# Valley County Planning and Zoning Commission 



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Brian Benton, Commissioner
Katlin Caldwell, Commissioner
Scott Freeman, Commissioner
MINUTES
Valley County Planning and Zoning Commission
November 10, 2021
Valley County Court House - Cascade, Idaho
WORKSESSION - 5:30 p.m.
PUBLIC HEARING -6:00 p.m.
A. OPEN: Meeting called to order at 5:30 p.m. by Acting Chairman Thompson. A quorum exists.

PZ Director - Cynda Herrick: Present
PZ Commissioner - Brian Benton: Present
PZ Commissioner - Katlin Caldwell Present
PZ Commissioner - Scott Freeman: Excused
PZ Commissioner - Neal Thompson: Present
PZ Assistant Planner - Lori Hunter: Present

## B. 5:30 p.m. - WORKSESSION: Fire Code Standards

Jess Ellis, Donnelly Fire Department, Steve Hull, Cascade Fire Department, the Commissioners, and PZ Director Herrick discussed the draft requirements that the Cascade, Donnelly, and McCall Fire Districts are proposing. These standard requirements are based on Fire Code. A set of standards are proposed so all three districts will have the same requirements.

These standard requirements will include roads, access, gates, water supply, water tanks, flow requirements, occupancy, and short-term rentals. Previously, water supply requirements have differed in each Fire District. Valley County Sheriff has jurisdiction in areas that are outside the Fire Districts. Shared driveways are required to be built to Fire Code. Long driveways, water tanks, fire hydrants, short-term rental homes, and sprinkler-system recommendations were also discussed.

Fire wise landscaping and building materials will be discussed at a future time.

## Short recess.

6:00 p.m.
C. MINUTES: Commissioner Benton moved to approve the minutes of October 14, 2021. Commissioner Caldwell seconded the motion. Motion carried unanimously.
D. OLD BUSINESS:

1. C.U.P. 21-10 Pearson Landing - Final Plat: BP Properties 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 eight single-family residential lots on approximately 11.8 acres. Access will be from a new private road onto Pearson Lane (public). The site is parcel RP18N03E2289006 in Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. [Not a public hearing.].

Acting Chairman Thompson asked for the staff report. Director Herrick presented the report, displayed the site and GIS map on the projector screen, and summarized the following exhibit:

- Exhibit 1 - Updated CCRs and road name change to Mulberry Street. (Nov. 10, 2021)

Dusty Bitton, BP Properties, explained that the draft CCRs were modified, primarily to add information for the water tank required by the Fire Department. A yearly checklist for the Homeowners Association will be created for maintenance of the water tank.

Commissioner Benton moved to approve final plat and authorize the Chairman to sign. Commissioner Caldwell seconded. Motion carried unanimously

6:10 p.m.
E. NEW BUSINESS:

1. VAC 21-07 Vacation of a Portion of Longhorn Way and Durham Lane: Daniel Burrup and James Hovren are requesting a vacation of a portion of a public road right-of-way, specifically part of the large, curved intersection. The road right-of-way is in McLeod and Edwards Wagon Wheel Subdivision No. 3, in the NE $1 / 4$ Section 28, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Thompson asked for the staff report. Director Herrick presented the report and displayed the submitted site plan and the GIS map of area on the projector screen. A $70-\mathrm{ft}$ right-of-way should be maintained.

Acting Chairman Thompson asked for the applicant's presentation.
Daniel Burrup, 12879 Longhorn Way, is building a new home and wants to include this right-ofway area in his lot. A neighbor's shed was also previously built into the right-of-way area.

Acting Chairman Thompson asked for proponents. There were none.
Acting Chairman Thompson asked for undecided.
Dean Schaecher, part owner of the adjacent lots addressed at 207, 209, and 211 Durham Lane, is wondering how the vacation process works and if this vacation would affect these lots.

Jacque Istok, 12877 Longhorn Way, also wants to know how the proposal would affect his lots.
Acting Chairman Thompson asked for opponents. There were none.
Acting Chairman Thompson closed the public hearing. The Commission deliberated.
COA: Do not vacate the right-of-way closer than $35-\mathrm{ft}$ of the centerline of the traveled roadway.
COA: The approval is contingent on all Idaho Power easements being included in the deeds.
Commissioner Caldwell moved to recommend approval of VAC 21-07 to the Board of County Commissioners with the conditions stated. Commissioner Benton seconded the motion. Motion carried unanimously.
2. C.U.P. 21-30 McCall Woodworks Custom Furniture: McCall Woodworks Custom Furniture is requesting a conditional use permit for a shop to mill logs and build furniture. The site is 1.6 acres addressed as 13239 Highway 55, SESW Section 3, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Thompson asked for the Staff Report. Staff presented the report, displayed the site and GIS map on the projector screen, and summarized the following exhibit:

- Exhibit 1 - Donnelly Rural Fire Protection District requirements. (Nov. 1, 2021)

Three parcels are accessed by the easement. The existing signs do not comply with Valley County Code. The applicants are not the property owners. They wish to use the existing facility for their business.

COA \# 13 as listed in the staff report can be eliminated as the building already exists.
Acting Chairman Thompson asked for the applicant's presentation.
Belinda Provancher, 296 Smylie Lane, previously leased a site within the city limits of McCall. They have added fencing to the north end for screening. The property owner has asked that they wait until summer and dry ground before moving the existing stumps, logs, and materials. Ultimately all logs will be behind the fenced area and screened from Highway 55. The portapotty has been moved behind the fenced area. Previously two buildings were under one roof area. People will pick up furniture at the site. Donnelly Fire Department did do a walk-thru of the property; larger fire extinguishers will be added to meet the Fire Department's requirements. The outside sawmill will be located near the northwest corner of the building area. Sawdust will be properly disposed of.

Acting Chairman Thompson asked for proponents. There were none.
Acting Chairman Thompson asked for undecided. There were none.
Acting Chairman Thompson asked for opponents. There were none.
Acting Chairman Thompson closed the public hearing. The Commission deliberated. The applicants have cleaned up the building and surrounding site. This is an ideal location to mill logs.

New COA \#13: Must have logs moved behind screening by August 1, 2022.
Commissioner Benton moved to approve C.U.P. 21-30 with the stated conditions. Commissioner Caldwell seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

6:43 p.m.
3. C.U.P. 21-31 Hamblin Sawmill: Melinda Voicu and James Hamblin are requesting a conditional use permit for a portable sawmill within a 3,000 -sqft pole-barn. The maximum building height will be $25-\mathrm{ft}$. A variance is requested from the required minimum $75-\mathrm{ft}$ frontage on a public road to allow access on an easement to a large property that is approximately 1,450 -ft from Norwood Road. An existing shared-driveway easement would be used to access the site from Norwood Road. The 32-acre site is addressed at 14100 Norwood RD and located in SENW Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Thompson asked for the staff report. Director Herrick presented the report and displayed the site and GIS map on the projector screen. Director Herrick included information about and location of the approved multiple residences and home-based masonry business on the same parcel. The McCall Airport Manager, the City of McCall, and the Idaho Division of Aeronautics were sent notification of this proposal.

Acting Chairman Thompson asked for the applicant's presentation.
Melinda Voicu and James Hamblin, 14002 Norwood Road, responded to the questions in the staff report. There would be themselves plus a maximum of two employees. There would be a maximum of two logging trucks per day with a likely average of one per week. The two-ton truck would be used for a maximum of two trips per day. They will comply with the 20 -ft height limit of exterior lighting. Landscaping will include the addition of aspens and lodgepole pines at $15-\mathrm{ft}$ intervals near the building and gradually increasing up to $35-\mathrm{ft}$ intervals between trees. They plan to plant lavender or tall grasses to fill in gaps between the trees. The thickest tree plantings will be on the south and west sides of the building to screen neighbors and the approved $360^{\circ}$ residential subdivision. They have not received a response from the Lake Irrigation District. The frontage variance is requested due to the long driveway entrance from Norwood Road to their property. They agree to the conditions of approval listed in the staff report. They will use a porta-potty for the sawmill site at this time. This is a commercial operation but there will not be daily truck traffic. Employee parking will be northwest of the building. No fencing is needed. This area is in a herd district; therefore, livestock owners must fence livestock in. The building site was chosen to reduce disturbance of the ditches and wet areas. The entire sawmill will be within the pole barn.

Director Herrick clarified the requested variances:

- A 75-ft frontage setback is required; the applicants only have a 50-foot-wide easement along Norwood Road. The location of the driveway was shown on the GIS map.
- A $150-\mathrm{ft}$ front setback is required; the applicant requests $75-\mathrm{ft}$.
- Heavy-industrial use requires a $1000-\mathrm{ft}$ setback from any residential development. One subdivision has been approved by the Planning and Zoning Commission but has not yet received final plat approval.

The Commissioners should determine if the applicants' proposal will adequately screen the use from neighbors and mitigate concerns. The neighbors were notified of the public hearing; no comments were received.

Director Herrick clarified that landscaping must meet the minimum standards required in Valley County Code.

Acting Chairman Thompson asked for proponents. There were none.

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

Acting Chairman Thompson closed the public hearing. The Commission deliberated. It is compatible with surrounding land uses. This is a rural area. The sawmill is electric. The $360^{\circ}$ development will have a private road with a separate access than the sawmill site. The applicants must comply with requirements of McCall Fire Department (COA \#8)

COA: Must control dust on driveway.
COA: Cannot exceed the maximum of two logging trucks per day and average of once per week.

COA: Cannot exceed four employees, including the two applicants.
The Commissioners determined that the proposed landscaping and pole barn will adequately mitigate the reduced distance from the proposed residences. The site must be kept neat and orderly (COA \#10)

The requested variance from frontage requirements and the Road Department Director's response were discussed.

COA: Approach must meet the standards for heavy equipment use.
This site is in a bowl; therefore, screening and topography will mitigate noise. The variance from the $150-\mathrm{ft}$ front setback requirement is requested so the existing ditches will not be affected. The electric motor will be quieter than a typical sawmill. The hours of operation were discussed.

Commissioner Caldwell moved to approve C.U.P. 21-31 with the stated conditions and recommend approval of the variances to the Board of County Commissioners. Commissioner Benton seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

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

## 7:18 p.m.

4. C.U.P. 21-32 Lake Fork Village Condos \& Offices: EVLD LLC is requesting a conditional use permit for a 12,000 -sqft mixed-use building on 1.6 acres. The building will have business facilities on the main floor, four two-bedroom condos on the second floor, and storage areas in the basement. An individual well and septic systems will be used. Access will be from Pleasant Acres Drive. The site is Pleasant Acres Subdivision Tax No. 165 in Lot 8 in Section 3, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

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

Acting Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. The maximum density is 2.5 dwelling units per acre unless long-term rentals. The 100-ft setback was discussed; the applicant is proposing the drainfield be included in the 100-ft setback from Highway 55.

Acting Chairman Thompson asked for the applicant's presentation.
Cody Draper, Meridian, said the previous owner [C.U.P. 21-16 South Fork Excavation] wanted to sell the property. Mr. Draper believes his proposal is a good fit for the area and is similar to a previous proposal at the same site [C.U.P. 05-44 Payette Plaza]. He has been working with Central District Health. There will be no access from Highway 55; the two entrances access Pleasant Acres Drive. McCall Fire Department has reviewed the application.

Mr. Draper further explained the site plan. Title companies have researched the property and no easements exist across the property onto Highway 55. The offices will be on the main floor and apartments upstairs. There will be no short-term rentals of the apartments. There will be covered parking for apartment renters and an outside staircase to access apartments. Storage area will be accessed from stairs inside the main floor. There is plenty of room in the setback areas for snow storage, septic system, and the heating/cooling loop system.

Proposed business hours of operation are 7:00 a.m. to 7:00 p.m., Monday - Saturday. Mr. Draper clarified the proposed parking. The covered parking area will allow two cars for each of the four apartment. There are four offices and plenty of room for business parking. Snow storage will not occur in the parking area. The water tank required by the McCall Fire District will be north of the building, near well, with easy access for fire trucks. Sprinklers will be included in the building in case of fire. The facilities will be managed by Mr. Draper. He is requesting a completing date in 2023 in case of delays due to electrical installation. However, he anticipates submitting building plans and beginning construction in 2022.

Director Herrick clarified that the building setback from the side property line must be a minimum of $50-\mathrm{ft}$.

Acting Chairman Thompson asked for proponents. There were none.
Acting Chairman Thompson asked for undecided. There were none.
Acting Chairman Thompson asked for opponents.
Krista Rauch, 8 Pleasant Acres Drive, is the adjacent neighbor to the east. She also recently commented on the application for C.U.P. 21-16. She acknowledged that there is not a legal easement across the northern part of the property; however, it is the way they get to their garage and RV storage. The existing graveled way is also used by Idaho Power to access the overhead powerline. She has completed her fence for screening. Four businesses and four residences are too many at this site. The apartments will overlook her home.

Acting Chairman Thompson asked for rebuttal from the applicant.
Mr. Draper said he believed the existing road issue was solved by the previous owner. Electrical lines are also along Pleasant Acres Drive. He does not think there are utility easements across the property; however, Idaho Power can move electric lines if needed. He is willing to work with the neighbor; however, there are other ways to get to the back of the neighbor's property. He is willing to add landscaping to help screen the building.

Acting Chairman Thompson closed the public hearing. The Commission deliberated. They discussed the site plan; it is not drawn to scale. There would be a shared deck on the east side of building. Trees can be planted to help screen the property and reduce noise. The side setback is required to be 50 - ft. There is room on the property for the proposed building and parking. Access to the rear portion of 8 Pleasant Acres Drive was discussed; the owner has options.

COA: The apartment must be for long-term rentals only.
Commissioner Benton moved to approve C.U.P. 21-32 with the stated conditions. Commissioner Caldwell seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

8:03 p.m.
5. C.U.P. 21-33 Lawrence Farm: Amy and Stanley Lawrence are requesting a conditional use permit for horse boarding, riding arena, and parking for year-round use by the public. The barn and indoor arena are preexisting; a porta-potty would be added. The 24.8-acre site is addressed at 277 Potter Lane, parcels RP17N03E010160 and RP17N03E010020, in the NE $1 / 4$ Section 1, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

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

Acting Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- Exhibit 1 - Jan Busby and family, adjacent neighbor, is opposed. (Nov. 7, 2021)
- Exhibit 2 - Ronald, Cheryl, and Rhonda Yost, 250 Potter Lane, are concerned with traffic, road damage, dust, and noise. (Nov. 9, 2021)

The applicant has removed the parking area for public access to the state and federally managed land from their proposal. Additional information was submitted by the applicant and included in the staff report.

Acting Chairman Thompson asked for the applicant's presentation.
Amy and Stanley Lawrence, 277 Potter Lane, are the applicants. Teresa Bateman, 152 W Lake Fork Road, is a partner in the venture and has many years of horse ownership, training, and teaching lessons. The applicants own 24 acres in a rural area, surrounded by agricultural lands and Jug Mountain Golf Course. They live on-site. The property includes a 9000 -sqft indoor riding arena and attached barn with stalls. The arena will not be open to the general public but will be used by people who are boarding horses on the property. The arena will be available between noon and 6:00 p.m. The clinics will be limited to six attendees per clinic. Clinics would occur only Friday, Saturday and/or Sunday between the hours of 9:00 a.m. and 6:00 p.m. The high school rodeo team will use the site and be limited to six riders at a time in the arena.

No new construction is required as all facilities are existing. The use is not meant to be a main source of income. People are looking for a safe dry place to keep and ride horses during the winter. Part-time employees to help with upkeep of facilities.

The applicants revised their original plan after meeting with group of neighbors. Allowing parking to access across a neighbor's property was removed. They will not be hosting large riding events and will have a maximum of six riders at a time. No parking will occur on Potter Lane. There will be no overnight parking. They will modify the driveway to improve the trailer turn-around. Horses will already be on site. They do not expect a significant increase in daily traffic.

The applicants want further clarifications of conditions of approval $9 \& 10$ as listed in the staff
report. In contrast to Road Department Director McFadden, the applicants do not believe there will be a significant increase in daily traffic. Two to ten vehicles per day is expected at full capacity. Some horse stalls will be for the applicant's use and some owners will likely board more than one horse on the property. The Rodeo Team would use the site from October to May. Condition \#9 is vague and would lead to disputes and misunderstandings; any dustabatement requirements should be specific. In response to Condition \#10, presumably anyone plowing the road will need a permit. They do not believe they will need additional daily plowing. Any required dust abatement should also consider the daily use by others who are using the road to access the State Land.

The applicants responded to the questions listed in the staff report. There will be no public viewing events nor rodeos. There will be a maximum of six riders in the arena. No amplified noise in outside arena. Landscaping will be done; they already added over 120 trees and shrubs in past month to the property. Two small corrals will be removed to increase parking and vehicle turn-around area. Snow will be pushed into pasture from the driveway and parking area.

The applicants believe their proposal meets the requirements of Valley County Code 9-5-1B and $9-5 \mathrm{H}-7 \mathrm{~B}$. The road impacts are over-stated. The impacts to neighbors will be minimal and there will be no amplified sound in the outdoor arena. The applicant referred to Valley County Code $9-5-2 \mathrm{~A}$ which promotes the values of rural atmosphere and recreation.

Teresa Bateman added that there is an upcoming timber sale which will result in logging trucks using Potter Lane.

Acting Chairman Thompson asked for proponents. There were none. Acting Chairman Thompson asked for undecided.

David Carey, Lang Court, is an adjacent neighbor. His primary concerns initially were the proposed state land access and lack of clarity on initial application. This has been revised. The timber sale is a temporary use on Potter Lane; this proposal would not be temporary. He would like more clarity on limits of people and the property use in the future. Additional tree planting will be beneficial mitigation. This proposal will impact traffic. Potter Lane is a dead-end dirt road, not a gravel road. Signage is important. The rodeo team will likely be transporting horses to the site. The buildings are existing, but the applicant is requesting a change in use. The approved conditions will stay with the land even if the current owners sell the property. The revised submittal from the applicant was more detailed. He does agree with Mr. McFadden's comments regarding the road use. He would request clarification of the hours of operation allowed.

Bill and Christina Nikkel, 292 Potter Lane, own the property at the end of Potter Lane testified telephonically. The access issue has been cleared up with the applicant and the neighbors. The dust issue continues to be a concern. Access across their property is generally opened to neighbors but not to the public. The gate is locked.

Acting Chairman Thompson asked for opponents. There were none.
Acting Chairman Thompson asked if the applicants would like to add rebuttal comments.
Ms. Lawrence responded to the dust abatement concerns. Their house is very close to the road; all but one other home in the area is much further back from Potter Road. She would like more clarification on how dust abatement requirements would be determined. Motorized vehicles are currently accessing across the private property; these vehicles allowed by the property owner add to the dust issue.

Acting Chairman Thompson closed the public hearing. The Commissioners deliberated. Potter Lane is not in good shape for use by a commercial operation. Valley County does maintain and plow Potter Lane for public use. The condition of approval regarding road dust abatement was discussed. Snow plowing was discussed. COA \#10 requires a permit for snow plowing. There is a dead-end sign posted along this section of Potter Lane. There needs to be a sign at the driveway entrance to the arena/parking area so people do not drive past the site.

COA: Recommend the applicant approach the neighbors for road maintenance.
COA \#9: Shall cooperate with the Valley County Road Department in a proportional share of dust abatement each summer, as needed, once operations commence. Will need to contact the Valley County Road Department.

COA \#14: Hours of operation are limited to 9:00 a.m. to 6:00 p.m.
Commissioner Benton moved to approve C.U.P. 21-33 with the stated conditions.
Commissioner Caldwell seconded the motion. Motion carried unanimously.
There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

9:00 p.m.
D. FACTS AND CONCLUSIONS - Action Items:

- V-4-21 Delaney Setback Variance
- C.U.P. 21-25 Finn Barn Subdivision
- C.U.P. 21-26 Kinney Mountain Subdivision
- C.U.P. 21-27 Timber Creek Reserve Subdivision
- C.U.P. 21-28 Laurel Cell Tower
- C.U.P. 21-29 Purdom Multiple Residence and Short-Term Rental

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

Acting Chairman Thompson adjourned the meeting at 9:05 p.m.

