

Valley County Planning and Zoning Commission

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@co.valley.id.us

Katlin Caldwell, Chairman
Ken Roberts, Vice-Chairman

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

MINUTES

Valley County Planning and Zoning Commission

May 18, 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:	Excused
PZ Commissioner – Scott Freeman:	Excused
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Gary Swain:	Present
PZ Assistant Planner – Lori Hunter:	Present

Chairman Caldwell announced that the public hearing for C.U.P. 23-15 Mullin Multiple Residences has been postponed to August 17, 2023, and C.U.P. 23-16 Forge Landworks has been postponed to June 15, 2023.

B. MINUTES: Commissioner Roberts moved to approve the minutes of April 18, 2023. Commissioner Swain seconded the motion. Motion passed unanimously.

C. NEW BUSINESS:

1. C.U.P. 23-14 Big Boy Toys: C & R Investments is requesting approval of a conditional use permit to scrap ATVs, UTVs, etc., in an existing commercial building. The existing individual well and septic system would be used. Access would be from a shared driveway from Highway 55. The site is addressed at 13871 Highway 55 and is the southeast portion of parcel RP17N03E035820 located in the SW ¼ Section 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. [Postponed from May 11, 2023]

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site, landscaping plan, and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Ashton, Parametrix and Valley County Engineer, listed requirements regarding stormwater and best management practices. (May 16, 2023)

The access permit from Idaho Transportation Department was discussed. Commercial businesses have existed at this site for many years. Outside storage, the existing fence, and

additional fencing were discussed. Typically, screening is required along the designated Payette River Scenic Byway.

Chairman Caldwell asked for the applicant's presentation.

Christopher Dewinter, 15 Windsong PL, Donnelly, has been operating his business at this location for over seven years. He did not know a permit was required. He disassembles UTVs, ATVs, snowmobiles, and watercraft and sells the parts. There were no complaints. The existing trees hide the shop from the property to the west. Some of the equipment on the property belongs to the property owner and is not part of Mr. Dewinter's business. The property owner has submitted the proposed landscape plan that was included in the staff report. Mr. Dewinter will extend the fence on the north side of the building in a westerly direction to screen equipment from Highway 55. Mr. Dewinter and the Commissioners discussed the size of the area used by this business. It is a small portion of the entire parcel.

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. The Commissioners have concerns about the equipment stored south of the building; this equipment belongs to the property owner, not the applicant. Additional fencing on the south side of the building would screen the equipment from Highway 55. Staff have not received complaints about this specific location or business. The applicant has agreed to screen the site. The Commissioners discussed the total area used by the applicant and if it should be specified and limited. Chairman Caldwell stated the equipment must be screened; therefore, there is no need to limit the area used. The landscape plan will also do a lot of screening in addition to the fence proposed by the applicant. The responsibility of implementation and maintenance of the landscaping plan was discussed. The applicant would be responsible for screening the landscaping associated with this site but not for the business in the building to the immediate north. The 100-ft setback from Highway 55 is shown on the landscaping plan. The storage area must be screened with fencing from Highway 55 as seen from the north, front, and south of the site. The type of equipment matters; it must be similar in size to what is mentioned in the application. Access will be needed to the dumpster located behind the building.

Commissioner Roberts moved to approve C.U.P. 23-14 Big Boy Toys with the stated conditions and the following changes:

Revised COA 6: No parking, storage, or operations allowed in the setback areas, including the 100-ft setback from Highway 55.

Revised COA 10: Outside storage will be screened by a fence running westerly from the existing north fence and by a fence running northwesterly from the south side of the building.

Revised COA 11: Landscaping shall be installed by either the owner or applicant prior to October 1, 2023. If landscaping dies, it must be replaced.

Additional COA: Equipment allowed in the storage area is limited to UTVs, ATVs, snowmobiles, and other like-sized units.

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 Code 9-5H-12.

2. **C.U.P. 23-15 Mullin Multiple Residences:** Michael Mullin is requesting a conditional use permit for two residences on one parcel. Individual wells and septic systems are proposed. Access would be from shared driveway onto Farm to Market RD, a public road. The existing home is addressed at 13288 Farm to Market RD. The 19.89-acre parcel is RP16N03E013606 located in the SWNW Section 1, T.16N R.4E, Boise Meridian, Valley County, Idaho. Action Item. **[Postponed to August 17, 2023]**
3. **C.U.P. 23-16 Forge Landworks:** Forge Landworks LLC is requesting a conditional use permit for an equipment storage and construction yard. An individual well and individual septic system are available. Access is from a shared driveway onto Highway 55. The 33.5-acre parcel is RP17N03E150465, addressed at 13722 Highway 55, and located in the NE ¼ Section 15, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **[Postponed from May 11, 2023; Postponed to June 15, 2023.]**

6:35 p.m.

4. **Tamarack Resort P.U.D. 98-1 Amendment and C.U.P. 23-17 Phase 3.5 - The Cottages at Trillium Creek – Preliminary Plat:** Tamarack Resort Holdings is requesting an amendment to the approved planned unit development to add a five-acre parcel that is adjacent to the northeast corner of the current boundary. A subdivision plat is proposed for this site with 22 cottage-type homes and open space lots. Access would be from a new private road onto Village Drive, a private road. Right-of-Way for West Mountain Road will be dedicated to Valley County. The site is served by Northlake Recreational Sewer and Water District and Tamarack Municipal Water System. The site is parcel RP16N03E328900 in the SE ¼ Section 32, T.16N, R.3E, B.M., Valley County, Idaho. Action Item. [Postponed from May 11, 2023]

Chairman Caldwell introduced the item, recused herself due to a family member in contract with the applicant, and left the meeting room. Acting Chairman Roberts opened the public hearing and asked if there was any further exparte contact or conflict of interest; there was none. Director Herrick presented the staff report; displayed the site, P.U.D. maps, preliminary plat, and GIS map on the projector screen; and summarized the following exhibits:

- **Exhibit 1** – Paul Ashton, Parametrix and Valley County Engineer, listed requirements. (May 16, 2023)

Director Herrick added that this property would be added into the Tamarack Resort boundary and be governed by Tamarack Resort's Design Guidelines, CCRs, and Tamarack Municipal Association. The original P.U.D. approval did not include a road development agreement. There is an amended capital contribution agreement that specifies what will be done in each phase, including road improvements. This agreement is a negotiation between Tamarack Resort and the Board of County Commissioners. Tamarack Resort P.U.D. included approval of private roads with 50-ft rights-of-way.

Acting Chairman Roberts asked for the applicant's presentation.

Scott Turlington, Tamarack Resort, stated that the 22 cottages will be sold as "built product" in 2024 or 2025. All internal roads are maintained by the homeowner association; this road would be also. The area immediately to the south is used as for overflow parking. The North Lake Recreational Sewer and Water District Board approved the applicant's application for service. Mr. Turlington responded to the Commissioners' questions regarding the preliminary plat and open space lots. The hammerhead turnaround is in an open space and snow storage lot. There will be pedestrian access to West Mountain Road through an open space lot. The final plat must designate the lots as open space.

Acting Chairman Roberts asked for proponents. There were none.
Acting Chairman Roberts asked for undecided. There were none.
Acting Chairman Roberts asked for opponents. There were none.

Acting Chairman Roberts closed the public hearing. The Commission deliberated.

Commissioner Swain moved to recommend approval of Tamarack Resort P.U.D. 98-1 Amendment and C.U.P. 23-17 Phase 3.5 - The Cottages at Trillium Creek – Preliminary Plat to the Board of County Commissioners with the stated conditions. Commissioner Roberts seconded the motion. Motion carried unanimously.

6:55 p.m.

Chairman Caldwell returned to the Commission.

5. C.U.P. 23-18 Montego Properties Multiple Residences and Solar Panels – Amendment to C.U.P. 22-03: Montego Properties L.C. is requesting a conditional use permit for a multiple residence and detached solar panels. The 182.75-acre site is parcel RP14N04E126605, addressed at 730 Warm Lake Road, and located in the SW ¼ Section 12 and W ½ Sec. 13, T.14N, R.4E, Boise Meridian, Valley County, Idaho. Action Item. [**Postponed from May 11, 2023**]

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Ashton, Parametrix and Valley County Engineer, listed requirements regarding stormwater and best management practices. (May 16, 2023)

The original application had a variety of proposed uses and was denied by the Planning and Zoning Commission in 2022. However, the Commission did not make any findings regarding the multiple residences nor the solar panels. The applicant was unsure how to proceed. Staff determined that the multiple residence and detached solar panel portion of the applicant would be brought back to the Commission for a decision on those specific uses. There is one existing home at this time and would like to add a second residence. There are existing solar panels, and the applicant wants another panel for the new residence. Central District Health approval will be required for a building permit. The applicant was not present.

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. C.U.P. 22-03 was denied for being incompatible with surrounding land uses and a vague application. This request is much reduced. Commissioner Swain stated the request for two homes and solar panels on 183 acres seems reasonable. Commission Roberts stated the multiple residence and solar panels were part of original plan; he does not have problem with this request. The conditions of approval listed in the staff report are appropriate. Chairman Caldwell stated that public notice did occur for this specific request; therefore, anyone who had issues with the multiple residences or solar panels had opportunity to comment.

Commissioner Roberts moved to approve C.U.P. 23-18 Montego Properties Multiple Residences and Solar Panels – Amendment to C.U.P. 22-03 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 Code 9-5H-12.

David Bills, representing the applicant, arrived later during the meeting after approval of the conditional use permit. He apologized for the late arrival.

7:07 p.m.

6. C.U.P. 23-19 Cascade Valley Estates – Preliminary Plat: T. Skyer Chambers is requesting a conditional use permit for a 37-lot single-family residential subdivision with a common area including a pond and amenities. Proposed lot sizes range from 2.5 acres to 6.6 acres. Central water and central sewer would be provided. The lots would be accessed from new private roads onto Norwood Road and Nisula Road, public roads. The 162-acre site is parcel RP16N03E050004 located in the E ½ Section 5, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. [Postponed from May 11, 2023]

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site, the preliminary plat, and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Ashton, Parametrix and Valley County Engineer, listed requirements regarding stormwater and best management practices. (May 16, 2023)
- **Exhibit 2** – Scott and Michelle Reagan, 13266 Norwood RD, have concerns. These include Norwood Road, streetlights, future reduced lot sizes, short-term rentals, fertilizers, wetlands, Lake Cascade, and the osprey nest near proposed entrance. The referred to previously approved C.U.P. 98-5. [The Commissioners agreed to receive these comments which are over one page in length into the record.] (May 13, 2023)
- **Exhibit 3** – Jesse Dwyer, questioned the compatibility rating in the staff report, specifically Questions 4, 5, and 9. (May 18, 2023)

Director Herrick responded to questions from the Commissioners. Base floodplain elevations have been determined for this area. Cul-de-sacs over 900-ft in length are allowed with approval from the PZ Commissioners. The applicant proposes to extend both the asphalt on Norwood Road and the central sewer system lines. The applicant can construct the roads and sewer line prior to the final plat or financially guarantee the improvements. Mud Creek is prone to flooding and erosion; the required setbacks were discussed. No building is allowed on the floodplain which is designated on the preliminary plat. Minimum setbacks are 2-ft above base flood elevations and 30-ft from the high-water line. The Commission could impose a greater setback. Residential uses require a minimum 30-ft setback from the high-water line; commercial uses require a 100-ft setback. Commissioner Roberts stated Mud Creek has seen substantial erosion and continued erosion is a concern. Lot sizes and locations were discussed. With a conditional use permit, accesses can cross floodplain, but must follow approved site grading and stormwater management plans and cannot impede the flow of the water.

Chairman Caldwell asked for the applicant's presentation.

Skyler Chambers, Norwood RD, responded to questions from Staff and Commissioners. Some lots have designated building sites as shown by blue squares on the preliminary plat. These sites avoid wetland areas. The lots on the east side of Mud Creek have steep topography

dropping to the creek. Director Herrick stated that typically steep topography requires a building setback. Mr. Chambers stated the lots are large enough to accommodate this additional setback. They have a will-serve letter for sewer services from North Lake Recreational Sewer and Water District; 300 connections came with property. The new sewer line will be constructed to W. Roseberry Road. Engineering will be submitted. They have spoken with Jeff McFadden, Valley County Road Superintendent, and are willing to work with Valley County to rebuild the road and pave Norwood Road up to the entrance of the development. The County will raise the roadbed and improve the drainage along Norwood Road. Norwood Road will be paved at the same time as the interior roads are paved, prior to construction of the homes. The sewer line and road work will be completed at the same time. They originally thought people would want streetlights but are willing to remove them from the proposal. They want to protect the existing osprey nest. The CCRS will state no lot splits, no short-term rentals, no roaming dogs, and will limit landscaping around the home site to reduce the use of water. Best management practices will be used to limit fertilizer. The proposed CCRs will be available prior to final plat review by the PZ Commission. Mr. Chambers and another partner have spoken with a few of the neighbors, including Jesse Dwyer.

The plat shows an access road easement to the deep-water well (3-A) on the south side of the subdivision; this well will be used for culinary water. The proposed pond will be lined and filled with surface water rights and the well on the north side of the property. Commissioner Roberts stated that there is a new directive from Idaho Department of Water Resources stating that people must use surface water rights prior to ground water rights. The applicant stated that this property has one of the oldest water rights in Valley County. Commissioner Roberts stated that Mud Creek is prone to mass erosion events; the property immediately lost a concrete bridge over Mud Creek due to erosion. The applicant stated that water is currently being diverted from Mud Creek further upstream. Commissioner Roberts stated that the administration and accounting of Mud Creek water rights is changing, which will affect this property. Beginning in 2023, Mud Creek water rights are now administered by Water District 65. The applicant will contact Idaho Department of Water Resources for further information and clarification.

The applicant proposes to disperse water rights to landowners for irrigation. The deep well is a domestic well for culinary water. The other well is within Mud Creek for surface water rights. The applicant plans to first use the pump within Mud Creek and then the north well to fill up the pond. The pond would be used as secondary water source for landscaping by the individual lots.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided.

Michelle Reagan, 13266 Norwood RD, has a few concerns. The applicant plans Norwood Road to pave from subdivision entrance to W. Roseberry Road. However, the roadway between the subdivision entrance and Scheline RD will also be used by these new residences. She is glad no streetlights will be installed. She asked if there would be an additional public comment if the proposed plat changes. Director Herrick replied substantial changes require a public hearing; minor changes, include lot line adjustments, do not. Ms. Reagan supports not allowing short-term rentals in the subdivision. The proposed restriction on fertilizer use is vague, especially with concerns with Lake Cascade water quality. Who sets the standards? More detail is needed.

Donn Reiswig, 13333 Nisula RD, is not against development. He asked questions about the preliminary plat. The original pump in Mud Creek is partially filled in and has not been used in over 18 years. Flooding across Norwood Road and damaged culverts are concerns. He

showed the location of the ditch on this property and the adjacent property; the water needs someplace to go. He fully supports the improvement of Norwood Road.

Mathew Blakeley, 13381 Nisula RD, has concerns with the proposed sewer line and pavement projects. Exactly what part of the road will be paved and when will this occur? What if it is left partially completed due to financial mishaps? The well in corner is a monitoring well, not a productive well. The big well located in the south end of the property was drilled by Tamarack Resort. This site was previously Parks Ranch. The nearby proposed sewer ponds area was traded to the sewer district for 300 sewer hookups for Tamarack Resort. All of the surrounding land was destined to have sewer hookups; the 300 allowed should not disappear for only 37 lots. The area with the osprey nest and proposed road entrance currently has standing water and no drainage. There is only one proposed culinary water supply with no backup well. Will there be generators for backup power of wells and security gates? He requests no dusk to dawn lighting; light pollution is not wanted.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell asked for rebuttal from the applicant.

Mr. Chambers replied to comments and questions from the public and the Commissioners. The roadway water crossing near Lots 3-5 and 3-10 will include a 6-ft x 10-ft box culvert or larger as required by engineering calculations; this would be larger than the existing culvert. The Valley County Road Department wants to address the flooding and drainage issues by raising the roadbed. He does not know how all 300 sewer hook-ups ended up with this specific property and does not believe the additional hook-ups will just be wiped out by the North Lake Recreational Sewer and Water District (NLRSWD). Generators will provide backup power for the development. They will comply with the county's requirements regarding fertilizer use. They are not willing to pay for additional paving and believe their current proposal is more than their fair share. They are willing to pave over one mile of Norwood Road, a public road, and will construct over a mile of new sewer line. Valley County Road Department will participate by lifting the roadbed and adding culverts. The Valley County Road Department's long-term plan includes additional paving in the area. He has spoken to NLRSWD regarding the required size of the sewer line; no one from NLRSWD has mentioned increasing the size to support additional users. The NLRSWD Master Plan does not call for anything in this area at this time. Instead of a lift station, each home will have a grinder pump E1 system.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Roberts stated that the process asks if the proposed use of the land is compatible and consistent with planning. Due to water quality concerns, he applauds the applicant's efforts to add sewer instead of septic systems. The Commissioners are charged with maintaining the rural atmosphere of Valley County and he questions if this proposal fits. He has concerns. Commissioner Swain stated this area has a multitude of problems, including undersized culverts; it is not the responsibility of the developer to solve all the issues. The developer is doing his part with the proposed improvements to the road and sewer. Although Commissioner Swain personally does not like gated communities as they isolate communities and limit adjacent access, he does not see any reason to deny this proposal. Chairman Caldwell agrees with Commissioner Swain. This is a good application with key info; the applicant has listened to the concerns of neighbors. The applicant is willing to do sewer and asphalt. Chairman Caldwell likes that the proposal is for large acreage lots, low density, and no short-term rentals; it fits the surrounding area. Valley County needs additional housing, particularly residences that will not be rented short-term. The applicant has accounted for greater setbacks in the bottom lots where erosion along Mud Creek is a concern and should continue working with the County Engineer to prevent any further erosion. Chairman Caldwell appreciates the applicant working

with Valley County to improve the road; lifting the roadbed will lessen the likelihood of flooding in the neighborhood.

Commissioner Swain referred to the nearby subdivision lots shown on the GIS map. The properties east of Norwood Road were split without a subdivision plat and have residential buildings. Commissioner Roberts is concerned growth will continue nonstop to McCall and that the proposed use is not compatible with the Comprehensive Plan. Applications should prick Commissioners' consciousness about future implications of land use in this County. There are productive pasture lands in this area. The loss of productive agricultural land into houses is permanent. This needs to be a separate Planning and Zoning Commission discussion. Commissioner Roberts believes there are grounds within the Comprehensive Plan to deny this application. The houses across the street are in a wooded, nonproductive agricultural area. This proposal contains a higher density than across Norwood Road. These are difficult decisions. Idaho law encourages development in and around city hubs. There are reasons to vote for this application and reasons to vote against. Commissioner Swain concurs with concerns about future development and agricultural use.

Chairman Caldwell recommended that Staff research standard best-management practices (BMPs) for fertilizer use. Fertilizer should not occur during spring runoff.

Commissioner Roberts moved to approve C.U.P. 23-19 Cascade Valley Estates – Preliminary Plat with the stated conditions.

Remove COA 13

COA: Must delineate the slope along the creek and show the delineation on the plat with a 30-ft setback from that slope.

COA: Shall be no building on the west side of Mud Creek for Lots 3-1 and 3-2.

COA: Streetlights will not be allowed.

COA: Lots shall not be split.

COA: There shall be no short-term rentals allowed; this limitation will be included in the CCRS.

COA: CCRs shall not allow dogs to run free.

COA: CCRs shall require that fencing be maintained for agricultural uses.

COA: Pond shall be used for irrigation.

COA: Fertilizer on lawns will be wildlife friendly and will not contribute to degradation of water quality.

COA: The applicant will protect the existing osprey nest to the best of their ability.

Commissioner Caldwell seconded the motion. Motion carried unanimously.

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

8:20 p.m.

D. OTHER

1. Is a new conditional use permit required for an impound lot at 13951 Highway 55?

C.U.P. 83-4 Automobile Repair Shop is active at this location, parcel RP18N03E339730. The conditional use permit included vehicle storage for the business on site. The Commissioners discussed the site and possible impacts to neighbors. Commissioners agreed that a new conditional use permit is not necessary for an impound lot at this location.

2. Upcoming meetings:

- June 8, 2023 – 6:00 p.m. – Regular Meeting – Public Hearings
- June 15, 2023 – 5:00 p.m. – Work Session on Code Compliance
- June 15, 2023 – 6:00 p.m. – Special Meeting – Public Hearings

ADJOURNED: 8:25 p.m.