

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
November 12, 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 Administrator – Cynda Herrick:	Present
P&Z Commissioner – Brian Benton:	Present
P&Z Commissioner – Ray Cooper:	Present
P&Z Commissioner – Johanna Defoort:	Present
P&Z Commissioner – Scott Freeman:	Present
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 Freeman moved to approve the minutes of October 8, 2020.
Commissioner Benton seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 05-03 Blackhawk on the River 1, 2, and 3 – Final Plat:** Blackhawk on the River LLC is requesting final plat approval to reestablish portions of Blackhawk PUD Subdivision plat. This would partition the lots into the original platted lots that were recorded in 2006. The commission will review the final plat to determine conformance with the PUD final plat and approved densities. The site is located in Sections 25 and 36, T.18N, R.2E, and Section 30, T.18N, R.3E, Boise Meridian, Valley County, Idaho. **[Not a public hearing.]** Action Item.

Chairman Defoort introduced the item. Administrator Herrick presented the staff report.

Brian Dickens and Ralph Miller are available on the phone for any questions the Commissioners have for the applicant.

The Commissioners discussed the plat. Changes suggested by Valley County Staff will be made prior to creation of the mylars and submittal to the Board of County Commissioners.

Commissioner Benton moved to approve the C.U.P. 05-03 Blackhawk on the River 1, 2, and 3 final plat and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously

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

2. C.U.P. 05-19 Moonridge Subdivision Phase 1 – Amended Final Plat: Property Owners of lots in Moonridge Subdivision have submitted a final plat to amend sanitary restrictions on the plat recorded as Book 11, Page 29 on April 26, 2007. It also includes the lots previously approved as Phase 2 “Future Development”. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of 10 single-family residential lots and contains Tranquility Lane, a private road. The site is accessed via Moonridge Drive, a public road. It is approximately 18.7 acres located in the SE ¼ Section 30, T.18N, R.3E, Boise Meridian, Valley County, Idaho. **[Not a public hearing.]** Action Item.

Chairman Defoort introduced the item. Administrator Herrick presented the staff report. This plat was originally recorded with stringent sanitary restrictions. Since then more septic testing has occurred and Central District Health has agreed to modify the sanitary restrictions requirements. The plat also includes two additional residential lots that were previously approved for a future phase.

Commissioner Defoort asked about the CCR requirements within the conditions of approval. Administrator Herrick stated that the future property owners need to know about the well and water suppression system requirements for this subdivision.

Commissioner Benton moved to approve the C.U.P. 05-19 Moonridge Subdivision Phase 1 – Amended final plat with changes as recommended by staff and authorize the Chairman to sign. Commissioner Cooper seconded. Motion carried unanimously

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

3. C.U.P. 20-02 Blackhawk Lake Estates Phase 5 – Final Plat: Tommy Ahlquist is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of 16 single-family residential lots and private roads on approximately 84 acres. The site is accessed from West Mountain Road. The site is parcels RP17N02E022130 and RP17N02E110005, located in Sections 2 and 11, T.17N, R.2E, Boise Meridian, Valley County, Idaho. **[Not a public hearing.]** Action Item.

Chairman Defoort introduced the item. Administrator Herrick presented the staff report and stated required information needed prior to the plat submittal to the Board of County Commissioners.

Administrator Herrick responded to Commissioner questions regarding the cul-de-sac that ends at the property to the west and easements.

Jim Fronk, 14028 Norwood Road, represented the applicant, stated he will submit the CCRs and design guidelines. The easement information is included in the CCRs. Mr. Fronk said the easement will be noted on the final plat prior to recording. He showed the easement location on page 1 of the plat (**Exhibit 2**). He will submit new road names. Utilities are installed underground. All conduit is in, including 3-phase power to the property line along the west side and north. The electric wire and devices will be finished after the roads are paved in spring 2021. The gravel cul-de-sac on the north boundary is designed to connect with Blackhawk on the Lake 4. The road and sprinkler system does meet fire code for McCall Fire District requirements. The emergency access easement allows access to the water for fire pumper trucks; the McCall Fire District preferred this instead of the proposed dry-hydrant. He discussed the shared driveway; there is one on the final plat. An additional shared driveway on the preliminary plat was removed due to topography. Two wood-burning devices are preferred for the expected large homes. The applicant is requesting a financial guarantee approval of approximately \$252,000 for road base and paving which would occur in the spring.

Commissioner Defoort asked for more information of easements through the property. Mr. Fronk stated that topography limits where likely and affordable access can occur. Mr. Fronk discussed the easements and access to other parcels. Mr. Fronk also discussed the gate that will separate lots 12, 13, 14, 15 from the rest of the subdivision; these lots will be included in the HOA with Blackhawk Lake. The other lots will be in a separate property association.

Administrator Herrick stated that the Commissioners must determine if this final plat submittal is substantially the same as the approved preliminary plat. The subdivision plat process was discussed.

Additional information is needed from the applicant prior to submittal to Board of County Commissioners:

Additional conditions of approval are:

- Must guarantee access through the site to property to the west.
- Easements must be referenced and shown on final plat.
- Need approval letter from fire department.
- Need letter from applicant's engineer.
- Need approval of CCRs, Shared driveway, and future use of easement area.
- Need financial guarantees / escrow agreement.

Everything but the pavement of the road will be completed prior to submittal of the plat to the Board of County Commissioners.

Commissioners agreed that two wood-burning devices per lot is fine since they are large lots in a low density area.

Commissioner Cooper moved to approve the C.U.P. 20-02 Blackhawk Lake Estates Phase 5 Final Plat with stated conditions of approval and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously

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

D. NEW BUSINESS:

6:50 p.m.

- 1. V-3-20 RMC Flagpole Variance:** Rocky Mountain Crane & Equipment Rental LLC is requesting a variance to relax setback from the State Highway 55 right-of-way from the required 100-feet to 50-feet and allow a 95-ft in height allowance for a flagpole. The 3.58-acre parcel is addressed at 14032 Highway 55. It is Karsyn Business Park Lot 1 located in NENE Section 33, T.18N, 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 *exparte* contact or conflict of interest. There was none.

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

Chairman Defoort asked for the applicant's presentation.

Dusty Bitton, 7 Boulder View Place, presented telephonically. He would like to fly a 20 x 30 ft U.S. flag which will require the 95-ft pole. The flag will be lit from the top down; no up lighting will be used.

Chairman Defoort asked for proponents. There were none.

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. If the McCall airport does not have a concern, the Commissioners do not. The 100' setback from the property line requirement was approved in 1982 to allow for future expansion of the highway. Flagpole could easily be removed if the highway was expanded at this site.

Commissioner Freeman moved to recommend the approval of V-3-20 RMC Flagpole Variance to the Board of County Commissioners. Commissioner Benton seconded the motion. Motion carried unanimously.

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

7:00 p.m.

2. VAC 20-01 Vacation of Portion of Cheyenne Road: Ron and Julie Boyd are requesting a vacation of a public road right-of-way that was platted but has not been constructed. If vacated the land would become the property of the adjoining owners. The road right-of-way portion is within Smiling Julie Subdivision, located between Julie Lane and Lots 37B and 47 in the SENE Section 19, 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. Administrator Herrick presented the staff report. The lots cannot be split due to small size.

Chairman Defoort asked for the applicant's presentation.

Judy Boyd, Nampa, is asking to vacate the unbuilt portion of the road. All adjoining property owners have agreed to accept the property if vacated. If the vacation is approved, Joel Droulard of Droulard Land Surveying has agreed to do the required survey and associated deed paperwork to transfer the land from Valley County to the adjoining property owners. The terrain is quite steep.

Chairman Defoort asked for proponents. There were none.

Chairman Defoort asked for undecided. There were none.

Chairman Defoort asked for opponents.

Joy Hart, Smiling Julie Subdivision Lot 24, said access from Julie Lane is steep. She would prefer to access her property from Cheyenne Road once it has been built.

Administrator Herrick confirmed that a property owner would be required to pay for the cost of road construction.

Chairman Defoort asked for rebuttal.

Judy Boyd stated that regardless of how Ms. Hart gets to her property, there will be a steep road to access her property; both Julie Lane and West Tamarack Road are steep. Therefore, there is no advantage of building out Cheyenne Road. The property owners maintain the roads; there is no County winter maintenance. There is not a property owner association. The Boyd's and another lot owner plow Palladin Road at their expense. The portion of Cheyenne Road that is built only accesses Lot 37. Lots in this subdivision include bare lots, cabins, and campers/RVs, the latter which are removed during the winter.

The built portion of the road is used as a driveway; it is not built to County road standards.

Chairman Defoort closed the public hearing.

The Commission deliberated. To finish the remainder of the road to County standards would be costly due to topography, trees, and boulders. Commissioner Benton does not see an

advantage in constructing Cheyenne Road. Commissioner Cooper does not see any adverse impacts to vacating this road right-of-way; everyone will still have access to their lot. The Commissioners agree that the lots are small and this would improve this older subdivision. Regardless of the P&Z recommendation, the Board of County Commission will also hold a public hearing.

Commissioner Benton moved to recommend approval of VAC 20-01 Vacation of Portion of Cheyenne Road to the Board of County Commissioners. Commissioner Cooper seconded the motion. Motion carried unanimously.

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

7:22 p.m.

3. C.U.P. 20-27 Ed Staub Drivers' Office – Amendment to C.U.P. 19-28: Ed Staub and Sons are requesting approval to amend a conditional use permit which allowed a pole building for storage and repair of service and delivery vehicles. The request is to use a portion of the building as an office, bathroom, and kitchenette. Customers do not use this site. The 2.79-acre site is addressed at 13451 Highway 55, located in Big Valley Estates Lot 4, in the SE ¼ Sec. 27, T.17N 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. Administrator Herrick presented the staff report. A building permit is required to modify the existing building. Septic approved will be required for the building permit approval.

Chairman Defoort asked for the applicant's presentation.

Dan Dewit , Klamath Falls, Oregon, represented Ed Staub and Sons. They would like to add office space, bathroom, and an employee breakroom to the existing building. There are eight employees, three delivery trucks, and three using the site. Outdoor lighting will be installed; there will be motion lights that meet the light ordinance.

Chairman Defoort asked for proponents. There were none.

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 building is screened from the highway. The employees do need amenities available.

Commissioner Benton moved to approve C.U.P. 20-27 Ed Staub Drivers' Office – Amendment to C.U.P. 19-28 with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

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

7:35 p.m.

4. C.U.P. 20-28 Eis RV Site: Dale and Joyce Eis are requesting approval of a conditional use permit for a Recreational Vehicle campground 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, individual septic, RV holding tanks, and electrical power. The 1.3-acre site is addressed at 3 Hemlock Trail, located in CR-4 Subdivision Lot 32, in the NE ¼ Sec. 15, T.13N 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. Administrator Herrick presented the staff report.

Administrator Herrick would like the Commission to discuss setbacks for this application and the definition of dwelling unit. Previously, the Commissioners had required that the RVs meet residential setbacks. However, that decision did not set a precedent as each C.U.P. approval is site-specific. Administrator Herrick read the definition dwelling units from the Valley County Code.

The Commissioners should determine if an RV is a dwelling unit. If so, density requirements of the Valley County Code require 1.8 acres for three RVs that are allowed with an administrative permit for a recreational vehicle campground.

Commission Defoort stated that generally RVs are not year-round dwelling place. Three RVs equal The Commissioners agreed that they do not believe a RV should be treated as a dwelling unit. RVs are not the same as manufactured homes.

Septic and well were discussed. The septic was previously approved by Central District Health for a one-bedroom home. The holding tanks' use and location need to be clarified.

Administrator Herrick continued presenting the staff report and summarized the following exhibits:

- **Exhibit 1** – Troy and Jena Frisch support approval of this permit. (Nov. 11, 2020)

Chairman Defoort asked for the applicant's presentation.

The applicants, Dale and Joyce Eis, were not present at the meeting. Administrator Herrick called Dale Eis on the phone. He was not aware that they needed to attend the meeting.

Commissioner Freeman moved to table C.U.P. 20-28 Eis RV Site to December 10, 2020 at 6:00 p.m. to continue the public hearing. Commissioner Cooper seconded the motion. Motion carried unanimously.

7:50 p.m.

5. C.U.P. 20-29 Kemp Private Airstrip: Travis Jay Kemp is requesting approval of a conditional use permit for a private airstrip. An existing driveway would be widened to allow a small aircraft to land. Proposed dimensions of the airstrip are 35-ft wide and 2300 ft. long. The site is accessed from Gold Fork Road. The 80-acre site is part of RP16N04E187203 and is located in the SW ¼ Sec. 18, T.16N, 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 *ex parte* contact or conflict of interest. There was none.

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

- **Exhibit 1** – Brian and Lorie Powell, 260 McClintock Drive, reside at the closest house to the proposed airstrip and they support the project. (Nov. 9, 2020)
- **Exhibit 2** – Gary Swain, Director of Roseberry Ranches Property Owners Association, said the majority of landowners in Roseberry Ranches Subdivision agree with the proposal with mitigation requests. These are no night-time landings except for emergencies; maximum five landings/take-offs per month; maximum number of two planes on the ground at one time to prevent group/club landings; and require FAA Form 7480-1 be completed. Property owners will be monitoring the use of the airstrip. (Nov. 8, 2020)
- **Exhibit 3** – Jo Linda Finne, Donnelly, is opposed. The Valley County Comprehensive Plan goals include guiding development so as not to harm the characteristics which attracted people here and to retain the rural/small town characteristics enjoyed by residents and visitors. There are already three landing strips in Valley County: Cascade, Donnelly, and McCall. This redundancy would negatively impact wildlife and the residents' peace and quiet. (Nov. 5, 2020)
- **Exhibit 4** – Gayle Eaton, Donnelly, moved here 17 years ago to enjoy peace and quiet and is opposed. There is no need for another airstrip. This is not compatible with the Valley County Comprehensive Plan. (Nov. 5, 2020)

The Donnelly airstrip is functional during the summer. There are two additional grass airstrips north of this site: one off Wallace Lane and one off Trabert Lane. The FAA form is not required for private airstrips but would register the airstrip.

Chairman Defoort asked for the applicant's presentation.

Travis Kemp, 234 Barker Lane, would like a private airstrip on his property he would use it to commute to his property from his home in Boise and to fly into backcountry airstrips. He is sensitive to noise and impact to neighbors. He will not be flying over anyone's house. He would not be flying over Simpco Estates during take-offs and landings due to safety. There is a 50-ft power line on Gold Fork Road. The airstrip would be for private use, not airplane club use. A friend would use the airstrip on occasion also. There is a steel agricultural building on this portion of his property. He has filled out the FAA form. That will be used to update the airstrip

map and will show it as a private airstrip. There are three private airstrips between Donnelly and McCall: Flying A, Boulder Creek, and Bear Air. There are airstrips between Donnelly and Cascade. There are two in the High Valley area. He is not opposed to the restrictions requested by neighbors but would occasionally have five or more greater trips per month. The pasture area around the strip is grazed heavily. An electric fence will be put up to keep cows off the airstrip. There is about 40 feet between McClintock road and airstrip. Sandy road base will be used to build the airstrip.

Chairman Defoort asked for proponents. There were none.

Chairman Defoort asked for undecided. There were none.

Chairman Defoort asked for opponents.

Robin Vawter, 13005 Leland Drive in Simpco Estates, has lived there for 18 years for the peace and quiet of the area. She referenced the Valley County Comprehensive Plan. Adding another airstrip to the area is not necessary. She is concerned with setting a precedent and adding more airstrips to the area. A neighbor in the area has already landed a helicopter multiple times. She is also concerned about impacts to wildlife.

There was no one who wished to testify telephonically.

Chairman Defoort asked for rebuttal.

Mr. Kemp said to use the Donnelly airstrip, he would need to store a vehicle there, which is not possible. He has submitted the FAA form to register the site and have it added to their airstrip map. He discussed typical landing/take-off directions for the site.

Chairman Defoort closed the public hearing.

The Commission deliberated. This airstrip will not be used for club functions. Avoiding Simpco Estates should not be a problem. The noise period will be short and primarily at take-off. Limiting the maximum number of aircraft at the site will reduce the impact to the area.

COA: Shall not fly over Simpco Estates.

COA: Maximum eight (8) trips per month (1 trip = 1 takeoff + 1 landing), with occasional use by friends.

COA: Maximum use of the airstrip by two planes at a given time.

Commissioner Benton moved to approve C.U.P. 20-29 Kemp Private Airstrip with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

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

8:28 p.m.

6. C.U.P. 20-30 Willow Creek Vista Multiple Residence: Willow Creek Vista LLC is requesting a conditional use permit for five residential structures on one parcel. These will consist of a 6-bedroom bunkhouse; three homes; and a family pavilion for social gatherings, meal preparation, and vehicle storage. Wells and septic systems are proposed. Access is from Finlandia Road, a public road. The property is approximately 337 acres and consists of RP16N04E066605, RP16N04E066011, RP16N04E066771, RP16N04E068406, and RP16N04E064805. It is located in the Section 6, T.16N, 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 *ex parte* contact or conflict of interest. There was none.

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

- **Exhibit 1** – Donnelly Rural Fire Protection District approves the use and lists requirements. (Nov. 6, 2020)

Chairman Defoort asked for the applicant's presentation.

Steve Simpson, Arizona, said this project has evolved since application submitted. Multi-generational cattle family. They also own additional land for timber. Buildings will only be used by family, friends, work colleagues, and workers. The site will not be used for events or tourism. There will be a ranch manager residence. They will be doing a wildland fire interface and will work with Road Department to maintain the road and reduce dust due to construction vehicles. The existing driveway has a 5-7% slope. After more review of the site, they would like to make changes to the submitted site plan. They will move structures closer to bottom of the hill due to snow. Each submitted building permit will be accurate to location. They will meet setbacks. They have started septic applications and perc tests. The driveway is 20' ft wide and is all-weather; emergency vehicles can turn around at end of driveway. They request five years to complete project instead of two years. The intent of the pavilion is for family to gather and have group meals. The bunkhouse has six bedrooms. The property has been logged.

Chairman Defoort asked for proponents. There were none.

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. Setbacks, septic requirements, driveways, and wildfire plans were discussed. This will not be used as an event venue.

COA: There shall be no wedding venues or events.

Amend COA #3: The use shall be established by December 31, 2025, or a permit extension will be required.

Commissioner Freeman moved to approve C.U.P. 20-30 Willow Creek Vista Multiple Residence with the stated conditions. Commissioner Benton seconded the motion. Motion carried unanimously.

A Stormwater management plan was mentioned. The applicant representative stated that the driveway was built on an existing logging road which they have improved with culverts, turnouts, and a road base to support heavy vehicles.

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

E. FACTS AND CONCLUSIONS - *Action Items:*

- C.U.P. 20-23 Riverside Pines Event Venue
- C.U.P. 20-24 Honnold Solar Panels

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

Chairman Defoort adjourned the meeting at 8:48 p.m.