

Valley County Planning and Zoning Commission

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Ray Cooper, Chairman
Neal Thompson, Vice-Chair

Brian Benton, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission

October 14, 2021

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:05 p.m. by Acting Chairman Freeman. Quorum exists.

PZ Director	– Cynda Herrick:	Present
PZ Commissioner	– Brian Benton:	Present
PZ Commissioner	– Ray Cooper:	Excused
PZ Commissioner	– Scott Freeman:	Present
PZ Commissioner	– Neal Thompson:	Present
PZ Assistant Planner	– Lori Hunter:	Present

B. MINUTES: Commissioner Benton moved to approve the minutes of September 9, 2021. Commissioner Thompson seconded the motion. Motion carried unanimously.

C. NEW BUSINESS:

1. C.U.P. 20-14 RMC / Pinetop Office – Extension: Rocky Mountain Crane and Equipment Rental LLC is requesting a two-year extension of the conditional use permit. The new office space, shop, parking lot, and covered parking structure were to be established by December 31, 2021. The 3.6-acre site is addressed as 14032 Highway 55 and is Lot 1 of Karsyn Business Park located in the NENE Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Freeman asked for the Staff Report. Staff presented the report.

Director Herrick asked the applicant to respond to the questions in the staff report.

Dusty Bitton, representing Rocky Mountain Crane and Equipment Rental LLC, presented telephonically. The chain link fence is 6-ft tall and has been constructed at the 100-ft setback from Highway 55. Landscaping trees were previously planted by Knife River and were not removed. The additional landscaping will be completed when the buildings are constructed. There are about 15 mature trees between the highway and the slatted fence which will screen the equipment. Trees are within the 100' setback area.

Acting Chairman Freeman asked for proponents. There were none.

Acting Chairman Freeman asked for undecided. There were none.
Acting Chairman Freeman asked for opponents. There were none.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated. The Commissioners have no issues with a granting an extension.

Commissioner Benton moved to approve the extension for C.U.P. 20-14 with the stated conditions. Commissioner Thompson seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners if anyone is unhappy with the decision.

6:15 p.m.

2. V-4-21 Delaney Setback Variance: Devin and Jennifer Delaney are requesting a variance to relax setback from the high-water line of a stream from the required 30 feet to 13 feet. The 0.31 acre is addressed at 2434 Palladin Road. It is Smiling Julie Subdivision Lot 30 located in SWNE Section 19, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Freeman asked for the Staff Report. Staff presented the report and used the large screen to display the submitted site plan and the GIS map of area. The applicants own two adjacent lots. Director Herrick summarized the following exhibits:

- **Exhibit 1** – Lenard Long, Friends of Lake Cascade, is opposed. The setback requirement from streams was established for good reasons, primarily to protect uniformed future residents from creating stream degradation problems that can contribute to flooding, altering aquatic species, and adding nutrient loading of streams and lakes. (Oct. 7, 2021)
- **Exhibit 2** – Valley Soil and Water Conservation District has concerns. Soil and surface water may be impacted. Primary natural resource concerns involve impacts to soil and surface water. The District would recommend that Best Management Practices for protecting water quality be utilized including stabilizing exposed soil and installing silt fencing or straw waddles. (Oct. 7, 2021)
- **Exhibit 3** – A video from the applicant of the site was displayed on the large projector screen. (Submitted Oct. 14, 2021)

Acting Chairman Freeman asked for the applicant's presentation.

Jennifer and Devin Delaney are available for questions. The layout of the home cannot be turned due to the length of the home and the existing slope. The manufactured home has been purchased. They also wish to avoid the large rocks on the south side of the lot. They will not disturb the creek. There is also a small intermittent creek along the south side of the lot. They wish to keep as much natural vegetation as possible on the lot. The new graveled driveway would come from Palladin Drive. They also own the adjacent lot to the south where they have parked an RV. The driveway accessing this lot is quite steep and not useable during the winter.

Commissioner Benton asked if the applicants have contacted the Friends of Lake Cascade. Ms. Delaney stated they will not be disturbing the creek. They will not be applying any fertilizer in the creek area.

Acting Chairman Freeman asked for proponents. There were none.

Acting Chairman Freeman asked for undecided. There were none.
Acting Chairman Freeman asked for opponents. There were none.

Eric Hodge, testifying telephonically, owns a lot about two doors down from this property. He is in favor as a neighbor and an owner of five parcels within the subdivision.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated. The lots are small. Setting precedent was discussed. However, variance approvals are based on site specific topography, such as the large boulder on this lot. Conditions can be added to the approval disallowing alteration of the stream and requiring best management practices. This subdivision is steep, rocky, and wet. The video (Exhibit 3) was reviewed again. The site plan was discussed, including driveway and wellhead.

The staff report included these two recommended conditions of approval:

COA: The stream shall not be altered without approval from Idaho Department of Water Resources.

COA: BMPs (silt fences, waddles, etc.) shall be placed appropriately to protect water quality of the creek.

Commissioner Thompson moved to recommend approval of V-4-21 to the Board of County Commissioners with conditions stated due to the topographic reasons of the large boulders and topography. Commissioner Benton seconded the motion. Motion carried unanimously.

This was a unanimous decision; therefore, the Valley County Board of County Commissioners are not required to have a public hearing prior to making a decision.

6:43 p.m.

3. C.U.P. 21-25 Finn Barn Subdivision – Preliminary and Final Plat: Finn Barn LLC is requesting a conditional use permit for a two-lot single-family subdivision on 4.86 acres. Lots would be accessed from Highway 55. Proposed lot sizes range from 1.83 acres to 3.03 acres. Individual wells and individual septic systems are proposed. The site is addressed at 14118 Highway 55. It is parcel RP18N03E281815 in the SENE Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Freeman asked for the Staff Report. Staff presented the report and summarized the following exhibits:

- **Exhibit 1** – Sarah Arjona, Idaho Transportation Department (ITD), stated that the approach does not have an ITD permit. Applicant will need to submit an ITD Right-of-Way Encroachment Application. (Oct. 14, 2021)
- **Exhibit 2** – Laurie Frederick, Valley County Cadastral Specialist, found no discrepancies within this plat. (Oct. 12, 2021)

Acting Chairman Freeman asked for the applicant's presentation.

Steve Millemman, representing Chet and Debbie Wood, explained that two lots would be created from one parcel. Condition of Approval #7 refers to the ITD permit requirement. The applicant has no objections to any of the conditions of approval.

Mr. Millemman will do more research regarding the fire tank referred to on the plat (Note #1) and determine if a water tank will be required by the McCall Fire Department. There are no surface water rights. Another conditional use permit may be applied for the future Lot 1. This application is only for a 2-lot single-family residential subdivision. He expects that ITD will require a maximum of one driveway, shared between both lots.

Acting Chairman Freeman asked for proponents. There were none.

Acting Chairman Freeman asked for undecided. There were none.

Acting Chairman Freeman asked for opponents. There were none.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated. This is a straight-forward, two-lot subdivision. This is a preliminary and final plat submittal.

Commissioner Thompson moved to approve preliminary and final plats of C.U.P. 21-25 and authorize the Chairman to sign. Commissioner Benton seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners if anyone is unhappy with the decision.

6:58 p.m.

4. C.U.P. 21-26 Kinney Mountain Subdivision – Preliminary and Final Plat: David and Janice Mlinar are requesting a conditional use permit for a two-lot single-family subdivision on 20 acres. Lots would be accessed from Highway 55. Proposed lot sizes range from 2.49 acres to 17.6 acres. Individual wells and individual septic systems are proposed. The site is addressed at 11857 Highway 55. It is parcel RP14N03E129010 in the SESE Section 12, T.14N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Freeman asked for the Staff Report. Staff presented the report, displayed the GIS map on the large screen, and summarized the following exhibits:

- **Exhibit 1** – Sarah Arjona, Idaho Transportation Department, stated that ITD is currently working with the applicant to permit the approaches. (Oct. 14, 2021)

Director Herrick would like clarification if there will be one or two residential accesses allowed by ITD.

- **Exhibit 2** – Ray Kennedy, Cascade, says the proposed split is ill-advised due to issues with access, boundaries, easements, and privacy. (Oct. 12, 2021)

The proposed plat was displayed on the large screen; the proposed easement was pointed out.

Acting Chairman Freeman asked for the applicant's presentation.

David and Janice Mlinar, Meridian, Idaho, currently own the full 20-acre parcel. They would like to keep the portion that has the shop and sell the remainder with the home. The large portion with the home already has utilities. The small portion with the shop only has power. Part of the subdivision process requires permission for septic and access. Currently there is one circular driveway with two accesses to Highway 55. A test hole was dug and previously reviewed by

CDH for a septic system on the small acreage portion. However, another test hole will need to be done in order for CDH to sign off on the sanitary restrictions.

Mr. Milnar referred to Mr. Kennedy's comments. There are actually two different electrical meters, one for the shop and one for the home. There will still be access to both lots. The easement would allow them to access the State of Idaho land using an ATV trail. Mr. Milnar does not believe the privacy objection is valid. Owners of both lots would be able to use the existing ATV trail to access the State of Idaho land.

Mr. Milnar does not believe there will be any drainfield issues based on the topography, ground conditions, and existing drainfield.

Robert Lyons, the applicant's agent, said the property was previously successfully perc-tested for a septic system. The entrances from Highway 55 will be approved by ITD. The applicant was not planning to have CCRs for the subdivision. They will revise the plat note to limit wood-burning devices.

Director Herrick asked if reports have been submitted to Central District Health. Staff stated plats are typically not recorded with sanitary restrictions in place. Idaho Code 50-13-26 allows plats to be recorded with sanitary restrictions in place. However, this can cause problems in the future. The CDH comment letter was discussed; there are different requirements for a septic approval versus a sanitary restriction release letter. A note could be added to the plat.

Acting Chairman Freeman asked for proponents. There were none.

Acting Chairman Freeman asked for undecided. There were none.

Acting Chairman Freeman asked for opponents. There were none.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated. The sanitary restriction release requirement and a note on the plat were discussed.

COA: Must have paid all fees paid to Central District Health and application submitted to CDH for sanitary restriction review and monitoring prior to recordation of the final plat.

COA: Must revise Plat Note # 6 to limit each lot to one wood-burning device

Commissioner Thompson moved to approve preliminary and final plats of C.U.P. 21-26 with the stated conditions and authorize the Chairman to sign. Commissioner Benton seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners if anyone is unhappy with the decision.

7:33 p.m.

5. C.U.P. 21-27 Timber Creek Reserve Subdivision – Preliminary Plat: Northlake-Durham LLC is requesting a conditional use permit for an 81-lot single-family subdivision on 37 acres. Lots would be accessed from Durham Lane onto new public roads. Proposed lot sizes range from 0.26 acres to 0.65 acres. Water and sewer would be provided by North Lake Recreational Sewer and Water District. The site is located in the SESE Section 21 and NE ¼ Section 28, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Freeman asked for the Staff Report. Staff presented the staff report. Valley County Code requires a 90-ft lot width at the setback line; therefore, some lots will need to be modified. The maximum allowed density is 2.5; 2.3 is proposed. Valley County Code requires a minimum 8000-sqft (0.18-acre) lot size for lots on sewer and water.

Staff summarized the following exhibits:

- **Exhibit 1** – Lenard Long, Friends of Lake Cascade, has concerns regarding the location and potential drainage from this large subdivision into the Willow Creek/Boulder Creek Arm of Lake Cascade. There are three recommendations. (Oct. 7, 2021)
- **Exhibit 2** – Jess Ellis, Donnelly Fire Department Fire Marshall, noted requirements for roads, water flow, and fire hydrants. (Oct. 8, 2021)
- **Exhibit 3** – Sarah and Dirk Sundt, 193 Durham Lane, are opposed. The proposed development is substantially more dense than surrounding lots and homes. Loomis Lane is not built to accommodate the additional traffic. Surrounding amenities are already beyond capacity. There is no designated place to put plowed snow. The additional homes, traffic, noise, and crowding will impact existing property owners and the wildlife. (Oct. 7, 2021)
- **Exhibit 4** – Valley Soil and Water Conservation District requests that any drainage issues on this property be addressed and mitigated. (Oct. 7, 2021)

Staff displayed the PZ GIS map of the site and vicinity on the large display screen as well as the proposed plat.

Acting Chairman Freeman asked for the applicant's presentation.

Joseph Sean Black, representing Northlake-Durham LLC, Meridian, Idaho, said water and sewer will be supplied by North Lake Recreational Sewer and Water District. The infrastructure present in the area adequate. In regard to the drainage concerns, Mr. Black referenced condition of approval #5 requiring approval by the Valley County Engineer.

They will be redesigning the plat to accommodate both the Donnelly Fire Department's requirements and lot setback restrictions. All roads will be designed to County standards. Off-site improvements, including Durham Lane, will need to be negotiated with Board of County Commissioners.

C.P. Shannon of Northlake-Durham LLC said the proposed roads are 70-ft rights-of-way with a borrow ditch for drainage and snowplowing. Proposed lot sizes are consistent with nearby developments. There is a natural drainage and wetland area that does receive drainage from off-site areas. The drainage crosses under Hereford Road thru a 36" culvert and empties into Lake Cascade. Only one road is proposed to cross the wetland area.

Applicants agreed to show the wetland area as a no-build area on the final plat.

Applicants will add access areas into the adjacent U.S. Bureau of Reclamation (BOR) property. They are in discussion with the BOR regarding access and a fire mitigation buffer zone within the BOR land adjacent to the property.

Phase 1 would be the lots south of the wetland area. They are looking at changing the access site for the eastern entrance from Durham Lane. The timeline was discussed.

Acting Chairman Freeman asked for proponents. There were none.

Acting Chairman Freeman asked for undecided. There were none.

Acting Chairman Freeman asked for opponents.

Sam Field, 203 Durham Lane, has concerns about the existing roads. Traffic would increase on roads that currently need repaired and upgraded. Developer should help with costs

Walter Teixeira, 194 Singletree LN, echoed the previous opposition in the staff report. He does not believe the lot sizes are similar to the half-acre lots within Wagon Wheel Subdivisions. He wants to see larger lots, not small lots. Egress during a fire from the area would be difficult due to the lack of access in the entire area. Drainage is an issue. He does not believe the home prices will be affordable.

Acting Chairman Freeman asked for rebuttal from the applicant.

Mr. Black and Mr. Shannon addressed opponents' concerns. They would be adding a maximum of 81 lots to roughly 1051 existing subdivision lots in the area that access the area via Loomis Lane and Old State Road. They are willing to pay their fair share to upgrade the roads. That would be a negotiation with County Commissioners. The roads would be paved. The number of lots platted will likely decrease due to the wetlands, setback changes, and road reconfiguration. Off-site improvements will be required by Northlake Recreational Sewer and Water District such as stand-by power for the lift-stations and pump redundancy. These improvements will benefit property owners in the area

The map showing the wetland boundaries from the application was displayed on the large screen. The applicants answered Commissioner's questions about drainage.

Proposed roads are 70' rights-of-ways with 24-ft paved traveled ways.

Additional public testimony was allowed due to the addition of new information.

Sam Field stated that the area is plagued with drainage problems. The ditch along the north side of Durham Lane fills annually.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated. Commissioner Thompson believes his questions have been answered. The applicant will need to work with the Valley County Engineer and Road Department regarding drainage and off-site improvements. Director Herrick confirmed that the Valley County Board of Commissions will negotiate all financial matters, including off-site road improvements. If the conditional use permit is approved, the applicants will meet with the County Engineer to have drainage approved. The applicant will also work with the Valley County Road Director on a plan to submit to the Board of County Commissioners prior to submittal of a final plat to the Planning and Zoning Commission.

COA: Must place drainage easements on final plat.

Commissioner Benton moved to approve the conditional use permit and preliminary plat for C.U.P. 21-27. Commissioner Thompson seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners if anyone is unhappy with the decision.

Short recess

8:33 p.m.

- 6. C.U.P. 21-28 Laurel Cell Tower – Amendment of C.U.P. 03-19:** T-Mobile is requesting a conditional use permit to modify the existing cell tower by adding a backup generator to the site. The property is addressed at 1272 Laurel Drive and located in the SW ¼ Section 24, T.14N, R.4E, Boise Meridian, Valley County, Idaho. Action Item

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

Acting Chairman Freeman asked for the Staff Report. Staff presented the report.

Acting Chairman Freeman asked for the applicant's presentation.

Elias Flores, representing the applicant, presented telephonically. The want to add a backup generator to the site to provide power to the cell tower during power outages. The generator would be placed on an existing concrete pad. The facility is already fenced. There is no exterior lighting.

Acting Chairman Freeman asked for proponents. There were none.

Acting Chairman Freeman asked for undecided. There were none.

Acting Chairman Freeman asked for opponents. There were none.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated.

Commissioner Thompson moved to approve C.U.P. 21-28 with the stated conditions.

Commissioner Benton seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners if anyone is unhappy with the decision.

- 7. C.U.P. 21-29 Purdom Multiple Residence and Short-Term Rental:** Kenneth R. Purdom II Trust is requesting a conditional use permit for three residences on one parcel and short-term rental of a residence. Each residence will have an individual well and septic system. A shared driveway would be used to access the homes. The property is currently addressed at 13337 and 13381 Nisula Road. The 80-acre parcel is RP17N03E317205, located in the SE ¼ Section 31, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

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

Acting Chairman Freeman asked for the Staff Report. Staff presented the report and displayed the site using the PZ GIS map on the large screen.

Acting Chairman Freeman asked for the applicant's presentation.

Kenneth Purdom, 13427 Norwood Road, wants to build a retirement home for himself. The Ranch Manager resides in the northerly home. The southerly home has been remodeled and is used by family and friends and occasionally rented out as short-term rental. The new home would be constructed between the two existing homes.

Driveway access southerly access to reach south house plus new home.

Acting Chairman Freeman asked for proponents.

Don Reiswig, 13333 Nisula Road, is an adjacent neighbor to the south. More homes mean more taxes which hopefully would increase maintenance on Nisula Rd.

Mathew Blakley, 13381 Nisula Road, is in favor of the proposal.

John Russell, McCall, is a surveyor who has been working with the applicant. The proposed conditions of approval are acceptable.

Acting Chairman Freeman asked for undecided. There were none.
Acting Chairman Freeman asked for opponents. There were none.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated.

Commissioner Benton moved to approve C.U.P. 21-29 with the stated conditions.
Commissioner Thompson seconded the motion. Motion carried unanimously

There is a 10-day appeal period to the Board of County Commissioners if anyone is unhappy with the decision.

8:58 p.m.

8. Ordinance Amendment: Revision to Valley County Subdivision Ordinance: The proposed modification of Valley County Code 10-1-3.C.5 Exceptions would allow land division into parcels containing 160 acres or more. Action Item

Acting Chairman Freeman introduced the item and opened the public hearing. Acting Chairman Freeman asked if there was any conflict of interest. There was none.

Acting Chairman Freeman asked for the Staff Report. Staff presented the report.

Director Herrick explained the emergency ordinance that was approved by the Board of County Commissioners on September 7, 2021. A permanent ordinance must be adopted within 182 days of that approval.

Previously the minimum size of a rural parcel was 20 acres; the emergency order changed the minimum size to 160 acres. The Board of County Commissioners were concerned about the recent creation of several 20-acre parcels without any review of surrounding uses, access, septic ability, utilities, etc. Specific areas in Valley County include the 20-acre splits in Round Valley area that resulted in land that has no access to power, with high ground water complicating septic ability, and unable to get a building permit. Another area of concern is the 20-acre splits south of McCall Airport that occurred without any review or consideration of the airport or ground water. Another area is the Smylie Lane / West Mountain Road area as some of these new parcels are partially or wholly within the floodplain and thus unable to get a building permit.

The Commissioners discussed the minimum parcel size that should be allowed without review; 160 acres was proposed by the Valley County Soil and Water Conservation District. Protecting future buyers, existing property owners, new zoning overlays, and impacts to Valley County infrastructure were discussed by Staff and Commissioners. Staff clarified that the Commissioners would make a recommendation to the Board of County Commissioners who

would then have another public hearing.

Acting Chairman Freeman asked for proponents. There were none.

Acting Chairman Freeman asked for undecided. There were none.

Acting Chairman Freeman asked for opponents.

Josh Leonard, Clark-Wardle Law in Boise, deals with land use cases for clients. He recognizes the need for a minimum parcel size; however, the 20-acre size is sufficient. The concerns previously mentioned could happen regardless of parcel size. It is already illegal to install a septic system without a permit or have more than more than two RVs without a permit. The existing rules need enforced. Urban-style subdivisions, with high density and paved roads, are often undesirable by property owners of Valley County. This ordinance would drive up the price of lots. A minimum requirement of 160 acres would lead to a greater number of small lots (5 or smaller). He recommends an alternative approach. Boundary County has a “primitive subdivision ordinance”; any deficiencies on the property are included on the recorded plat. This results in [legal] parcels where a building permit is not allowed.

Dwight Jividen, Cascade, also submitted a letter. He sees no reason to change the long-standing agreement of allowing splits into 20-acre parcels. People can’t afford to buy 160 acres. He has been a real estate agent for 35 years. He has sold many parcels that will never have electricity or year-round access; some of these are small parcels. Many people want land off-the-grid. Buyers and sellers want cheap isolated land and not necessarily all the amenities that the County seems to want. He has spent a lot of time and money getting ready to split an area into 20-acre parcels. This proposal affects him personally. This will increase the price of the land and force the little guy out. Stay with the 20-acre split.

Jim Neill, Garden City, owns 280 acres on Paddy Flat Road and has begun the splitting process with a surveyor. He does not want a house with full-year car access. He does not need electricity. Perhaps an administrative review for splits is acceptable. This proposal increases cost of low-density parcels and land conservation.

Scott Carlton, McCall, represented DF Development which owns approximately 70,000 acres in Valley County. If required to submit subdivision plats, DF Development will simply propose urban style subdivisions due to the increase cost of development, roads, utilities, etc. There is a demand for unimproved land without maintained roads or utilities. The proposed amendment will have unintended consequences. The amendment is also likely to prevent DF Development from opening roads to public access; there would be no incentive for DF Development to do so.

Acting Chairman Freeman closed the public hearing.

The Commission deliberated. The Board of County Commissioners wanted to change the 20-acre minimum parcel size because of the splits that have been occurring with no-long range planning or consideration of roads, access, septic, floodplain, etc. The emergency ordinance allows a pause in development and thus time for further review and discussion. A property owner could still split into 20-acres lots using the subdivision platting process. Many older subdivisions have lots that are unable to obtain building permits due to the size of lots or topography or inability to get septic approval. Prior to September 7, 2021, Valley County Code 10-1-3.C.5 Exceptions allowed 20-acre parcels to be created by merely recording deeds. The Commissioners and Staff discussed if a review of a proposed split possible without the full subdivision process. Tonight’s agenda included two small property splits that did require a Planning and Zoning review and subdivision plat. Prior to the emergency ordinance, no review was required to split land into 20-acre parcels. A settlement of estate is currently an allowed exception to the subdivision process. Peer review includes acceptance by an engineer; staff

specified that the PZ Director should not be the sole decider. A “primitive subdivision” or other subdivision types are possible with a change in Valley County Code. Zoning overlays were discussed. Minimum parcel size was discussed.

The Commissioners discussed removing the minimum parcel size exception altogether thus requiring a review process for any kind of split. This would remove VCC 10-1-3.C.5.

VCC 10-3-1 describes the type of plats that Valley County allows: administrative plat, short plat, and full plat. This section could be re-worked, and additional plat types added to allow for plats with different requirements.

The emergency ordinance put a pause on the splits less than 160 acres. The emergency ordinance expires 182 days from September 7, 2021.

The Commissioners further discussed splits, minimum parcel size, and subdivision requirements. This includes access, utilities, frontage, building site, sanitary restrictions, and pasture-only lots. Subdivision fees were discussed; our fees are not excessive. The Commissioners believe there should be a different checklist of requirements for some subdivisions. This would require rewriting Valley County Code. If an ordinance is not adopted by the Board of County Commissioners, the minimum parcel size will revert to 20 acres after the 182-day period expires. The Commissioners discussed tabling deliberations, specifying a specific minimum parcel size, recommending the elimination of the VCC 10-1-3.C.5 exception, and revising the types of plats

Staff will revise the types of plats allowed by Title 10-3-1 for review at a future public hearing and ordinance amendment.

Commissioner Thompson moved to recommend to the Board of County Commissioners approval of an ordinance to eliminate VCC 10-1-3.C.5 and remove the portion in the definition of an original parcel that reads “or each one-half of a section held in one ownership”. Commissioner Benton seconded the motion. Motion carried unanimously

Future work sessions will be planned to discuss subdivision types and requirements.

D. FACTS AND CONCLUSIONS - Action Items:

- VAC 21-06 Vacation of a Portion of San Ignacio Way and Associated Utility, Drainage, and Snow Storage Easements
- C.U.P. 21-18 Hidden Pines Event Venue
- C.U.P. 21-22 Binnion Short-Term Rental
- C.U.P. 21-23 Coughlin Multiple Residence
- C.U.P. 21-24 Needs RV Park

Commissioner Benton moved to approve the Facts and Conclusions as presented and authorize the Acting Chairman to sign. Commissioner Thompson seconded the motion. Motion carried unanimously.

E. ELECT PZ COMMISSION OFFICERS – Action Item

Commissioner Benton moved to elect Ray Cooper as Chairman and Neal Thompson as Vice Chairman. Commissioner Thompson seconded. Motion passed unanimously.

Acting Chairman Freeman adjourned the meeting at 10:10 p.m.