

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

April 18, 2023

Valley County Court House - Cascade, Idaho

WORK SESSION – 5:00 p.m.

A. OPEN: Meeting called to order at 5:00 p.m. by Chairman Caldwell.

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

B. Work Session:

1. Payette Land Trust Discussion

Jim Fronk explained the mission of the Payette Land Trust. The non-profit group has been in existence for 30 years. The Trust focuses on conservation easements and preservation of open space typically in the form of farm/ranch lands. The Trust takes a balanced approach to development. The agreements with landowners are site specific and vary widely. Examples include:

- Blackhawk on the River is a residential development that received tax credits for providing open space along the Payette River. The homeowners in this development also got an approximately 1.5-mile private trail system in the designated open space. The developer received an approximately 15-20% tax write off over time.
- The Hettinger Ranch on the South Fork of the Salmon River is an 1862 homestead. The owners approached the Trust to protect the area and preserve the existing buildings, some from the 1800s. Approximately 25 acres of building envelopes sites plus the locations of the water supply and hydroelectric equipment were kept as fee-simple lands. The remainder of the property was put into a conservation easement. There are river access points available to the public; the remainder has no public access.
- Tommy Ahlquist preserved a public trail along 2.5 miles of the Payette River in the Blackhawk area through a conservation easement.
- A hypothetical example would be a multi-generational ranch that the current owners no longer want to ranch but still preserve history of the property. Using a balanced development/conservation approach, the owners could develop portion and maintain some

area in conservation easement for open space and/or agricultural use. The owner would be able to lease the agricultural area for crops, grazing, etc.

- The Payette River Walkway recently protected 40 acres along the Payette River near Moonridge Drive. The owners carved out two homesites, dedicated the remainder to open space, and received a tax deferment.

If the Payette Land Trust was dissolved, the overall national land trust organization would still hold these conservation easements. The easements are recorded and granted into perpetuity. There are also Natural Resources Conservation Service (NRCS) grants available for the protection of farmland / ranchland. The open space / grazing land within the Pine Lakes Ranch subdivisions is not protected forever, the land use could be changed.

The Trust supports well-planned development which has open space preserved. Property owners view open space as an amenity.

The value of land and tax credits were briefly discussed. Property taxes stay the same as does the tax basis. Who pays for the taxes varies based on the specific agreement. Raw land value is compared to the developed land value with potential improvements. The difference in value is multiplied by factor (e.g. 20%) to obtain the tax credit value.

The Payette Land Trust supports well-planned development which has open space preserved. Property owners view open space as an amenity. Conservation easements are one tool available to protect agricultural land and open space. If Commissioners see opportunities, please contact the Payette Land Trust.

2. Discussion on Comprehensive Plan, Zoning Overlays, and Maps

The Commission started these discussions approximately two years ago. During this time, the Commission has had discussions with Central District Health, Idaho Department of Environmental Quality, and the local fire departments. The Commissioners should determine if they wish to zone the County at this time or remain with the existing performance-based conditional use permit system. The determination will direct the recommended Comprehensive Plan amendments to the Board of County Commissioners. Regardless, the Valley Comprehensive Plan does need updated.

Chairman Caldwell has reviewed the maps and likes the existing system. The Multiple Use Zone and conditional use permit system keeps Planning and Zoning Commission in control. The process also allows for appeals of the Commission's decisions. The conditional use permit allows for public comment and mitigation of the impact to neighbors. Zoning overlays would pick winners and losers by affecting both possible land use and property values. This system allows property owners to determine use of private property. The Comprehensive Plan values private property rights. Chairman Caldwell recommends keeping the existing system.

Commissioner Swain questioned why Euclidian zoning or zoning overlays are being considered. That would make it easier for developers to develop properties. Idaho State Statutes allow Planning and Zoning Commissions to tell developers where development is wanted. Higher densities should be in city limits; undue concentration should be avoided elsewhere in the County. Private property rights are important. Designating zoning categories would be a reversal of a taking as property values would be affected. The County would have to compensate the person who lost value compared to those who's properties gained value due to zoning. He questioned who would be able to sit on a zoning board and be neutral; an outside source would be required. The current system works well. The County has the ability to create villages; currently there are three. This encourages development in specific areas. He does not see a need for zoning categories.

Staff responded to questions about Euclidian zoning versus zoning overlays. The County currently has some overlays; VCC Title 9-6 includes the floodplain overlay and the Roseberry overlay. Zoning overlays prohibit specific uses in an area. Building is not allowed in the floodplain; land use and times of events are regulated in the Roseberry overlay.

Commissioner Roberts does not believe Valley County is ready for Euclidian zoning. However, he likes the concept of encouraging development for residential areas near urban settings. Commercial activities should be located in hubs such as Clear Creek and Lake Fork. The area along Highway 55 between Lake Fork and McCall is attracting commercial uses. The Comprehensive Plan states to maintain open spaces where possible. For example, a commercial laundromat would be best suited to a more urban setting with access, sewer, and central water. The County should try to accumulate those types of business in specific areas, not scattered throughout the County. The clutter of views is not wanted.

Director Herrick stated that commercial hubs are already in the Comprehensive Plan. What Commissioner Roberts is referring to would require a change to the Comprehensive Plan, not zoning.

Commissioner Freeman likes the current system with applications and public comments. He concurs with Commissioner Swain that attempting to zone the County would take away private property rights. The available land for commercial uses is limited in Valley County. We will end up with lack of housing inventory if all housing density goes to cities or impact areas.

Commissioner Childs stated that overlays do not change the land value until the land use actually changes. Currently the Comprehensive Plan, ordinances, and the compatibility rating are not working well together. There are discrepancies that cause difficulties for both applicant and neighbors. There is no certainty to the current practice. Need to know what is going on for next 20 years. The County is currently being reactive not proactive. The idea of villages as commercial hubs is good. A zone overlay would still require a public process. How else can the PZ Commissioner encourage specific development in specific areas. Zoning overlays would be a planning tool. Her biggest hesitation is due to tax issues. She believes the Comprehensive Plan should be amended and new ordinances adopted to implement changes. There should be more certainty to the process; this would protect people. She leans toward approving zoning overlays but is not opposed to the current process as long as the Comprehensive Plan and compatibility matrix are modified.

The Commissioners discussed zoning overlays, Comprehensive Plan, compatibility matrix, and ordinances changes. The Comprehensive Plan should be amended to fit the will of the people of Valley County. Then ordinances, including the compatibility matrix, should be changed to fit the Comprehensive Plan. The land use designation map within the Comprehensive Plan encourages certain uses in certain areas and then modify the compatibility matrix. Future developers should use the land map in the Comprehensive Plan. Specific land use designations can be added to the map. Information about the commercial hubs can be expanded. When developers meet with Director Herrick, they are either asking about a specific type of use or a specific piece of land. Applicants can apply for a conditional use permit before purchasing the property. If the land use is approved with a conditional use permit, the more costly plans are completed such as detailed stormwater plans, engineering, etc.

Land uses should be discussed further. For example, where does the Commission want glamping activities to occur? Commissioner Roberts likes the flexibility of conditional use permits (C.U.P.). He wants to expand the land designation maps in the Comprehensive Plan and then adjust the compatibility rating to match. Chairman Caldwell also likes the C.U.P. process and the ability to review individual applications to determine merits, impacts, and site compatibility. Director Herrick stated that the land use maps show where specific types of land uses are currently; thus, similar uses are more likely to be approved in those areas. However, the applicant has the right to apply in other

areas of the County also. The Commissioners discussed land uses further. Commercial use in an impact area is more likely to be approved, but not necessarily based on the specific application. The highway corridor between Lake Fork and McCall has become a commercial corridor. Creep and sprawl are concerns. Storage units can successfully exist elsewhere other than on Highway 55. The Planning and Zoning Commission focuses on land uses. Commissioners should review the Comprehensive Plan and determine needed changes to make in Valley County Code by approving ordinances. The goals and objectives in the Comprehensive Plan can be added to, modified, clarified, or deleted. The compatibility rating matrix is a tool for decision making; it is not the final answer in determining approval or denial of an application. Commissioner Roberts would like to look at different examples and see how the compatibility rating works for each.

Upcoming Tasks:

- 1) The Commissioners have determined that they do not desire Euclidian zoning nor zoning overlays at this time. Director Herrick will report the Commission's decision to the Board of County Commissioners.
- 2) Amend Comprehensive Plan. The Commissioners will review the plan individually prior to the next work session. Land use designation map is on page 71. Staff will make updates including to the history, demographics, and fire hazard and mitigation portions.
- 3) Update Table 9.3.1 in the Valley County Code to include additional land uses.
- 4) Update Valley County Code, including compatibility matrix.

3. Upcoming Meeting Schedule and Revisions

The next work session will be Thursday, June 15, 2023, at 5:00 p.m.

The regular meeting scheduled for August 10, 2023, will be changed to August 17, 2023.

Meeting adjourned 6:42 p.m.