

Ms. Anderson hosted a community meeting on February 24, 2023, and met all but one of the neighbors. She will address the concerns raised. All but one person at the meeting said they use their properties for vacations. There are part-time residents and second homes, some of which are offered as short-term rentals. Camping sites and state-run yurts are in the general area. Recently approved Camp Modern, similar to the proposed use, is located across Cascade Lake. The Commission also recently approved the geodome on Little Donner for short-term rental use. If the proposal is approved, she will seek to support nearby commercial operations at Tamarack Resort and Mountain Meadow Rentals. Lodging options are needed.

The proposal would allow the site to be developed to its highest and best use, increase employment opportunities, add short-term and long-term jobs, and increase taxable revenue to the County. The area was chosen because of proximity of outdoor activities and natural beauty. People can no longer afford to buy the large truck, trailer, and RVs to recreate. This would give people the opportunity to camp and enjoy the outdoor activities in the area without purchasing equipment. Geodomes was the best option for structure type. They provide the strongest and stiffest construction and are energy efficient. The domes would be nestled in the existing trees for screening.

Ms. Anderson owns four vacation rentals: a duplex, a condo, and a cabin in residential neighborhood with quarter-acre properties. For six years she has self-managed these rentals. She has systems in place to keep properties from attracting problem guests. Security deposits would be required. There would be a strict enforcement policy. She lives an hour and 45 minutes away from the site and will hire local cleaners, property maintenance and over-sight personnel to keep the site operating consistently with her high standards.

On February 28, 2023, Ms. Anderson met with Donnelly Fire Marshal Jess Ellis and discussed issues including driveways, emergency access, address posting, and building plans. She has discussed the septic process with CDH. There is an existing septic permit for the lot. She can extend the permit to include the five geodomes. Ms. Anderson answered questions from Commissioners regarding proposed septic system and existing permit. The test pit was approved for a four-bedroom home. Ms. Anderson read comments included on the CDH permit. Ms. Anderson understands that geodome construction would be delayed due to the CDH monitoring and permitting timeline. A centralized septic system is proposed. Commissioner Freeman stated that parking areas may need to change based on approved location of the septic drainfield.

Ms. Anderson responded to questions in the staff report and from the Commissioners. The site plan will be adjusted to meet setbacks; there is room to do so. The revised site plan will include two or three spaces for boat or trailer parking. Neither RV parking nor offsite parking will be allowed. There will be no kitchens in the domes; guests will be encouraged to bring disposables. A bear-proof trash shed will be constructed. She has no plans regarding new

roads. She has discussed access and snow plowing with Richard, a neighbor who organizes the current plowing of Deer Trail. The first 40-ft of road would be plowed during the snow season. She understands that additional cost may be involved and is open to this discussion. The geodomes would be used year-round by family and/or as short-term rentals.

Director Herrick clarified that building permit(s) would be required; the geodomes would be required to meet snow loads. Snow storage must be shown on site plan; it can be in setback area.

Ms. Anderson stated the prior owners put in a shallow drainage ditch along Deer Trail. A natural berm is located on the north part of the lot that would also be an appropriate snow storage area. In response to questions from the Commissioners, Director Herrick responded that they could require a site grading / stormwater management plan be approved by the Valley County Engineer.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided.

Tami Haener owns 1740 Deer Trail located two lots to the west. Her biggest concern is the septic. The properties in this area are in the bottom of a draw and are marshy. There is an underground spring between 3-ft and 6-ft down. This high water would complicate installing a septic system and drainfield. The fire pit is located near the property line; fire is a high concern in this area. The property boundary should be marked; last year trespass occurred into the adjacent property. Parking and snow storage are also concerns.

Chairman Caldwell asked for opponents.

Steve Rodosh, 1741 West Mountain Road, does not think it is a good idea to put a motel in a quiet neighborhood. The site would become an area for parties, 365 days a year. It is a bad idea.

Zach Wilson owns 6 Wren Trail which is adjacent to the proposed site. The parking area is limited and overflow onto other properties. A fence could help. On-site monitoring is needed. There are several campsites on West Mountain Road that have camp hosts on-site. An hour and 45 minutes is not immediate assistance if problems arise. Security of the area is a concern. There would be an increase in both traffic and people. A campsite would decrease neighboring property values compared to a single-family home.

Mike Manderscheid, 1745 West Mountain Road, is opposed to the site plan with only one well and one septic system. There would be a drain on the area's water system. The site has a high-water table year-round and causes septic issues. The increased traffic would worsen West Mountain Road. The use would be detrimental to the peace and tranquility of the area. Who would police the use of the fire pit? The fire pit would encourage parties and noise. Wildlife conflicts would arise.

Chairman Caldwell asked for rebuttal from the applicant.

Ms. Anderson said she is still in process of gathering information regarding water on the property and the underground spring. The fire pit is a legitimate concern. She has discussed the site with Jess Ellis, Donnelly Fire Marshal. The fire pit is pre-existing and can be removed if it is an issue. The other concerns mentioned are not unique to this proposal and could occur if a single-family residence existed at the site.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Childs has concerns. Some similar proposals have been approved and others denied by the Commission. Year-round use of the site and compatibility of the location are concerns. Commissioner Swain said an on-site manager would not be available to respond to problems. He does not agree with the Applicant's Impact Report stating there would only be a minimal increase in traffic. A road development agreement would be necessary. The proposed limit of five vehicles at one time would be unenforceable. The site is surrounded by residential subdivisions; this use would in essence be multi-family rental units in single-family residential subdivision. The surrounding property was purchased based on expectations of single-family residences. He likes the concept but not this location. Commissioner Freeman concurs that it is a good idea in a different location. There would be snow storage difficulties due to location and existing tree coverage of the site. He would have preferred the applicant had started the septic system application process. The site plan is conceptual at this point. Fencing would be important; visitors tend to not comprehend property boundaries in the mountains. Chairman Caldwell concurs with previous comments. The proposal does not mitigate impacts and concerns to the neighbors in an existing single-family residential area. The proposal would not help the existing housing issue due to the proposed nightly cost. The application seems rushed, and more research is needed such as CDH approval. Having a neighborhood meeting is appreciated.

Staff clarified the record. The CR-5 Subdivision Plat was recorded in 1963 by the U.S. Bureau of Reclamation. Thus, this plat was recorded prior to the existence of Valley County Planning and Zoning and the Valley County Subdivision Regulations.

Commissioner Swain moved to deny C.U.P. 23-03 Xperience Glamping Site. Commissioner Childs 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.

7:01 p.m.

2. C.U.P. 23-04 River Bottom Ranch Subdivision – Preliminary and Final Plat: The C2J Trust is requesting a conditional use permit for a three-lot single-family residential subdivision. Proposed lot sizes range from 4.0 acres to 56.15 acres. Individual septic systems and individual wells would be used. The lots would be accessed from Gold Fork Road, a public road. A shared driveway is proposed. The 80-acre site is parcel RP16N03E247204, addressed at 411 Gold Fork RD, and located in the N ½ SE ¼ Section 24, T.16N, R.3E, 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, displayed the site map and proposed plat on the projector screen, and discussed lots and plat notes.

A change has been made since the Staff Report was completed. Per the applicant, there will no longer be a shared driveway; each lot will have frontage to Gold Fork RD.

The shared driveway easement shown on the plat will be removed. There must be 35-ft from center of dedicated road right of way dedicated to Valley County. The existing driveway is visible in the GIS map. It was previously Takkinen Road which was vacated by the Valley

County Board of County Commissioners. Staff is not aware of any access easement to other properties. If there is an access easement to other parcels, it will need to be shown on the final plat.

Chairman Caldwell asked for the applicant's presentation.

Carrie Richards represented C2J Trust. The property is owned by the six-generation Points Family. This is family property and will stay in family ownership. The subdivision plat is to divide the property amongst three siblings. Ms. Richards read a letter written by her sister, Jenna, the trustee of the C2J Trust who was not able to attend tonight's meeting. The property is used for cattle grazing and will have the possibility of future residential use. The old barn predates building setbacks from high water line. A septic permit has been granted for one proposed lot; Crestline Engineering is currently monitoring ground water. There are no current plans for building a residence in all lots. Therefore, they would like to be able have subdivision approval without the typical release of sanitary restrictions. The site is about 10 minutes from Donnelly Rural Fire. There is no public access along the existing "road". The nearby property addressed at 365 Gold Fork has an access easement east through the adjacent property to Gold Fork Road. There is a not an existing easement through the C2J Trust property. The three lots will each have their own access onto Gold Fork Road. The easement is a utility easement, not for access. Water rights will be split by percentage of acres. There is no irrigation at this time. The spelling errors will be corrected. They prefer that Plat Note 7 only limit Lot 1 to no further splits, not Lots 2 or 3. The future heirs may want to split Lots 2 and 3 in the future.

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 Childs stated the proposal meets ordinances and requirements. Her questions were addressed on water rights and the access to neighboring property. The neighbors will need to determine if legal access exists. Commissioner Freeman supports the proposal; he understands the difficulties in managing the land through a family trust.

Plat Note No. 1 was discussed. If all Lots 2 and 3 are eligible for a split, there could be seven separate driveways onto this short section of Gold Fork Road in the future. Platted subdivision lots are "Original Parcels". Therefore, the lots can be split unless the plat specifies that they may not be. Commissioner Childs prefers that they not be able to be split the lots, particularly because there may be major issues due to floodplain. Chairman Caldwell believes that shared driveways would be appropriate if future splits occur. Commissioner Freeman asked about the shared driveway shown on the plat. Director Herrick stated that the applicant does not want the shown shared driveway and prefers three separate accesses.

Commissioner Childs moved to approve C.U.P. 23-04 River Bottom Ranch Subdivision – Preliminary and Final Plats with the stated conditions and the following changes:

COA: Lots shall not be reduced in size without approval from Planning and Zoning and Central District Health.

COA: The plat shall show 35-ft of right-of-way from the center of Gold Fork Road as dedicated to Valley County.

COA #9 shall be deleted as the proposed shared driveway has been withdrawn.

and authorize the Chairman to sign. Commissioner Swain 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.

7:30 p.m.

3. C.U.P. 23-05 Takkinen Estates – Preliminary and Final Plat: The C2J Trust is requesting a conditional use permit for a two-lot single-family residential subdivision. Proposed lot sizes range are 31 acres to 49 acres. Individual septic systems and individual wells would be used. The lots would be accessed from Withers Lane, a public road. A shared driveway is proposed. The 80.8-acre site is parcel RP16N04E191805, addressed at 480 Withers LN, and located in the E ½ Section 19, T.16N, 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. This parcel is a result of a prior estate settlement. Director Herrick used the GIS to show where the Valley County Road Department currently plows the road and the road frontage location of each proposed lot. The location of the flag lot was discussed. Jenna Alessi, the trustee, prefers an access easement and not a flag lot. This would require a variance recommendation from the PZ Commission. The notes on the plat were reviewed. The property at the southwest end is 70-ft wide. If a variance is approved, Lot 2 would be accessed solely by an easement as it would not have any road frontage. This would result in no future splitting or subdivision of Lot 2, regardless of future ownership.

Chairman Caldwell asked for the applicant's presentation.

Carrie Richards, represented C2J Trust, Nampa, ID. She is the future owner of Lot 2 and does not want to ever split Lot 2. Nearby property owner Gary Green goes through four properties to access his property. On paper a flag-lot works but would involve constructing a driveway into a marsh or a hillside. The proposed easement is along an existing roadway to the original homestead. The plat would only split the parcel into two pieces for family members. Lot 1 has power and septic permit. There is a test hole on Lot 2. There are no irrigation changes planned and the dry grazing will continue. There are no plans to split the property further.

Director Herrick added that future splits of the lots could occur through a settlement of estate.

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 the only issue is the access to the lots. He is willing to support a variance approval. This would be shared driveway access and require a shared driveway agreement. Commissioner Childs concurs. This is a unique piece of property with the limited road frontage; therefore, she supports the variance approval. This proposal meets ordinances. Commissioner Swain applauds the family for proposing the large lots instead of multiple small lots.

Commissioner Freeman moved to approve C.U.P. 23-05 Takkinen Estates – Preliminary and Final Plats with the stated conditions, recommend approval of the variance, and authorize the Chairman to sign. Commissioner Swain seconded the motion.

Commissioner Freeman modified his motion to include:

COA: Lots shall not be divided further except in a settlement of estate.

Commission Swain seconded. Motion approved unanimously.

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

7:51 p.m.

4. C.U.P. 23-07 Triple M Refrigeration: Matthew Moser is requesting approval of a conditional use permit for an area business. The 100-ft x 40-ft building would have an office, equipment storage area, and an apartment on the second floor. An individual well would be used; North Lake Recreational Sewer and Water District would provide sewer. Access would be from Norwood Road, a public road. The 1.7-acre site, addressed at 13129 Norwood RD, is parcel RP16N03E170006 located in the NENE Section 17, T.16N, R.3E, 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, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Justin Reiswig, 13112 Cameron DR, supports the proposal. (March 16, 2023)
- **Exhibit 2** – Pictures submitted. (March 16, 2023)

Staff also received a phone call from Jackie Larimore, adjacent neighbor, who is opposed as the building would impact his view.

Stormwater engineering would be required, and Best Management Practices (BMPs) would be required. There is an existing individual well. Sewer would be provided by North Lake Recreational Sewer and Water District. This parcel was illegally split in 1998 from the parcel to the south. The parcel was not eligible for split but has been sold multiple times since. If the applicant receives the conditional use permit, he will then purchase the property and apply for a one-lot subdivision to bring the parcel into compliance.

Chairman Caldwell asked for the applicant's presentation.

Paul Bull, Caldwell, Idaho, represented Triple M Refrigeration, the applicant. This proposal is a commercial building with an apartment on the second floor. The applicant is currently renting a small mall space in Donnelly. This would allow the applicant to own his own building and supply housing for employees. The site would only be accessed from Norwood Road, not West Roseberry RD. The use would include business traffic, generally once per day to pick up orders. There would be no retail traffic. A beautiful building and landscaping are proposed. The building will hook into the sewer line. There was previously a house at the site so a well exists. There are a number of home-based businesses in this area, including immediately across the road. The design of building and landscaping will enhance the value of the area. The busy intersection is a good site for commercial use versus residential. Due to the placement of the building, the neighbors will not lose view of the Tamarack area. The applicant

will properly subdivide the property. The new building will bring additional taxes to Valley County and allow the business to expand and hire more employees.

Commissioner Child referred to Condition of Approval #12 prohibiting outside storage being allowed. She asked the applicant about vehicle parking.

Matt Moser, applicant, 467 Gold Fork RD, responded to Commissioner questions. There are seven or eight employee trucks, most of which are taken home nightly by employees. There are currently 17 employees. Triple M does refrigeration, plumbing, and heating and air work. Customers include Tamarack Resort and Shore Lodge. Employees are paid well for this area.

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 Swain prefers to see commercial uses in incorporated areas, but the cities are not doing this. This site is a heavily residential area, but the proposal does fit with existing businesses in the area. The proposal meets ordinance requirements.

Chairman Caldwell concurs. At first look there are concerns with commercial use in residential area. However, the conditional use permit allows review of each application. The site will have good landscaping. Impacts to neighbors will be mitigated. The Valley County Comprehensive Plan promotes economic development. Chapter 9, Goal 1: To promote and encourage activities which will maintain a strong, diversified economy. Objective 2: Consider the long-term impacts and benefits on the local economy and environment of each proposed new commercial and industrial activity. The business provides an important service for Valley County. In addition, the illegal split will be corrected.

Commissioner Childs voiced the same concerns as Commissioner Swain in regard to the location. She calculated a low positive score for the Compatibility Rating. This is a needed business. Local worker housing is important. It is best to have local workers instead of people driving from the Boise area to provide services. The proposal meets the Comprehensive Plan. While this proposal is not a home-based residence as the applicant will not reside at the site, it is very similar to the existing home-based businesses in the area. She does not think the use will be abrasive to the neighbors.

Commissioner Freeman considers the impacts to neighbor as if he lived there. The building will shelter existing residences from vehicle lights and traffic noise. There are similar uses in the area. He thinks this is a great spot for the proposed use. The site has great access for the type of business.

Commissioner Childs moved to approve C.U.P. 23-07 Triple M Refrigeration with the stated conditions. Commissioner Swain 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.

Director Herrick stated that it will take time to complete the subdivision process. The Commissioners agreed that it is appropriate to issue a building permit and withhold final occupancy until the subdivision plat is recorded. Staff will add a note to the building permit.

Chairman Caldwell adjourned the meeting at 8:13 p.m.