

Valley County Planning & Zoning Commission

PO Box 1350
219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Fax: 208-382-7119
Email: cherrick@co.valley.id.us
Website: www.co.valley.id.us

Johanna Defoort, Chairman
Scott Freeman, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission
December 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.

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 telephonically. There is no audience present this evening.

B. MINUTES: Commissioner Cooper moved to approve the minutes of November 12, 2020. Commissioner Benton seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 20-10 Clear Creek Estates – Final Plat:** Nick Schlekeway of Green River Project LLC 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 8 single-family residential lots, an open-space lot, and a private road on approximately 80 acres. Access to each lot will be from a new gravel private road from Atkin Lane, with a variance for the length of the cul-de-sac road. The site is in the NE ¼ Section 4, T.12N, R.4E, Boise Meridian, Valley County, Idaho. Action Item **[Not a public hearing.]**

Chairman Defoort introduced the item. Administrator Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – The applicant said the power is overhead in areas in areas of high ground water and underground in other areas. The broadband conduit is installed.
- **Exhibit 2** – Page 3 of the CCRs Section 2.19 needs to be rewritten. The road name will be corrected. The ditch maintenance access was specifically prohibited as an emergency exit on the plat.
- **Exhibit 3** – Laurie Frederick, Valley County Cadastral Specialist, said there are no discrepancies and a few minor changes to be made.

The conditions of approval required reciprocal agreements regarding the irrigation easement with buried pipe and the driveways that cross the easement. Staff asked if these should be within the CCRs or on the face of the plat. Staff stated that the County does not enforce CCRs; they also can expire. Commissioners concurred.

Commissioners had no questions for the applicant. Commissioners agreed that CCRs should be corrected in regard to the irrigation ditch access.

Commissioner Benton moved to approve the C.U.P. 20-10 Clear Creek Estates final plat with corrections 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.

2. **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. **Tabled from Nov. 12, 2020.**

Postponed to January 14, 2021 at 6:00 p.m.

D. NEW BUSINESS:

1. **C.U.P. 20-26 Hayes Short-Term Rental:** Christopher Hayes is requesting a conditional use permit for a short-term rental with 18 guests. The home is approximately 2,692 sq.ft. with an attached carport. Central sewer and water are provided. The 0.46-acre site is addressed at 28 Pointe at Goldfork CT, located in Lot 7, Block 1 of The Pointe at Goldfork, in the NW ¼ Section 34, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Postponed to January 14, 2021 at 6:00 p.m.

2. **C.U.P. 20-31 Tall Timber Machining & Lumber:** William Smith is requesting a conditional use permit for continued use of C.U.P. 15-10, an existing covered sawmill and log storage yard that was approved for five years. A machine shop will also be constructed. The approval will also be for a variance from 9-5F-2.A (75' frontage requirement) and 9-5F-2.B.2 (setbacks). The site is 4.8 acres addressed as 228 Maki Lane. It is in Long Valley Subdivision # 1, Tax # 94 in Lot 4 and Tax # 86 in Lot 5, in the SE ¼ Section 8, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Postponed to January 14, 2021 at 6:00 p.m.

6:18 p.m.

3. **C.U.P. 20-32 Herrick Court– Preliminary Plat:** Dwight Jividen is requesting a conditional use permit for a plat of a private road to access multiple 20-acre parcels. The property is owned by Cascade South INC. The private road would be a 70-ft wide right-of-way, approximately 8500-ft long, and constructed in three phases. The road would connect Laurins Lane (private) and Skunk Creek Road (public). The road would be located in RP12N04E094804, RP12N04E087204, and RP12N04E160010 within Sections 8, 9, and 16, T.12N, 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. Staff presented the staff report. No buildable lots are being created by this subdivision plan. This is a logging road that has been improved. It must be built to private road standards and obtain engineering approval. Owner's intention is to be able to split the property into 20-acres parcels that would have access to this new private road. He would like to build one-third of the road at a time. The Developer's engineer must certify it was constructed correctly.

The Planning and Zoning Commission reviews land use. Administrator Herrick asked if the Commissioners want to use this method to proceed in the future and allow future development access by platting a private road. The Valley County Subdivision Regulations [Title 10] defines "subdivision" and includes "or provides land for a new street, either on the perimeter or across any portions of a parcel of land". This is the first road-only plat application Valley County has received.

Regarding the wildfire mitigation plan, Commissioner Cooper said a road at this width will create a fire break. He likes the 20-acre parcel size instead of proposing smaller lots in this area. The Commissioners agreed that as the owners sells parcels, he will be able to build the next phase of road.

Chairman Defoort asked for the applicant's presentation.

Dwight Jividen, 413 Cabarton Road, represented Cascade South INC. The road name will change. To preserve the area, the Cascade South INC will specify "no splits" within the 20-acre parcels created. Their intention is to bring the utilities into some areas, but not necessary to every parcel. They will build to private road standards. He will have the easements removed from the

plat. Jeff McFadden, Valley County Road Department, has reviewed the proposed intersection with Skunk Creek Road. Cascade Fire has also reviewed the road site. The applicant will meet the engineering and stormwater requirements. Road building will start at the Skunk Creek Road access; there will not be a gate at that location. The gate will be at the junction with Laurins Lane and prohibit travel between Highway 55 to Skunk Creek Road through Herrick Hills Subdivision. A road maintenance group will be formed for this road. It will be an agreement stating that property owners who buy parcels accessing this road must agree to be a member of this road maintenance group.

Chairman Defoort asked for proponents. There were none.

Chairman Defoort asked for undecided. There were none.

Chairman Defoort asked for opponents. There were none.

Chairman Defoort closed the public hearing.

The Commission deliberated. Commissioner Benton is concerned about the engineering approval. The platting process was discussed; the approval would be needed prior to approval of a final plat. The Commissioners discussed requiring information about the maintenance group on the plat. The wildfire mitigation plan was discussed; it has been adequately addressed. There will be two or three final plats tied to this preliminary plat for each road-building phase.

COA: Should reference the road maintenance group on face of plat.

Staff clarified that the road has to be constructed or financially guaranteed before the plat is recorded.

Commissioner Freeman moved to approve C.U.P. 20-32 with the stated conditions.

Commissioner Benton seconded the motion. Motion carried unanimously.

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

6:52 p.m.

4. C.U.P. 20-33 Valley County Pickleball: The Valley County Pickleball Club is requesting a conditional use permit for a pickleball court complex. The site would include eight pickleball courts, chain-link fencing, parking, toilet facilities, and storage shed. The Club would operate and maintain the complex. The site would be 2.5 acres of RP17N03E037211 which is owned by Valley County. The 55-acre site is addressed at 50 E Lake Fork Road and in the SE ¼ Section 3, 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. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Petition of 12 signatures of residents opposed.
- **Exhibit 2** – Karen Wavra submitted Information on noise levels at pickleball courts. This

information was emailed to the Planning and Zoning Commissioners yesterday for their review.

Chairman Defoort asked for the applicant's presentation.

Hope Ayers, 188 Lake Trail, Donnelly, is the U.S. Pickleball Ambassador and Valley County Ambassador for pickleball. The users have outgrown the available courts. There are 100 people in the Valley County Pickleball Club (VCPC); 165 members in the McCall Club. The only facilities are one outdoor court in Donnelly, at the Club at Aspen in McCall (\$5 fee), and the Shiloh Bible Camp (\$5 fee). There are typically 15-20 people playing daily. They have outgrown the courts in Donnelly. They want to build eight courts for public use. The VCPC will maintain the courts through donations and fundraising. The land is owned by Valley County. She responded to the Staff questions listed in the Staff Report. They plan to have a porta-potty that the VCPC will maintain and have pumped. During Phase 2, a vault toilet will be added if sewer is not available. The courts will be open to the public. The fee/donation tube will be locked metal tube and managed by the VCPC. Delays and reduced fundraising are due to Covid; therefore, they ask for an additional year to establish the use, to December 2023.

The chain link fence will be just around the courts and will be beyond the setback areas. The seating/benches/bleachers would be adjacent to the court area but will be added in the future, date unknown. The site plan is a conceptual plan. The green and pink circle refer to possible future landscaping. At this time, they want natural landscaping that does not require watering or maintenance.

Due to soil surveys, the access points needs to be moved; the site will be accessed from E Lake Fork Road at the SE corner of the property and not from the dirt access road. The parking sites would be around the courts.

The club has an agreement with the Board of County Commissioners for the use providing the Planning and Zoning Commission approves the conditional use permit.

They will not add lighting nor will there be amplified music or sound systems.

Chairman Defoort asked for proponents.

Mike Heyer, 21 Mangum Circle, Donnelly, enjoys playing pickleball and supports the conditional use permit. The courts would bring a positive economic boost to the area.

Chairman Defoort asked for undecided. There were none.

Chairman Defoort asked for opponents.

Karen Wavra, 197 Elkhorn Ranch Road, submitted the signatures in opposition (**Exhibit 1**). People who signed the petition are concerned about traffic, number of people, and hours of operation. Pickleball is a noisy sport. The adjacent gravel pit is limited to 60 decibels; this would be louder. There may be better uses of that site instead of giving it to a special interest group.

Chairman Defoort asked for rebuttal.

Evelin Banfield, 105 Gardner Place, Cascade, is also representing the Valley County Pickleball Club. The acoustic study is good information (**Exhibit 2**). She says current use averages 8-10 players per day, with 2-3 hours of play. The study shows that the noise measured just next to the courts with 32 players would be just under 60 decibels. A normal continuous conversation is between 60 and 70 decibels. The eight courts would hold a maximum of 32 players (4 per court). There are no homes within 1000 feet. The homes along Elkhorn Ranch Road are approximately a half mile away. The existing dirt berms on the south side and trees on the east and south side will abate noise and filter the view of the courts.

Chairman Defoort closed the public hearing.

The Commission deliberated. Traffic use was discussed. E Lake Fork Road is considered a major collector. The recycling center was not required to do a traffic study. Parking was discussed, particularly for tournaments. Board of County Commissioners have already approved the use.

COA: The use must be established within three years (December 31, 2023)

COA: There shall be no amplified sound on-site.

COA: There shall be no lighting.

COA: No parking in the Valley County road right-of-way along E Lake Fork Road. Parking for tournaments shall be provided with an approval for overflow parking.

COA: There shall be no lighting.

COA: No overnight parking.

COA: Only participating pickleball clubs can sell refreshments at the site for funding the maintenance of facilities.

Modifying the conditions of approval would require an amendment to the conditional use permit.

Landscaping and the existing berm were discussed. Commissioner Cooper thinks it is a good location and there is a desire for these courts. Commissioners said the location and existing berm will help reduce impact of the noise. There is a ditch on the east side for drainage. It meets the Valley County Comprehensive Plan and provides recreational activity.

Signage was discussed. A “tourist-orienting” blue directional sign along the highway can be requested from Idaho Transportation Department. They will need a sign permit for the site.

Commissioner Cooper moved to approve C.U.P. 20-33 Valley County Pickleball with the stated conditions. Commissioner Thompson seconded the motion. Motion carried unanimously.

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

7:43 p.m.

5. VAC 20-02 Vacation of Utility and Drainage Easements: Mark and Debra Simpson are requesting a vacation of 10-foot wide utility and drainage easements that are centered on the lot lines between Lots 93, 94, and 95 of Gold Dust Ranch No. 1. The site is addressed at 17 E Prospector Drive and is in the NW ¼ 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 *ex parte* 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.

Mark and Debra Simpson, 9592 Packer John, want to build a home on the property without the complication of easements restricting the building site.

Chairman Defoort asked for proponents. There were none.

Chairman Defoort asked for undecided. There were none.

Chairman Defoort asked for opponents. There were none.

Chairman Defoort closed the public hearing.

The Commission deliberated. It is acceptable to Idaho Power. The Commissioners have no issues with this request.

Commissioner Freeman moved to recommend approval of VAC 20-02 Vacation of Utility and Drainage Easements to the Board of County Commissioners. Commissioner Benton seconded the motion. Motion carried unanimously.

The Board of County Commission will also hold a public hearing for VAC 20-02.

7:50 p.m.

E. FACTS AND CONCLUSIONS - Action Items:

- V-3-20 RMC Flagpole Variance
- VAC 20-01 Vacation of Portion of Cheyenne Road
- C.U.P. 20-27 Ed Staub Drivers' Office – Amendment to C.U.P. 19-28
- C.U.P. 20-29 Kemp Private Airstrip
- C.U.P. 20-30 Willow Creek Vista Multiple Residence

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

Chairman Defoort adjourned the meeting at 7:51 p.m.