

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

August 17, 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 Vice Chairman Roberts. A quorum exists.

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

B. MINUTES:

Commissioner Swain requested corrections to the minutes of July 13, 2023. The minutes will be corrected to read as follows on page 12, under “Appeal of Administrative Decision that a Conditional Use Permit Is Required for Solar Panels at 13643 Morris Ranch Road”:

Commissioner Swain stated the owner has had no complaints from neighbors. A conditional use permit or removal of the existing solar panels should not be required based on compassion from this Commission. The current owner purchased the home with the existing solar panels in place; did not know they were not permitted; did not know a conditional use permit was required; is living on a fixed income; and does not have the money to purchase new batteries to bring the solar unit to full capacity.

Commissioner Freeman moved to approve the minutes of July 13, 2023, with the corrections as stated. Commissioner Swain seconded. Motion passed unanimously.

Commissioner Swain requested corrections to the minutes of July 18, 2023. The minutes will be corrected to read as follows on page 8, paragraph 3: “Commissioner Swain thanked the people who came here.”

Commissioner Freeman moved to approve the minutes of July 18, 2023, with the corrections as stated. Commissioner Swain seconded. Motion passed unanimously.

Commissioner Swain stated he had a parliamentary inquiry. He would like to know who the parliamentarian is for the PZ Commission. Director Herrick replied that there is not an identified

parliamentarian. Cynda Herrick is the Planning and Zoning Director. The Commission follows the adopted Planning and Zoning Bylaws. Commission Swain asked what is done if there is a question of parliamentary rule. Director Herrick replied that questions should be directed to her. Director Herrick would then contact Deputy Prosecutor Brian Oakey.

Commissioner Swain also stated that “We follow Robert’s Rules of Order up until the time we close the public hearing; what rules do we follow after that?” Director Herrick stated that the PZ Commission uses a modified Roberts Rules of Order in the adopted Bylaws that specify how to run the PZ Commission meetings. Valley County Code Title 9 also has Planning and Zoning Commission procedures that were adopted by ordinance. Commission Swain would like clarification on when Robert’s Rules of Order stop and what takes its place. Vice Chairman Roberts stated that the general format of the meeting follows the Robert’s Rules of Order; there are some additional things for public hearings, hearing dates, etc. Director Herrick stated the Valley County 3909Code Title 9 contains the adopted public hearing process for the PZ Commission. The Bylaws state “The commission shall operate under the precepts of the current edition of Robert’s Rules of Order Newly Revised; however, the rules will be suspended after the public hearing is closed during deliberations.” Director Herrick stated that common sense rules apply during deliberations of the Commission. There should be an open discussion amongst the Commissioners; discussion should not be curtailed by formalities. Staff stated she could better answer the question if there was a specific question. She will research this further.

C. NEW BUSINESS:

1. Valley County Comprehensive Plan Amendments to Include Impact Fees:

Amendments are to assure that new development pays for its own impacts on facilities, utilities, and services. Chapter 11 Goal II Objective 3 would provide for the addition of the Cascade Rural Fire Protection District Impact Fee Study and Capital Improvement Plan Final Report – June 2, 2022, as Appendix B, the Donnelly Rural Fire Protection District Impact Fee Study and Capital Improvement Plan Final Report – June 2023 as Appendix C, and the McCall Fire Protection District Impact Fee Study and Capital Improvement Plan Final Report June 2022 as Appendix D. Action Item.

Vice Chairman Roberts introduced the item and opened the public hearing. Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Proposed Appendixes containing the Impact Fee Study and Capital Improvement Plan Final Report for the Cascade, Donnelly, and McCall Fire Districts (previously emailed to the PZ Commission).
- **Exhibit 2** – Facts and Conclusions in anticipation of a favorable recommendation of the amendments.

The Cascade, Donnelly, and McCall Fire Chiefs are the applicants. They are present and available for questions and clarifications.

The Commissions will consider whether the proposed language should be included in the Comprehensive Plan and make a recommendation to the Board of County Commissioners. Vice Chairman Roberts asked if there was any exparte contact or conflict of interest; there was none.

Vice Chairman Roberts asked for the applicant’s presentation.

Garrett DeJong, McCall Fire Chief, stated this process exploring impact fees started approximately three years ago (November 2020) at the recommendation of the Board of County

Commissioners. Sustainable funding of Emergency Medical Services (EMS) is needed. A consultant was hired to do an Impact Fee Study.

Fire districts do not have ordinance authority; therefore, they must work with cities and the County. Four Advisory Committees were created, one each for Cascade, Donnelly, McCall, and the unincorporated part of Valley County. Statutory requirements meant each committee included two people from the development industry, two people who were not, and one at-large citizen. Collectively 20 people were on the Advisory Committees. Each jurisdiction must add the related proposed Impact Fee Study and Capital Improvement Plan Final Report to their Comprehensive Plan.

Existing capital assets were inventoried and divided by number of existing residential dwelling units and commercial square footage to come up with approximate dollar amount for each property. A 10-year capital improvement plan was created for each fire district related to growth projections. That total was then divided by the number of residential dwelling units and commercial square footage expected in 10 years. Impact fees can only be used for capital improvements due to growth, e.g., fire stations and apparatus but not wages.

The annual projected growth rate for McCall is 2.4 percent. The existing capital inventory for McCall Fire District is \$1927 per residential unit and \$0.77 per square foot of commercial building. The intention is to add square footage to the McCall Fire Station.

Chief DeJong responded to questions from the Commissioners. The list of capital infrastructure on page 12 of the McCall Fire District's Capital Improvement Plan includes an addition to the Fire Station to accommodate nine additional personnel needed for growth. This does not include additional salaries, benefits, etc. Commissioner Swain believes the three fire departments need additional funding but needs to be sure the figures are correct. Galena Consulting calculated a combined average growth of 3% overall. The 2008 Impact Fee Study for McCall and Donnelly prepared by Galena Consulting estimated a 32% population growth but actual was 2.4%. The projection of spending was much greater than actual expenditures. If the 2008 study was so inaccurate, how do we know this report is accurate? Can the list be reduced to a bare bones list versus a wish list to reduce cost to taxpayers? Commissioner Swain stated impact fees would affect every building permit, including garages.

Chief DeJong replied that the calculations include only residences, not accessory buildings, garages, nor garages nor remodels. Commissioner Swain stated this would then be a modified impact fee. Director Herrick stated State Statute allows adoption of an ordinance specific to community. Chief DeJong stated the 2008 plan is a good example of what not to do as it was a wish list. The Advisory Committees meet annual to review growth projections and money collected. If there is a downturn in economy, the impact fee can be revised. In 2008, all three districts heavily relied on volunteers; therefore, there was an expectation for more apparatus and equipment. This is not true today. The McCall capital contribution plan is bare bones. People are needed not equipment. In addition, there is not money in the budget to maintain an additional station. McCall plans to add more square footage and more people. There is an eight-year timeline; if the money not used, the money reverts. A strict tracking system by an administrator is required.

Vice Chairman Roberts had questions regarding budget capacity and revenue sources. The maximum levy limit for fire districts is 0.024% per state code, i.e., \$240 per \$100,000 in valuation. Some fire districts in Idaho have bumped the maximum. The fire chiefs stated that McCall Fire District in 2023 was at \$49 per \$100,000 in valuation; Cascade at \$24, and Donnelly at \$36. Budget capacity is capped at 8%

Multiple revenue sources are used to fund fire districts:

1. Levy
2. Valley County EMS District overseen by the Board of County Commissioner; approximately \$1.3 million annually that is divided into thirds.
3. Billing for transport
 - McCall receives approximately \$165,000 annually; but it costs about \$1.5 to staff the ambulance.
 - Cascade bills about approximately \$80-90,000 annually.
 - Donnelly bills approximately \$60,000 annually and receives about \$30-40,000

Vice Chairman Roberts said the intent of impact fees is that new construction pays for impacts so existing residents do not have to pay for new types of services, such as additional equipment. Property tax money spent on maintenance and operation; is it also being used on capital as well? Is there an offset for the general public taxpayers if impact fees are approved?

All three fire districts are supplementing EMS. There is one county-wide EMS district. This is a relatively small community with a huge capacity of calls.

Vice Chairman Roberts thinks using impact fees is the right thing to do but is still concerned about the impact to the general taxpayers. Chief DeJong stated there is no capacity to replace equipment due to EMS supplementation. He referred to the page 12 of the Capital Improvement Plan; the \$650,000 amount from the general fund is what the fire district needs to save for. However, until EMS is paying for its full share, the fire districts are strapped.

Commissioner Swain stated there is pressure on emergency services due to second homes and visitors. Chief DeJong stated that a couple of years ago the Valley County 911 call volume fit areas with populations of 50,000 even though the Valley County population was only 11,200. This is unique for Idaho. Blaine County has four full-time departments in a much smaller geographic area than Valley County.

Commissioner Swain has concerns about accuracy of reports but does think these are better than the 2008 report and estimates. Capital improvement costs seem high.

Cascade Fire Chief Steven Hull concurred with Chief DeJong comments. The Cascade Capital Improvement Plan estimated a 4.6% growth with an additional 750 residential units. This is a conservative number as there is already stuff happening in this part of the county that was not expected when the CIP was created over a year ago. He believes the estimate is bare bones to maintain current level of service. Impact fees would be used to purchase an engine, add to the existing station, and add an ambulance. Advisory committees will meet annually and will have the ability to respond to changes in economy and demand. Annual review of the capital improvement plan is required. The committee members are appointed by the Board of County Commissioners. There are four committees with five people per committee. Impact fees are first in and first out to spend. Impact fees are proposed as a set fee for residential dwellings and by square footage for commercial buildings. Commissioner Freeman stated that the impact fees would be self-adjusting based on growth. Cascade has the highest need of the three departments.

Donnelly Fire Chief Juan Bonilla responded to Commissioner Swain comments about how much money was actually spent. He stated that if money would have been available, more would have spent. If impact fees had been collected, a fire station, ambulance, and engine would have been added to Tamarack sooner than currently planned. What was spent based on what was available to spend. The estimated number of new residences in ten years affects the proposed impact fee per building. Donnelly Fire District was extremely conservative in

estimating 480 new homes and 61,000-sqft of commercial construction; these calculations are lower than calculated by Galena Consulting. In past ten years, there has been about 3% per year increase in residences, although one year had almost an 8% increase in both commercial and residential growth. These projected growth estimates do not include the expected increase in building at Tamarack Resort. The calculated impact fee at 480 homes is \$1796. It is likely that the Donnelly area will adjust to higher numbers of houses every year. If more houses are built than estimated, the impact fee per building will be lower.

All the fire districts used the reports and modified the information based on-the-ground information from developers, realtors, etc. The ratio of 2:1 was determined to be a relatively safe place to start.

Commissioner Swain asked if impact fees approved and EMS funding is removed from the responsibility of the fire departments, will additional levies be needed? Chief Bonilla stated it will depend on how much growth and how fast. Chief DeJong said the Fire and EMS system was built on volunteer departments and was not intended to support a career fire department. However, the volunteer model is not sustainable. For the three fire departments, 28% of budget authority comes from outside the fire districts. With budget limitations, it is impossible to grow the fire district by tax revenue from growth. There will be a vote in November to adjust the EMS District levy rate. Cascade Fire has unsuccessfully tried to increase the levy rate a during the past two years.

The proposed Comprehensive Plan language is included in the draft Facts and Conclusions that the Commissioners have a copy of. The Comprehensive Plan Chapter 11 Public Facilities, Utilities, and Services Goal II would be amended to include limited language for the addition of the Impact Fee Studies and the Capital Improvement Plans.

The question to the Commissioners is whether to recommend this proposed language be added to the Comprehensive Plan.

Vice Chairman Roberts asked for proponents. There were none.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents. There were none.

Vice Chairman Roberts closed the public hearing. The Commission deliberated. Commissioner Swain does not like impact fees and has fought them in the past. He does believe that the fire departments need additional funds. If these impact fees are standalone for just the fire departments, he cannot deny the request. Commissioner Freeman said it makes sense to include this language in the Comprehensive Plan. People do not want to pay impact fees and taxes but do want emergency services to show up when needed. Overall, it is not that much. Vice Chairman Robert does not like taxes either but believes these services are needed in our communities. Valley County is unique and has seen multiple spikes and valleys in growth and economy. The real reason for impact fees in Idaho Statute was for new growth and new impacts to pay their way. Thus, the burden of a new fire truck or ambulance would not rely on the existing taxpayers to pay for the growth. For those reasons, he supports the impact fees.

Commissioner Swain moved to recommend approval of the **Valley County Comprehensive Plan Amendments to Provide for Impact Fees for the Cascade, Donnelly, and McCall Fire Districts** to the Board of County Commissioners.

Commissioner Freeman seconded the motion. Motion carried unanimously.

Vice Chairman continued the review and approval of the Facts and Conclusions to later in the meeting at the time of review of other Facts and Conclusions.

7:15 p.m.

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 a 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 from May 11, 2023]

Vice Chairman Roberts introduced the item and opened the public hearing. Vice Chairman Roberts asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and displayed the site plan, shared driveway, and GIS map on the projector screen.

Director Herrick added that there were some phone calls from a neighbor who then contacted the applicant. The applicant made changes to the site plan based on these concerns. Staff did not receive any written comments from the neighbor.

Vice Chairman Roberts asked for the applicant's presentation.

Tad Jones, McCall, is the architect representing the applicant. The barn with livable space requires a conditional use permit. There is an existing home on the property. The property to the east has multiple residences as does a property to the northwest. He concurs with the staff report. This hearing was postponed to August to allow time for discussions with the neighbor. The modified site plan will allow the neighbor to maintain a view corridor towards Tamarack Resort. There would livable space on the main and upper floor. The rest of the barn includes horse stalls, garage area, and tractor area. There is an existing shared driveway maintenance agreement for the shared driveway; a copy was included in the staff report. Mr. Jones is not aware of any CCRs for this property. Director Herrick is not aware of any deed restrictions for this parcel. The residence in the barn would be used for family and friends and not as a short-term rental.

Vice Chairman Roberts asked for proponents.

Laura Colson owns the adjacent 20 acres to the west. She has a conditional use permit for two residences. The Mullins' are a huge asset to the neighborhood. She fully supports this proposal. There are no CCRs; this was researched when she received her conditional use permit.

Micheal Mullin, the property owner, wants to retire here and has no plans to rent out either residence.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents. There were none.

Vice Chairman Roberts closed the public hearing. The Commission deliberated. Commissioner Swain said this is a nice-looking barn. Commissioner Freeman said this is a good application, well described, and meets ordinances. Vice Chairman Roberts stated the use fits the surrounding area.

Commissioner Swain moved to approve **C.U.P. 23-15 Mullin Multiple Residences** with the stated conditions. Commissioner Freeman 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.

- 3. C.U.P. 23-25 Acker Tree Service:** Randy Acker is requesting approval of a conditional use permit for a mobile sawmill and staging/storage area for wood and equipment associated with a hazard tree service. The existing home would continue to be rented for workforce housing. The 3-acre site is parcel RP17N03E036180, addressed at 13865 Highway 55, and located in the SW ¼ Section 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. [Postponed from June 15, 2023]

Vice Chairman Roberts introduced the item and opened the public hearing. Vice Chairman Roberts 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** – Central District Health stated no objections to proposal. (July 19, 2023)
- **Exhibit 2** – Paul Ashton, Valley County Engineer, response. (June 12, 2023)

Commissioner Swain asked staff about the landscaping plan requirement. Director Herrick replied that landscaping is a requirement of Valley County Code. However, this is a well-established site with existing landscaping. The use has been occurring for over fifteen years. Staff did not know it was a commercial operation. There have been no complaints from neighbors.

Vice Chairman Roberts asked for the applicant's presentation.

Randy Acker, McCall, has been using the site for wood storage for close to 20 years. He bought the property about seven years ago. The wood is hidden behind dense willows. A house and some outbuildings are in the front portion of the parcel. He does own a small sawmill which has been used about four times in past 10 years for private use only. He does have a small burn pile, typically includes slash, bark, and rotted wood. He has not seen water flowing in the irrigation ditch, only snow and spring moisture. There is a culvert at the driveway crossing.

Vice Chairman Roberts believes the ditch may have been used to move water to the adjacent property prior to installation of an irrigation pivot. He inquired if Mr. Acker would object to the conditional use permit being limited to just Mr. Acker. Mr. Acker is agreeable to having the conditional use permit cease when the property ownership changes in the future.

Vice Chairman Roberts asked for proponents. There were none.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents. There were none.

Vice Chairman Roberts closed the public hearing. The Commission deliberated. Commissioner Swain has been driving by this site for multiple years and did not realize that the operation existed. He does not believe much additional landscaping would be needed. Commissioner Freeman concurred.

Commissioner Freeman moved to approve **C.U.P. 23-25 Acker Tree Service** with the stated conditions and:

COA: Sawmill is for private use only.

COA: Conditional use permit would expire upon sale of property: this conditional use permit is limited to Randy Acker.

Revised COA #12: The minimum building setbacks for new construction shall be 100-ft from the front property line, 30-ft from the rear property line, and 10-ft from the side property lines.

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.

7:50 p.m. – 5-minute break

- 4. C.U.P. 23-33 Ritter Solar Panels:** Payette Builders INC is requesting a conditional use permit for detached solar panels for personal use. The residence is addressed at 760 Paddy Flat Road. The 43-acre parcel is RP17N04E210165 located in the N ½ Section 21, T.17N, R.4E, Boise Meridian, Valley County, Idaho. Action Item

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

- **Exhibit 1** – Applicant submittal of site plan.
- **Exhibit 2** – Applicant submitted information on the size of the solar panel arrays.

The applicant would like two solar array poles with six solar panels per array; each panel would be 3.46-ft x 5.73-ft.

Vice Chairman Roberts asked for the applicant's presentation.

Jim Ritter, Eagle, Idaho, is having Payette Builders construct an off-grid house. The solar system is engineered system by a Boise company. Electrical backup would be a generator wired into a 8kw converter system for the house and well. Solar array will likely be 150-200-ft away from septic field and drainfield. There is no electrical power available at the site.

Vice Chairman Roberts asked for proponents. There were none.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents. There were none.

Vice Chairman Roberts closed the public hearing. The Commission deliberated. This application makes sense; the site will likely be off-grid for some time.

Commissioner Swain moved to approve **C.U.P. 23-33 Ritter Solar Panels** with the stated conditions. Commissioner Freeman seconded the motion. Motion carried.

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

8:05 p.m.

D. OTHER:

- 1. C.U.P. 23-07 Triple M Refrigeration:** Landscaping Requirement. Action Item

Extension of the deadline for landscaping was requested due to delay of approval of the stormwater management plan and building permit.

Commissioner Freeman moved to extend the landscaping requirement deadline for one year to October 2024. 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. 23-14 Big Boy Toys: Landscaping Requirement. Action Item

Extension of the deadline for landscaping was requested due to delay with the adjacent FedEx conditional use permit and revision in approved landscaping plan for the entire site.

Commissioner Swain moved to extend the landscaping requirement deadline for one year to October 2024 for C.U.P. 23-14 Big Boy Toys. Commissioner Freeman 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.

E. FACTS AND CONCLUSIONS – Action Items:

- Amendment to the Valley County Comprehensive Plan
- C.U.P. 23-22 Activity Barn - Amendment to C.U.P. 16-13
- C.U.P. 23-24 FedEx Hub
- C.U.P. 23-27 Lake Fork Merc Additional Fuel Tank
- C.U.P. 23-28 Falconer Solar Panels
- C.U.P. 23-29 Gearheard Glamping Site
- C.U.P. 23-30 Green Valley Subdivision – Preliminary Plat
- C.U.P. 23-31 Pishl Solar Panels
- C.U.P. 23-32 5 Bar 5 Subdivision – Preliminary and Final Plat
- C.U.P. 23-34 SIMRA Mud Drag Event
- P.U.D. 23-01 Garnet Valley and C.U.P. 23-10 Preliminary Plat

Commissioner Swain moved to approve the Facts and Conclusions as listed on the agenda with the addition of the Amendment to the Valley County Comprehensive Plan and authorize the chairman to sign. Commissioner Freeman seconded the motion. Motion carried unanimously.

Commissioner Freeman motioned to adjourn the meeting. Commissioner Swain seconded. Motion passed unanimously. Vice Chairman Roberts adjourned the meeting at 8:12 p.m.