

Valley County Planning & Zoning Commission

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Johanna Defoort, Chairman
Scott Freeman, Vice-Chair

Brian Benton, Commissioner
Ray Cooper, Commissioner
Neal Thompson, Commissioner

MINUTES

Valley County Planning and Zoning Commission
September 10, 2020
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. Quorum exists.

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|------------------------------------|---------|
| P&Z Administrator – Cynda Herrick: | Present |
| P&Z Chairman – Johanna Defoort: | Present |
| P&Z Commissioner – Brian Benton: | Present |
| P&Z Commissioner – Ray Cooper: | Present |
| P&Z Commissioner – Scott Freeman: | Excused |
| P&Z Commissioner – Neal Thompson: | Present |
| P&Z Technician – Lori Hunter: | Present |

Chairman Defoort explained tonight's public hearing procedures which are based on the Governor's current requirements for Covid-19. The public can livestream the meeting and may testify either in person or telephonically.

B. MINUTES: Commissioner Benton moved to approve the minutes of August 13, 2020.
Commissioner Cooper seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 20-13 Ted's Place:** Theodore and Sherry Zahradnicek are requesting approval of a conditional use permit for a Recreational Vehicle Park to allow four RVs to be used as dwellings for more than 30 days in duration. The campsite will be for personal use and will not have any commercial use. There is an individual well, central sewer, and electrical power. The 0.82-acre site is addressed at 217 Wildwood Drive, located in McLeod & Edwards Wagon Wheel Subdivision No. 6, Lot 7 Block 7, in the NW ¼ Sec. 33, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item – **POSTPONED FROM AUGUST 13, 2020**

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

Chairman Defoort asked for the Staff Report. Staff presented the staff report.

Chairman Defoort asked for the applicant's presentation.

Theodore Zahradnicek, Nampa, has owned the property for 45 years. The property is well kept, particularly compared to surrounding area. The site is connected to North Lake Sewer with four hook-ups and a cleanout. The lot has electricity and a well. All four RVs on the property are family-owned. He believed that four campers were allowed when they added sewer.

In response to a question from the applicant, Chairman Defoort explained why a conditional use permit is required.

The RVs are on site approximately mid-May thru the fall. Garbage is hauled home for disposal. The fire ring location was described. The trailers and fire ring meet the setback requirements from the property line.

Chairman Defoort asked for proponents.

Blaine Grow, Nampa, is a family member. The fire ring is surrounded with pavers. It has a steel lining and cover.

Chairman Defoort asked for undecided. There were none.

Chairman Defoort asked for opponents. There were none.

There was no one who wished to testify telephonically.

Chairman Defoort closed the public hearing.

The Commission deliberated. The Commissioners had no issues with this application.

Commissioner Benton moved to approve C.U.P. 20-13 Ted's Place with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

- 2. C.U.P. 20-15 Brutsman Lodge:** Ron and Tamara Brutsman are requesting approval to establish a lodge that is approximately 7,753 sqft, including garage and covered porch. Central sewer and water will be used. Access is via two existing driveways off W. Roseberry Road, a public road. The 1.01-acre site is addressed at 1888 W. Roseberry RD. It is Hawks Bay Subdivision Lots 1 and 2, Block 2, in the SWSW Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **POSTPONED FROM AUGUST 13, 2020 – WITHDRAWN BY APPLICANT**

6:18 p.m.

D. NEW BUSINESS:

- 1. C.U.P. 20-21 Coleman's RV Site:** Trent and Kim Coleman are requesting approval of a conditional use permit for a Recreational Vehicle Park to allow five RVs to be used as dwellings for more than 30 days in duration. The campsite will be for personal use and will not have any commercial use. There is an individual well and electrical power. Sewage waste disposal is by self-contained RVs. The five-acre site is addressed at 12720 Smoky Drive, located in the SWNW Sec. 34, T.16N R.3E, Boise Meridian, Valley County, Idaho.
Action Item

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

Chairman Defoort asked for the Staff Report. Staff presented the staff report.

The minimum rear setback should be corrected to 7.5-feet, not 20-feet, as the property borders Bureau of Reclamation property.

Chairman Defoort asked for the applicant's presentation.

Trent Coleman, 2966 NW 3rd, Meridian, said this is a place for his family to play and recreate. He owns three of the RVs; the others are family-owned. He would prefer not to regularly transport trailers on Highway 55. The RVs are present on the property May to October. Both the gray and black water from the trailers are dumped at SISCRA. The fire pit is made from a rock-crushing cone. The cleared area around the fire pit is between 10-15 feet and is all rock. The site is kept mowed down. There are multiple hoses on site. The site plan shows setbacks of the trailers and sheds. Electricity and a well exist on the property.

There was no one who wished to testify in person or telephonically.

Chairman Defoort closed the public hearing.

The Commission deliberated. Commissioners said their concerns have been met. The site plan and application are well done. Conditions of approval includes moving the "Kimberly" sign which currently appears to be an official designated road sign.

Commissioner Benton moved to approve C.U.P. 21 Coleman's RV Site with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

6:32 p.m.

2. C.U.P. 20-22 Chapy's Sawmill and Woodworks: Mike Chapman is requesting approval for a sawmill and woodworking business. The 1.4-acre site is addressed as 100 and 102 E Prospectors Drive. It is Gold Dust Ranch 2 lots 223 and 224, in the SESW Section 10, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item

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

Chairman Defoort asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Michael and Carin Pluto, 85 E. Prospector, own property within 300' and requested specific conditions of approval.
- **Exhibit 2** – Tim O'Leary, 69 E. Prospector, owns property within 400-ft and supports the proposal.

Commissioners asked for the clarification of light versus heavy industrial use. Staff referred to Table 3A in Valley County Code 9-3-1. Different types of classification were discussed. The Planning and Zoning Commission can determine which category the use best fits based on a specific application and mitigate impacts. There are differences between a large sawmill versus recreational hobby sawmill. The woodworking business is a small enclosed manufacturing business. This is a smaller operation than the previously approved Tall Timbers.

Chairman Defoort asked for the applicant's presentation.

Mike Chapman started this business a few years ago. It is a small sawmill. He uses the wood to make furniture, bird houses, log benches, etc. This is a retirement hobby. He only makes a small profit. He does not want a large operation. There is a yard light for the parking area, not sawmill area. In regard to hours of operation, he is willing to not use the sawmill on weekends to mitigate concerns. He uses the sawmill a maximum of four to five hours per day. Much of the timber is from private landowners. The sawdust was originally used for fill to level the area around the sawmill. Now the sawdust is bagged and sold for use in chicken coops. Wood scraps are used for firewood. A log dog and dump trailer are used to transport logs.

Chairman Defoort stated that typical hours for commercial use in Valley County are 7 a.m. to 7 p.m., Monday through Saturday.

Mr. Chapman is willing to limit hours of operation to 8 a.m. to 5 p.m., Monday through Friday, with no operations on holidays.

The proposed conditions of approval state that the conditional use permit is non-transferrable. A new owner or a new location would require a new conditional use permit.

Chairman Defoort asked for proponents.

Michael Pluto, Star, is the property owner who previously commented (Exhibit 1). He would like no employees at the site. It should remain a small sawmill, approximately four hours per day, and weekdays only. Requiring the permit to be non-transferrable will address almost all his concerns.

There was no one else who wished to testify in person or telephonically.

Chairman Defoort asked for rebuttal. Mr. Chapman had nothing more to add.

Chairman Defoort closed the public hearing.

The Commission deliberated. Commissioners determined that the use is classified as light-industrial not heavy-industrial. Therefore, no variance approval is required. It is a small, portable sawmill. It is a recreational hobby more than a commercial sawmill.

COA: Hours of operation shall be 8 a.m. to 5 p.m.

COA: Days of operation shall be Monday through Friday, with no holidays.

COA: There shall be no additional employees.

Commissioner Cooper moved to approve C.U.P. 22 Chapy's Sawmill and Woodworks with the stated conditions. Commissioner Benton seconded the motion. Motion carried unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

7:03 p.m.

E. OTHER

1. Common Area Improvements on RP16N03E274656 owned by Wagon Wheel Ranch Recreation Corporation. Action Item.

Administrative Herrick stated that platted common area is being cleared out for recreational purposes. A parking lot and sign have been added. The commissioners discussed the use of common areas. This is not a commercial operation; the area is not for public use. The commissioners determined that no action is needed at this time.

2. Planning and Zoning Discussion: Will discuss how to proceed with the possibility of creating different zones in the county or leaving all properties in a Multiple Use zone. Action Item.

Administrator Herrick stated that the Commission should discuss current and future zoning and land classifications for Valley County. Any changes would start at the Planning and Zoning Commission which would then make recommendations to Board of County Commissioners. Members of the public have requested zoning areas, so they know what to expect from property surrounding them in the future. Currently Valley County has performance-based planning that requires conditional use permits for most uses other than single-family residences or agriculture. This process exerts more control over uses. The Planning and Zoning

Commissioners need to discuss how to proceed.

Staff and the Commissioners discussed possible changes. One possibility is a hybrid zoning map with overlay layers which would zone specific area as residential. Commercial uses would then require a zoning change to multiple use zone and a then conditional use permit. Commercial hubs could be pre-zoned, such as Lake Fork, but Commissioners would need to write specific requirements for landscaping, setbacks, etc. for commercial uses in that area.

Commissioners discussed this further. The effect on home-based business was discussed. Currently a large-mix of uses within the county. Regardless of how areas are zoned, people will be upset. Non-conforming uses stay until a use is changed, regardless if ownership changes. Conditional use process does allow for mitigation. Zoning specific areas will restrict future growth and future use by landowners.

Staff asked commissioners to think about possibilities. Euclidean zoning is used by most Idaho counties. Valley County does currently have overlay areas, in particularly Roseberry Townsite Historical District and Wellhead Protection District. One possibility would be a R1 overlay for current residential areas, removing possibly heavy or light industry. There could be a heavy industry overlay for the Goode Lane area. Another possible overlay would be for scenic by-way landscaping requirements.

An open house and additional meetings to discuss possibilities are likely. The Comprehensive Plan allows for overlays. A joint meeting is possible. State statute clearly states that the PZ Commission makes recommendations to the Board of County Commissioners. This is a legislative matter.

F. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 20-14 RMC / Pinetop Office
- C.U.P. 20-18 Byrne's RV Site
- C.U.P. 20-19 Rocking K Ranch Event Venue
- C.U.P. 20-20 The Gathering Place Event Venue:

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

Chairman Defoort adjourned the meeting at 7:34 p.m.