

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

May 13, 2021

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 Director	– Cynda Herrick:	Present
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:	Arrived at 6:12 p.m.
P&Z Technician	– Lori Hunter:	Present

A quorum was present.

B. MINUTES: Commissioner Benton moved to approve the minutes of April 8, 2021.
Commissioner Freeman seconded the motion. Motion carried unanimously.

C. NEW BUSINESS:

The public hearing for VAC 21-02 was moved to later in the evening as the applicant was delayed.

- 1. C.U.P. 21-08 Dunn Camp Site:** Kenneth Dunn is requesting approval of a conditional use permit for a Recreational Vehicle Campground to allow multiple RVs and tents to be used for recreational purposes. The campsite will be for personal use and will not have any commercial use. The applicant anticipates church groups approximately twice per year. In addition, family and friends would be onsite approximately two times per year. An individual well, RV holding tanks, and porta-potties would be used. The 8.13-acre site is addressed at 9734 Neebs Mill Road and is Smiths Ferry 3 Subdivision Lot 61, Block 7, in the NE ¼ Sec. 10, T.11N R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

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

- **Exhibit 1** – Blair & Jady Haven live full-time at 9666 Packer John Road and are opposed. They do not want the additional traffic, dust, and noise. (received May 7, 2021)
- **Exhibit 2** – Matt Sheehan and family, 9756 Harnden Drive, are opposed. They have been Smith Ferry residents for 48 years. The area is for residential sites not commercial development. CCRs state quiet enjoyment of the land. Concerns include increased traffic, fire protection response, and law enforcement response. There are existing camping facilities nearby. Approving this permit would open the door to commercial operations. (dated May 9, 2021, received May 11, 2021)

Vice Chairman Cooper asked for the applicant's presentation.

Kenneth Dunn testified telephonically. He believes most neighbor concerns do not apply to his proposed use. The Church group would use the site one or two times during the summer. No intentions for commercial use in future. Trash would be picked up. Waste would be held in holding tanks within RVs.

Commissioner Benton and Vice Chairman Cooper stated concerns about fire safety and law enforcement. Mr. Dunn replied that a new well was added in 2020. A water line will be extended to camping area so a live faucet will be available. A small fire ring will be on the property near the RV location. Grass will be mowed prior to camping. Two picnic tables are currently on the property. Septic tanks were installed for his RV. A different type of septic system will need to be added; perc test has been done.

Vice Chairman Cooper asked for proponents. There were none.

Vice Chairman Cooper asked for undecided. There were none.

Vice Chairman Cooper asked for opponents.

Danielle Drake, 56 Smiths Ferry Drive, has multiple concerns which have been previously addressed in letters. It does take a sheriff deputy one hour plus to arrive, more now with the road construction. The community is looking into a volunteer fire department. The existing fire pit is within the stand of trees. The application is lacking details in number of people and tents. Will porta-potties be used? There should be additional screening. Limitations should be set on units, people, and days. No loudspeakers allowed. Please explain what will happen if Mr. Dunn exceeds the limitations.

John Hazeltine, 97 Neebs Mill Road, said the use is not compatible, and the application is not complete. Density would be much higher than surrounding area. Concerns mentioned include screening, buffering, water supply, water table, community services, fire safety, and the bridge. Number 21 in the Impact Report is not answered. The applicant has no regard for neighbor concerns.

Vice Chairman Cooper asked for rebuttal from the applicant.

Mr. Dunn said the fire pit will be under watch with a nearby water source.

Commissioner Benton asked about emergency response to the area. Mr. Dunn stated that Cascade Fire Department does not respond to Smiths Ferry. SITPA responds to burning trees, not homes. The Sheriff response time depends on the situation. He does not expect his guests to negatively affect the community.

Vice Chairman Cooper closed the public hearing.

The Commission deliberated. Commissioner Benton wants a plan if an incident does happen. He also wants a better site plan. Vice Chairman Cooper is concerned that the area is not within a fire district. The addition of the church group changes the use compared to the typical recreational campground application. He agrees that application details and site plan are lacking. The driveway, RV locations, and fire pit should be detailed on a site plan. Commissioner Thompson said the maximum number of people would be 20; he would like specific details on numbers. Commissioner Freeman is concerned with the friction between the neighbors and Mr. Dunn. The Commissioners prefer to table this item. They want additional information from the applicant to be submitted two weeks prior to hearing.

Commissioner Benton moved to table C.U.P. 21-08 Dunn Camp Site to July 8, 2021 at 6 p.m. Commissioner Freeman seconded the motion. Motion carried unanimously.

Staff will put together a list of what is needed from the applicant.

2. VAC 21-02 Vacation of Drainage Easement: Gail Starkey, Cody Lindley, and Lisa Lindley are requesting a vacation of a 6-foot-wide drainage easement that is centered on the lot line between Lot 2 and 6, Block 4, of Westwoods Subdivision No. 2. The site is addressed at 2509 Westwood Drive and is in the west 1/2 Section 18, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

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

Vice Chairman Cooper asked for the Staff Report. Staff presented the staff report.

Vice Chairman Cooper asked for the applicant's presentation.

Gail Starkey, Meridian, ID, has an existing cabin with a driveway. Due to increasing number of recreational "toys", they would like to build a garage. They wish to save as many trees as possible, especially between the home and West Mountain Road, thus, they are requesting a vacation of the drainage easement.

Director Herrick stated that drainage easements have been previously vacated in this subdivision. The plat has included these drainage easements on the lot lines; the developer previously testified in favor of vacating the draining easement on a nearby lot within the same subdivision.

Vice Chairman Cooper asked for proponents. There were none.
Vice Chairman Cooper asked for undecided. There were none.
Vice Chairman Cooper asked for opponents. There were none.

Vice Chairman Cooper closed the public hearing.

The Commission deliberated. This is a straightforward request. Director Herrick explained the lot combination process.

Commissioner Benton moved to recommend approval of VAC 21-01 to the Board of County Commissioners. Commissioner Thompson seconded the motion. Motion carried unanimously.

Vice Chairman Cooper stated there is a ten-day appeal period to the Valley County Board of Commissioners.

3. C.U.P. 21-10 Pearson Landing – Preliminary Plat: BP Properties LLC is requesting a conditional use permit for a 10-lot single family subdivision on approximately 11.82 acres. One-acre lots are proposed. Lots would be accessed from a private road onto Pearson Lane, a public road. Individual wells and septic systems are proposed. The site is parcel RP18N03E2289006 in Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

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

- **Exhibit 1** – Larry Shake lives directly across the street in a single-family home on one acre. The density is much higher than the surrounding residential area. Berms and impact fees should be required by developments. Should be no new actions until impact fees are in place. Suggest moving meetings to McCall.
- **Exhibit 2** – Matt Falvey was in favor of the commercial use previously approved for this site. He owns a commercial business near the site. The site should stay commercial not residential. 10 homes surround by commercial properties is not compatible.

Vice Chairman Cooper asked for the applicant's presentation.

Dusty Bitton, McCall, is requesting preliminary plat approval for 10 lots. The site was previously approved for equipment storage; however, he was able to secure other commercial property for long-term use. There is a high residential need near McCall. Much less opposition compared to the previous application for equipment storage. Test holes have passed. Well and septic systems will be planned out by Crestline Engineering. There will be strict CCRs. He does not believe a fence along canal is necessary. A buried water storage tank for firefighting use will be added to the site as required by McCall Fire. The property is on the border of commercial and residential use.

Vice Chairman Cooper asked about the neighbor's request for a fence. Mr. Bitton has spoken to the neighbor and is willing to build a fence a few-hundred feet long as a buffer for the home.

He does not want to build a fence along the entire property border. The buried pipe easement is no longer in use.

The 1-acre lot size was chosen as they want to build homes that are in high demand and more affordable to residents.

Commissioner Cooper is concerned about the groundwater aquifer for the area.

Vice Chairman Cooper asked for proponents. There were none.

Vice Chairman Cooper asked for undecided. There were none.

Vice Chairman Cooper asked for opponents. There were none.

Vice Chairman Cooper closed the public hearing.

The Commission deliberated. This is a much-needed development. Affordable property is needed in the area.

Commissioner Freeman moved to approve C.U.P. 21-10 Pearson Landing with the stated conditions. Commissioner Benton seconded the motion. Motion carried unanimously.

Vice Chairman Cooper stated there is a ten-day appeal period to the Valley County Board of Commissioners.

7:18 p.m.

4. Ordinance Amendment – Revisions to Valley County Code: Modifications to the Valley County Code would clarify ordinance language concerning addressing, building codes appeals for the McCall Impact Area, dwelling unit definition, residential business definition, sign standards, lot splits within the designated floodplain, short plat definition, shared drive variance, fiber optic conduit requirements, public road requirements and maintenance levels, and the definition of subdivision in Title 11-1-2. Action Item.

Vice Chairman Cooper introduced the item and opened the public hearing. Vice Chairman Cooper asked if there were any conflicts of interest. There was none.

Vice Chairman Cooper asked for the Staff Report. Staff presented the staff report. These are the same changes discussed last month during the work session.

- Addressing
- McCall Impact Area appeals for building codes
- Dwelling Unit definition
- Residential business definition
- Sign Standards – Flags. One “OPEN” flag allowed per business; maximum size of 3-ft x 5-ft. No “feathers” or rotating beacons or moving parts allowed.
- Lot splits must comply with Title 11 of the Valley County Code – Flood Control. Base-flood elevations must be determined if any of the property is within a floodplain.

- Short Plat can be approved for up to 10 ten lots. A full plat will be required for 10 or more lots.
- Shared Drive Variance – An administrative variance is allowed for a shared driveway serving three or less residences with fire department approval and a recorded shared driveway agreement.
- Fiber optic conduit requirements within platted subdivisions
- Public road requirements and maintenance level to be specified by Valley County Board of County Commissioners. This is to address future developments and require Category C road to access future subdivisions.
- Definition of Subdivision in Title 11-1-2. Any division of land, including all subdivisions, manufactured home parks, and other development proposals, requires a base flood elevation for division of 5 acres or 50 lots. Federal Emergency Management Agency. (FEMA) defines “subdivision” as any division of land. This change is required to maintain compliance with FEMA and flood insurance.

Vice Chairman Cooper asked for proponents. There were none.

Vice Chairman Cooper asked for undecided. There were none.

Vice Chairman Cooper asked for opponents. There were none.

There were no comments from the audience or telephonically.

Vice Chairman Cooper closed the public hearing.

The Commission deliberated.

Commissioner Benton moved to recommend approval of the ordinance amendments to the Board of County Commissioners. Commissioner Freeman seconded the motion. Motion carried unanimously.

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

D. OTHER ITEMS:

- 1) **Ken Purdom wants to replace two old mobile homes with two new houses on one parcel (RP16N03E050605).** Does he need a conditional use permit or is this an existing use? Action Item.

Pictures were submitted. These two old homes are used by workers; Mr. Purdom wants to replace them with new structures. There will be two new septic systems. These predated the ordinance requiring a conditional use permit for multiple residences on one parcel.

Commissioner Benton moved to allow the property owner to demolish the existing mobile homes and replace them with new homes without a conditional use permit. Commissioner Thompson seconded the motion. Motion carried unanimously.

2) C.U.P. 20-33 Valley County Pickleball – Site Plan Modification. Action Item.

The site is higher in elevation than the previous location. The cost of the original approved site was too expensive due to drainage issues. The new proposed site is further to the east but still on the same Valley County property. The Commissioners agreed that the change in location should not affect the surrounding landowners differently than the original site location. Access to the site was discussed.

Commissioner Thompson moved to approve the site modification. Commissioner Benton seconded the motion. Motion carried unanimously.

3) C.U.P. 19-31 Daugherty Excavation – Building footprint Modification. Action Item

Daugherty Excavation application was for a 40-ft x 40-ft building. The Commissioners approved a 60-ft x 40-ft building located toward the rear (east) of the property. The building permit application is for a 40-ft x 44-ft metal building with an attached 60'ft x 12-ft lean-to. A letter was sent to the neighbor asking if they had a concern. The building site was moved towards Highway 55 compared to the original proposal due to concerns of adjacent neighbor. This neighbor was sent a letter asking if they had concerns about the larger size building and no response has been received.

The Commissioners deliberated. Commissioner Benton wants the applicant to reapply for a larger size building; access to the building is still a concern. The property is between Rustic Road and Highway 55. P&Z Director Herrick stated that access will be from Rustic Road. Commissioner Thompson and Commissioner Freeman have no issues with the increase in building footprint size.

Commissioner Freeman moved to authorize P&Z Director Herrick to approve the building permit as submitted. Commissioner Thompson seconded the motion. The motion passed unanimously.

E. FACTS AND CONCLUSIONS - Action Items:

- VAC 21-01 Vacation of Utility and Drainage Easements
- C.U.P. 21-05 Lake Fork Industrial Center
- C.U.P. 21-06 Moon View Ranch Subdivision – Preliminary Plat
- C.U.P. 21-07 Jug Mountain Ranch Storage Units
- C.U.P. 21-09 Osprey Pointe Subdivision – Preliminary Plat

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

There is an upcoming Joint Work Session with both the Board of County Commissioners and Planning and Zoning Commissioners on June 10, 2021 at 5:00 p.m., prior to the regularly scheduled Planning and Zoning Commission meeting.

Vice Chairman Cooper adjourned the meeting at 7:58 p.m.