

# 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

**October 8, 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.

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

**B. MINUTES:** Commissioner Cooper moved to approve the minutes of September 10, 2020. Commissioner Benton seconded the motion. Motion carried unanimously.

### **C. OLD BUSINESS:**

- 1. C.U.P. 19-19 Powell Mechanic Shop – Compliance Review:** Michael Powell received a conditional use permit to establish a mechanic shop in 2019. The approval stated that a public hearing would occur in October 2020 to determine if the applicant is in compliance with the conditional use permit. The 2.6-acre site is addressed as 37 Goslin Loop and is Ben Goslin 3 Tax # 46 In Lot 49 located in the SW Section 16, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

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

Vice-Chairman Freeman asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Teresa Doods, 48 Goslin Loop, believes the shop is out of business; the signs have been removed from his pickup. Landscaping and fence have not been completed. Snowmobiles, cars, and vehicles have been relocated to the back of the property. She is opposed. (Sept. 29, 2020)

Vice-Chairman Freeman asked for the applicant's presentation.

Mike and Debora Powell have done many upgrades to the home. Vehicles are not stored in the front. The snowmobiles are personal property, not part of the conditional use permit. Fencing requirements were not specified. A fence was put up on some sides; they do not want a "fenced compound" on their property. The Board of County Commissioners agreed. They paid for dust abatement along Goslin Loop. Based on advertised home prices in the area, their small shop is not hurting the values of the surrounding homes. Most of his business is not at his home but at the site of the vehicle. The boat is personal property. The Cascade Fire Department visited the site and requirements have been met. The applicants submitted pictures of landscaping, fencing between house and garage, new log siding, south side of building, and southern portion of the property. (**Exhibit 2**). Outdoor lighting meets requirements of the Valley County ordinance. There are not available locations within the City of Cascade. This is a small business, not a large commercial site. Used oil is properly cared for. Actual business hours tend to be 10 a.m. – 3 p.m.

In response to questions from the Commissioners, the applicant confirmed he is currently operating his business. Website and Facebook advertising have been removed; he does not need the extra business right now.

Administrator Herrick clarified that she has not received any complaints during the past year for this site.

The applicants stated they have planted flowering plum, weeping willow, golden birch, and fiery elm, and pine trees in front and back of property.

Applicant stated 10% of work is at this site; the rest is off-site.

Vice-Chairman Freeman asked for proponents. There were none.

Vice-Chairman Freeman asked for undecided. There were none.

Vice-Chairman Freeman asked for opponents. There were none.

There was no one who wished to testify telephonically.

Vice-Chairman Freeman closed the public hearing.

The Commission deliberated.

Commissioner Cooper said there have been positive changes to the property appearance compared to a year ago. If most of the work is off-site, it does not have a significant impact on the neighborhood. Personal property can be on person property as long as it does not constitute a hazard. This is an open area; neighbors can see each other's stuff. Commission

Benton agreed. No business signs are posted at the site. Commissioner Freeman is a proponent of property rights; there are not health and safety issues at the site.

The Conditional Use Permit was previously approved and recorded (Instrument 424096).

Commissioner Benton moved to finalize C.U.P. 19-19 Powell Mechanic Shop as previously approved. Commissioner Cooper seconded the motion. Motion carried unanimously.

Vice-Chairman Freeman explained the ten-day appeal period to the Valley County Board of Commissioners.

#### **D. NEW BUSINESS:**

- 1. C.U.P. 20-23 Riverside Pines Event Venue:** Sharon Rueth is requesting approval to amend C.U.P. 17-12 Sharon's Place and increase the maximum events per year from 10 to 25. The existing barn, parking area, and yard area would be used. A single-family residence is also located on the site. Access is via an existing driveway off Cabarton Road, a public road. The 6-acre site is addressed as 342 Cabarton Road. It is parcel RP13N04E062575 in the NENW Section 6, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

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

Vice-Chairman Freeman asked for the Staff Report. Staff presented the staff report. Hours and days of operation would need to be determined for the approved conditions of approval. The Cascade Fire Chief's comments and engineering requirement were clarified. Additional information is needed to reclassify the barn building as commercial. Staff responded to questions from the Commissioners. There are multiple ingress/egress openings in the barn. To reclassify, an engineer must say the building meets codes for the requested occupancy. Commercial buildings must be engineered; barns do not. Cascade Fire Chief wants a sprinkler system to meet fire code requirements for a commercial structure. Currently, there is an approved conditional use permit for a maximum of 10 events per year; they wish to expand to a maximum of 25 events per year. Same building with same use and more events. The Valley County Building Official has changed since the 2017 C.U.P. approval. Engineering was previously not required by Building Official Anne Guarino as she was comfortable with the construction and use of the building. The current Building Official commented in response to the recent Fire Chief's letter.

Vice-Chairman Freeman asked for the applicant's presentation.

Kadie Schroeder and Sharon Rueth are the applicants. They wish to increase the number of events allowed annually. Due to Covid-19 restrictions and cancellations, there is a high demand for events for next year, particularly weddings. They require strict rules and contracts. No smoking in barn. Parking in designated areas. Music is shut off by 11 p.m. No camping allowed. All personal property is removed by 8 a.m. the next day. The venue supports local business (hotels, restaurants, etc.) and has received great reviews.

The Commissioners asked the applicants questions about the Cascade Fire Chief requirements; they responded that they will meet these requirements once the conditional use permit is approved. They were surprised by these requirements as they are only requesting a change in number of events, not a change in use. Ms. Rueth stated that they just ended their event season last weekend. The next scheduled wedding is May 2021. The cost of the requirements are currently unknown.

Administrator Herrick said that notice was previously sent to both the Cascade Fire Department and the Valley County Building Official in 2017; however, no response was received.

Hours and days of operation were discussed. Events may be held throughout the year. They do have Sunday events.

Staff stated she has never had a complaint for this venue since 2017. Cabarton Road has been paved since 2017.

Vice-Chairman Freeman asked for proponents. There were none.  
Vice-Chairman Freeman asked for undecided. There were none.  
Vice-Chairman Freeman asked for opponents. There were none.  
There was no one who wished to testify telephonically.

Vice-Chairman Freeman closed the public hearing.

The Commission deliberated. Commissioner Benton is not opposed but is concerned about the Fire Chief's requirements. Commissioner Cooper does not have issues with this request. The paved road has reduced dust in the area.

**COA:** Must comply with requirements of Cascade Fire Department. A letter of approval is required.

**COA:** No overnight guests.

Commissioner Benton moved to approve C.U.P. 20-23 with the stated conditions.  
Commissioner Cooper seconded the motion. Motion carried unanimously.

Vice-Chairman Freeman explained the ten-day appeal period to the Valley County Board of Commissioners.

**2. C.U.P. 20-24 Honnold Solar Panels:** Tom Honnold and Comet Energy LLC are requesting approval to establish detached solar panels in the side yard to the north of an existing house. The solar panel system would be 14-ft wide, 34-ft long, and 12-feet high. The existing residence is addressed as 328 Westview Road. The 0.84-acre site is Ponderosa Estates Lots 51 and 52, Block 2, in the NW Section 1, T.13N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Vice-Chairman Freeman asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Cory and Bridget Vaughn, the owners of adjacent properties, sent photos of the site. They will be attending the meeting in person.

Vice-Chairman Freeman asked for the applicant's presentation.

Brien Riff of Comet Energy LLC described the proposed solar panels and locations. This is a common use in Idaho. Last year, Idaho Legislature passed House Bill 158 which affects solar panels. Homeowner Associations can no longer restrict ground-mounted solar panels. In Idaho, only Valley County and Owyhee County require conditional use permits for ground-mounted solar panels.

The proposed location of panels was selected to reduce visibility and take advantage of the sunlight. Roof-mounted panels would be more productive; however, multiple large pine trees would need to be removed from the site. The company has over 18 years of experience in setting up solar panels in Idaho. This is an ideal location; there is already a slope which will reduce visibility from adjacent areas. The homeowner is also here and available to respond to questions.

Vice-Chairman Freeman asked for proponents. There were none.

Vice-Chairman Freeman asked for undecided. There were none.

Vice-Chairman Freeman asked for opponents.

Don Johnson owns nearby property. After hearing the previous presentation, he better understands the proposed size and height of the solar panels. He read from a letter from the Worthan family, property owners within Ponderosa Estates. They are opposed to the location due to size. People in the subdivision are not opposed to solar but are concerned about the placement of the panels. This is a large ground mount. He referred to site plan; would impact the adjacent neighbor. Roof mount would be more desirable.

Administrator Herrick stated that the conditional use permit requirement for ground-mounted solar panels was adopted to control placement of the solar panels.

Linda Dailey, 330 Estate Drive, said ground-mounted panels will negatively impact the neighborhood. Subdivision CCRs are maintained and enforced; these panels would be against the CCR requirements. The 14 x 34-ft panels are not welcome, are not in harmony with the neighborhood, and are not constructed out of suitable materials. The panels could be mounted on the garage instead. The panes would be visible to neighbors.

Pat Dailey, 330 Estate Drive, is opposed to a ground-mounted system. He prefers roof-mounted ones. Approval would be a gateway to more ground-mounted panels which would

negatively impact the aesthetics and property values of the neighborhood. These would be visible from road and do not meet the CCR requirements.

Cory and Bridget Vaughn, own three adjacent lots to the Honnold's and would be the most directly impacted by these panels. Roof-mounted panels would be preferred. He referred to the pictures in **Exhibit 1**. Only a single tree would block the view from his deck. Many people would be able to see these panels. Property values would be negatively impacted. His adjacent bare lots are buildable lots; this would affect the values of the lots. CCR language speaks to preserving aesthetics; this proposal would not meet CCR requirements.

Vice-Chairman Freeman asked for rebuttal.

Mr. Riff stated that House Bill 158 specially says that HOAs can not have any ordinance that prohibits solar panels for residential purposes. He also referred to **Exhibit 1**. The pictures show the steep slope and trees that will help block the panels. The panels will not set straight up and above as shown in pictures. Panels are also sloped 4 feet off ground, parallel to the existing slope. They are 14-feet wide; they would not set 14 Feet high above the ground. The site is actually the least cost effective space on the lot due to trenching and conduit but it will be the less visible to surrounding areas; \$3000 extra would be spent on conduit, etc. To place the panels on the roof, trees would need to be cut down or production of panels would be reduced by half. Unlike years ago, solar panels do not negatively impact neighboring property values.

The slope is longer than 14 feet; two feet of panel will be above the top slope. Setback requirements affect the location of the panels. The panels will match the slope of the hillside at a 36 degree angle. The panels will be four feet from the ground in the front (flat ground). The picture from **Exhibit 1** is double the size of this request. The front side must be set off the ground due to snow buildup. A lot of thought has gone into choosing a location where it would be least obtrusive.

Valley County Ordinance requires 15-ft setbacks for ground mounted solar panels.

Administrator Herrick read Idaho House bill 158 regarding solar panels.

Vice-Chairman Freeman closed the public hearing.

The Commission deliberated. Commissioner Cooper would prefer a roof-top placement but does understand the reluctance to cut down large ponderosa pines. He is concerned about adjacent neighbor's view. Landscaping on top of the hill, north of the panels, for screening was discussed. The County cannot enforce CCRs. Mitigation was discussed. This site appears to be the best location on the property.

**COA:** Shall place landscaping on north side of property to screen the view of the panels from the adjoining property.

Commissioner Benton moved to approve C.U.P. 20-24 Honnold Solar Panels with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Vice-Chairman Freeman explained the ten-day appeal period to the Valley County Board of Commissioners.

- 3. C.U.P. 20-25 Ahlquist Shooting Range:** Tommy Ahlquist of AB West Mountain Holdings LLC is requesting approval for an outdoor private shooting range. The range would be used by AB West Mountain Holdings and their guests, 10 days per month maximum. The firing field would be towards the east. A 336 sqft structure would be added to the site. Access is from existing driveway off West Mountain Road, a public road. The 630-acre site is addressed as 3324 West Mountain Road. It contains parcels RP17N02E120762 and RP17N02E0784 in Sections 1 and 12, T.17N, R.2E, Boise Meridian, Valley County, Idaho. Action Item.

**Withdrawn by Applicant**

- 4. Ordinance Amendment – Minimum 1-Acre Lots:** The proposed amendment would modify Valley County Code 9-5C-2 lot size requirement for single-family subdivisions that use individual sewage disposal systems (aka septic systems) and individual wells to a minimum of one acre. *Action Item.*

Vice-Chairman Freeman introduced the item and opened the public hearing.

Vice-Chairman Freeman asked for the Staff Report. Staff presented the staff report. This ordinance amended was started at the request of the Board of County Commissioners.

The Commissioners asked Staff questions. Lot sizes would still need to be compatible with surrounding areas and meet septic requirements. The Valley County Code currently requires an average of two-acre lots. Commission Cooper is concerned about increase density and wildfires. Administrator Herrick said that developers have not been taking advantage of the ability to cluster density and have open space within subdivisions. The compatibility evaluation was discussed. Question # 5 asks, “is the size or scale of proposed lots and/or structures similar to adjacent ones?”

There was no one in the audience to comment.

There was no one who wished to testify telephonically.

Vice-Chairman Freeman closed the public hearing.

The Commission deliberated. There was discussion about development in the wildland urban interface with the small lots and potential for more fires. Also discussed weeds on larger lots.

Commissioner Cooper moved to recommend Ordinance Amendment – Minimum 1-Acre Lots to the Board of County Commissioners. Commissioner Benton seconded the motion. Motion carried unanimously.

**E. OTHER:**

- **Privy Request – 1294 Wickham Way, Crown Point #6, RP000530000280**

The property has a singlewide mobile home under a snow roof. The existing septic was approved for a one-bedroom residence. The property owner wants to replace the existing pit privy with a vault privy holding tank for use by an RV and family/friends visiting the lot.

Commissioner Benton moved to approve the vault privy request. Commissioner Cooper seconded the motion. Motion carried unanimously.

**E. FACTS AND CONCLUSIONS - Action Items:**

- C.U.P. 20-13 Ted's Place
- C.U.P. 20-20 The Gathering Place
- C.U.P. 20-21 Coleman's RV Site
- C.U.P. 20-22 Chapy's Sawmill and Woodworks

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

Vice Chairman Freeman adjourned the meeting at 8:12 p.m.