

Valley County Planning and Zoning Commission

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Neal Thompson, Chairman
Ken Roberts, Vice-Chair

Sasha Childs, Commissioner
Katlin Caldwell, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission

February 10, 2022

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. by Chairman Thompson. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Excused
PZ Commissioner – Sasha Childs:	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Neal Thompson:	Present
PZ Assistant Planner – Lori Hunter:	Present

B. MINUTES: Commissioner Freeman moved to approve the minutes of January 13, 2022, and January 19, 2022. Commissioner Childs seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 21-45 RedRidge Preserve – Preliminary Plat:** The McCall Associates LLC is requesting a conditional use permit for a 135-lot single-family subdivision in ten phases. Proposed lot sizes range from 3 acres to 17 acres. Individual wells and individual septic systems are proposed. Access would be provided from two locations on West Mountain Road onto private roads. A variance to the private road width is requested. The site includes approximately 1,614 acres in Sections 2, 3, 10, and 11, T.17N, R.2E and Sections 26, 34, 35, and 36, T.18N, R.2E, Boise Meridian, Valley County, Idaho. *Continued from January 13, 2022.* Action Item.

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

Chairman Thompson asked for the staff report. Director Herrick presented the report; displayed the submitted site plan and the GIS map of area on the projector screen; and summarized the following exhibits:

- **Exhibit 1** – Response from Idaho Department of Environmental Quality (DEQ) concerning West Mountain Sewer and Water Reuse Permit M-117-03. (Feb. 3, 2022)
- **Exhibit 2** – Valley Soil and Water Conservation District has concerns regarding soil types and individual septic systems. The District highly recommends that alternatives other than individual systems be considered and installed such as a central system. The Cascade Reservoir Watershed TMDL Five-Year Review is attached. (Feb. 3, 2022)
- **Exhibit 3** – Michael Hipsher, 875 Blackhawk Lake DR, is opposed to a variance from the Valley County Private Road Standards for this proposed subdivision on a mountain hillside

with hillside grades and blind corners. The standard road width should be required for emergency services responses and large vehicles and trailers. (Feb. 3, 2022)

- **Exhibit 4** – James and Susan Durst, 370 Blackhawk Lake DR, are opposed. Their concerns include the applicant, financial costs, water table and drain fields, and increased traffic on West Mountain Road. (Feb. 6, 2022)
- **Exhibit 5** – Sima Muroff replied to concerns of the Valley Soil and Water Conservation District. (Feb. 7, 2022)
- **Exhibit 6** – John Lillehaug submitted the final Wildland Urban Interface Fire Protection Plan for RedRidge Preserve. (Feb. 10, 2022)
- **Exhibit 7** – Email from Brian Dickens regarding West Mountain Water & Sewer. He clarified that this application will only include individual septic systems and wells, not connection to West Mountain Water & Sewer. (Feb. 10, 2022)
- **Exhibit 8** - Large map of proposed subdivision showing lots, topography, building sites, approved septic sites, and denied septic sites.

[Exhibits 1 and 2 were given to the Commissioners and Applicant with the staff report prior to tonight's public hearing.]

Chairman Thompson asked for the applicant's presentation.

Brian Dickens, Meridian, Idaho, is representing McCall Associates and Blackhawk on the River LLC. He replied to the Commissioner's questions sent to the applicant after the public hearing on January 13, 2022.

- The adjacent Blackhawk Lake 5 was approved on by Planning and Zoning in March 2020; density is one lot per 4.875 acres.
- An agreement with Blackhawk Lake 5 exists for cost of road maintenance of the shared roadway from West Mountain Road through Blackhawk Lake 5 to RedRidge Preserve.
- Proposed density for RedRidge Preserve is one lot per 11.95 acres.
- Approximately 60% of the construction for the previously approved Phase 1 has been completed. The gravel pit provided base material for the road. The roadway was cut and base rock was placed during prior approval for the first 50-75 lot neighborhood.
- The wildland fire plan has been updated and submitted **Exhibit 6**.
- Updated site plan was submitted **Exhibit 8**.
- Data from test holes and wells has been completed by Secesh Engineering, submitted to Central District Health (CDH), and application has been paid for.
- Valley County Code permits a minimal size lot of 1-acres with individual well and septic systems; this application is designed to follow Valley County Code requirements.
- The current proposed minimal lot size is three acres.
- The phasing plan requested has been reduced to 10 years.
- Bonding / financial assurances will be done as per Valley County Code and as recommended by the applicant's engineer.
- The proposed site is within a Herd District. This will involve repairing the existing perimeter fence and adding landscaping and fencing requirements in CCRs.

- Idaho Department of Water Resources has said this site is not within area of water or nitrate concern. A preliminary review was performed by SPF Engineering and submitted with the conditional use permit application. Based on this report, there does not appear to be a decline in water availability.
- The neighboring Blackhawk Lake 5 had a higher approved density compared to this proposal.
- Water quality was discussed. No homes will be located within the riparian zones.
- Wetland delineation has been completed and is shown on the preliminary plat map. This has been reviewed by Corps of Engineers.
- They have spoken with Idaho Fish and Game Department regarding animal habitat concerns. Language will be included in the CCRs for these concerns.
- Drainage in excess of pre-development rates will be retained on-site and discharged at pre-development rates to protect downstream properties. Stormwater will be treated through improved Best Management Practices (BMPs).
- The applicant's January 10th letter includes information on the Environmental Impact Study (EIS) report.
- The Valley County Engineers have responded to the correct drawing set of preliminary site grading and drainage plans. Valley County private road standards will be met.

Mr. Dickens replied to additional questions from the Commissioners. A centralized water and sewer system is not part of this application. He apologizes for confusion. Clearly any attempt to utilize the central water and sewer is going to meet with opposition from the current users of West Mountain Sewer and Water. When cost is shared by a smaller number of people, the cost per person is higher.

This application is for septic systems only. The May 2022 auction of the property has been postponed to June 2022. Mr. Dicken's job is to manage the properties, not liquidate them, in best interests of the investors.

The groundwater studies and soil profiles studies that are required by Valley County Code were done. **Exhibit 8** was referenced. This map shows the approved septic sites and those which have not been approved yet. Wetlands are delineated. The test holes sites are shown; red dots mark test sites not appropriate for septic and green dots are appropriate sites.

The master plan that was submitted with the original application was not realistic **January 13, 2022, exhibit 181**.

Chairman Thompson asked for proponents.

Sima Muroff, Meridian, stated that the subdivision design is consistent with neighboring properties and has a lower impact. Adding central sewer to the area would increase the allowed density and number of homes allowed per Valley County Code. His understanding is that capital does exist for all the RedRidge phases. The request is for a density of one home site per 12 acres. Two seasons of perc testing were done; 95% of testing holes received approval. Building envelopes have been designed. Mike Reno, CDH, has reviewed this data.

Chairman Thompson asked for uncommitted. There were none.

Chairman Thompson asked for opponents.

Chris Oberti, Blackhawk on the River, is glad that the applicant verified the request is only for septic and well and not using West Mountain Sewer and Water. There was misinformation regarding sewer and water. However, Mr. Dickens is still saying he would like to use the hydrant system located on Blackhawk on the River for RedRidge. Where will this water come from? Who will monitor the maintenance of the septic systems? She has concerns regarding financial capabilities and questions the validity of statements of Mr. Dickens.

Curt Meske, resident of Blackhawk on the River, is concerned with the safety of Valley County residents. This homeowner association is disastrous because of the applicant. The applicant has made misleading statements. Not all the eleven lots added in the Blackhawk PUD amendment have hookups to water and sewer in violation of the approved conditional use permit. Previous easements and pathways have disappeared in Blackhawk on the River; thus, he does not trust the applicant's willingness to follow the rules.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Dickens will follow Valley County ordinances. He does honor his commitments and promises. He has made every attempt to help the homeowners even when they conflicted with the rights of the investors, including turning over the Blackhawk on the River Lodge to the homeowners. West Mountain Sewer and Water owns two wells with a higher capacity than what is currently being used. Using some of this excess water uphill would reduce the fire danger to the area. However, instead of hooking RedRidge Preserve to the fire hydrant system, a 30,000-gallon tank and well will be added to meet firefighting requirements. The locations of the fire hydrants have not yet been determined; the applicant will work with both Donnelly and McCall Fire Districts. Requirements were addressed by the McCall Fire District **January 13, 2022, Exhibit 4**.

There are three grouped assets to be auctioned: the West Mountain Sewer and Water company, the remaining unsold lots at Blackhawk on the River; and the RedRidge Preserve property. The auction has been postponed to June 2022. The auction date is set by the listing agent, not by Mr. Dickens. Currently the goal for the RedRidge development is beginning the infrastructure for the first 50 lots. Approximately 60% of construction occurred under the previously approved permits.

Chairman Thompson closed the public hearing. The Commission deliberated.

Commissioners Roberts stated that the proposed use of the land is compatible for that area of the county; however, there are other charges in the Comprehensive Plan to consider. These include the effects of developments and impacts to roads, services, fire, water, etc. Commissioner Roberts appreciates the DEQ letter; however, it references 2006 information, not the current application. He is concerned about the continuation of approval of septic systems in Valley County. There is no monitoring of septic system maintenance. Water quality is a huge concern; there is a renewed effort to deal with the health and safety issues due to algae blooms. He is concerned about the cumulative future effect on septic systems, wells, and development. The developer should be required to sit down with DEQ, CDH, and Valley County Soil and Water Conservation District.

Chairman Thompson's primary concern is future water quality.

Commissioner Childs shares the same concerns previously mention; however, she is concerned that the Commissioners are "getting out of our lane". The application meets the requirements of the Valley County Code. Determining if the ordinances are strict enough is a future question for Idaho DEQ, CHD, ID Water Resources, etc. But today, this application meets the requirements, and the applicant has private properties rights to develop their property.

Commissioner Freeman said that DEQ, CDH, etc., have reviewed the application and submitted responses. Pumping septic systems is part of homeowner's responsibility. Commissioner Childs stated that the HOA will be requiring responsible septic system maintenance.

Proposed COA # 13 addresses the language to be in the CCRs, including long-term maintenance of septic systems.

Mr. Roberts referred to Valley County Code 10-3-2-D5. This proposed site is close to but not adjacent to an existing central sewer district. He does not think that a discussion between the developer and DEQ, CDH, etc. has occurred. He is concerned that DEQ is responding to information they received in 2006, not the current application.

Staff clarified that West Mountain Sewer and Water is a private business, not a sewer district.

Director Herrick referred to proposed COA #4.

Commissioner Freeman moved to approve C.U.P. 21-45 RedRidge Preserve with the conditions as stated in the staff report and:

Amend COA #3 – The use must be established according to the phasing plan, or the conditional use permit will be null and void. All final plats shall be recorded by December 31, 2032.

COA – The recommendations within the Wildland Urban Interface Fire Protection Plan shall be inserted into the CCRs.

COA – Should submit current letters from Central District Health and Idaho Department of Environmental Quality approving the recently submitted application, addressing the concerns of the Valley County Soil and Water Conservation District.

COA – Roads shall be built to Valley County private road standards.

Roads will be built to Valley County standards; the applicant is no longer requesting a variance. The development will have 70-ft rights-of-ways and roads built to private road standards.

Commissioner Childs seconded the motion.

There was further discussion. Mr. Roberts wants to review land use development ordinances. He is concerned with the impacts of future development on future generations. Chairman Thompson agrees that requiring center sewer for large developments should be discussed. Commissioner Roberts stated that many people responded with thoughtful comments and valid concerns, but the Commissioners also have responsibility to follow Valley County Code. Commissioner Roberts stated that we are obligated to follow the laws of the State of Idaho and what our county ordinances allow for; we have to stay within the scope of the law as written in the ordinances.

Motion carried unanimously.

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

Short recess. Resumed at 7:45 p.m.

D. NEW BUSINESS:

1. **C.U.P. 21-46 Bharn Event Center:** Blythe Colleran and Olson Western Enterprises LLC are requesting approval to establish an event center and commercial operation of stables. The barn would be outfitted with a commercial kitchen, changing rooms, restrooms, and a caretaker's quarters. A septic system and individual well would be used. The 9.6-acre site, addressed at 2570 West Mountain Road, is in the SWSW Section 7, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Chairman Thompson asked for the staff report. Director Herrick presented the report; displayed the GIS map of the area on the projector screen; and summarized the following exhibits:

- **Exhibit 1** – Chad and Andee Porter, owners of 2475 West Mountain Road, are opposed. (Feb. 3, 2022)
- **Exhibit 2** – Jeff Martin, Westwood Subdivision property owner, is opposed. (Feb. 3, 2022)
- **Exhibit 3** – Valley Soil and Water Conservation District has concerns regarding soil types and individual septic systems. The District highly recommends that another type of septic tank system be considered to minimize the risk of nutrients reaching the waterbody draining to the Lake Cascade wetland area, less than 1000-ft distance. An Animal Waste Storm Water Pollution Prevention Plans is recommended. The Cascade Reservoir Watershed TMDL Five-Year Review is attached. (Feb. 3, 2022)
- **Exhibit 4** – Kendal Ringer, owner of property directly to the south of the proposed site, is concerned on impacts on the community and environment. Concerns are listed in the letter (Feb. 3, 2022)
- **Exhibit 5** – Ryan Colleran, applicant, replied to questions listed in the Staff Report. (Feb. 10, 2022)
- **Exhibit 6** – Mickee Ellis is opposed and lists concerns. (Feb. 10, 2022)
- **Exhibit 7** – Joe and Julie Wilhelm are opposed. (Feb. 10, 2022)
- **Exhibit 8** – Jon Stamp, neighboring property owner, submitted an aerial map of site and his property and listed questions and concerns. (Feb. 10, 2022)

[Exhibits 1, 2, and 3 were given to the Commissioners and Applicant with the staff report prior to tonight's public hearing.]

Chairman Thompson asked for the applicant's presentation.

Ryan and Blythe Colleran, McCall, would like to hold both business and community events at the Bharn Event Center. Mr. Colleran referenced **Exhibit 5** in reply to the questions listed in the staff report. They are proposing one event per weekend; the site would be open daily. Shuttle busses will be available. The wetland zone will be a "no build area". There would be a propane fire pit in a patio area; as a past wildland firefighter, he is very aware of fire concerns. Manure would be cleaned daily from stalls. The stables would be for boarding at this time, not horse rentals. A graveled parking area would mitigate fire danger. They are interested in using incinerator toilets instead of a septic drainfield. They want to move an 1840's barn and reconstruct it with modifications. Construction of the site would occur during summer 2022.

Blythe Colleran added that in addition to events such as weddings they would like to use the property for community events such as summer camps for kids. She expects one or two events

during weekdays including community centric events, cooking classes, and camps; there is a need for this in the community. This would be in addition to one wedding event per weekend.

They have discussed a West Mountain Road agreement for dust abatement with the Valley County Road Department. The Road Department will take on the cost to grade and maintain the road as the road must be regraded prior to the addition of dust abatement.

Incinerating system would not have leakage into the lake. Horse stalls would be cleaned daily, and waste picked up by a company.

There is an 18-acre parcel between this site and the North Lake Sewer and Water District infrastructure. The application is for the maximum number of people and events; many events would be smaller. They are willing to pay towards winter maintenance and plowing of West Mountain Road that is currently occurring.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for uncommitted.

Jayne Villi, 2549 Westwood Drive, has concerns including dust, noise, and traffic impacts. Westwood Subdivision is not quiet on the weekends, particularly due to existing recreational traffic. There is no enforcement of speed limits. Not all the traffic has to be directed through Westwood Subdivision but could come from the north.

Jon Stamp has been the owner of Dennett Parcel D parcel located directly across the road from the proposed site since 1999. He comes to Valley County multiple times a year to recreate. His concerns include noise, traffic, and future request for rental cabins at the site. He submitted **Exhibit 8**.

Ron Platt, 2504 Westwood Drive, submitted two photos taken January 15, 2022, which show the road as a single-lane road due to snow and recreational parking (**Exhibit 9**). The road north of Westwood Subdivision is a narrow easement. People in Westwood Subdivision should have been notified of the public hearing. He asked about water rights for the property. Traffic is a primary concern. Valley County needs event venues; however, he is not sure this is the right location.

Chairman Thompson asked for opponents.

Justin Borg, 2520 West Mountain RD, owns a parcel at 2519 Westwood Drive. He is opposed to noise occurring every weekend with live bands. The applicants have great intentions, but this proposal is not a compatible use to the area. There is no way to mitigate the amplified noise. Everyone in the Westwoods Subdivisions would be listening to music every weekend. Traffic is also a concern; the road is narrow during the winter.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Colleran responded to concerns. They are living and working locally in Valley County; he is not new to the area. The legal requirements for noticing were met. Regarding the noise concerns, Blythe Colleran prefers the music occur inside the building. They do want to add some tree barriers. There will be a notarized road maintenance agreement with the Valley County Road Department. The proposed barn would be on the south part of the parcel. The proposed parking area only for 100 cars as shuttling is preferred. This business could be the catalyst to improve West Mountain Road.

Chairman Thompson closed the public hearing. The Commission deliberated. Restricting the amplified noise to inside structures would mitigate the noise concerns. Commissioners Childs is concerned that this use may not be compatible with the neighborhood as she calculated a negative number using the compatibility rating. Chairman Thompson said additional maintenance of the road would be a positive result. Chairman Thompson was concerned about the effects on water quality, but the applicants have addressed these concerns. Idaho Department of Environmental Quality would determine if a public water system is needed. The Donnelly Fire Department's response letter listed requirements. Possible additional conditions of approval were discussed including soundproofing the barn, limiting amplified noise, and requiring an animal waste management plan. Mr. Roberts did complement the applicants for putting together an application; however, he also calculated a negative compatibility rating.

The Commissioners and Director Herrick reviewed the compatibility form and matrix. Adjacent land use is within 300 feet from the proposed site and local vicinity is within 1 to 3 miles. Service business versus recreational business categories were discussed. compatibility rating compared both categories. This proposal is a recreational business. Adjacent use is agricultural; vicinity use is residential. Noise is an issue, especially across bodies of water. Commissioner Childs looked at the application and compatibility through the lens of a weekly wedding venue with 300 people, not the horse use. Compatibility was further discussed. Road maintenance would be a positive result. The timing of noise was discussed. Would the increase in property taxes pay for the increased cost of services due to the proposed use?

The Commissioners determined the below rating:

Question #	Value
1	-6
2	-3
3	0
4	0
5	-2
6	0
7	-2
8	+2
9	0
Total	-11

Commissioner Roberts stated that the proposal is not compatible with surrounding land uses. This is the wrong place for this venue.

Commissioner Roberts moved to deny C.U.P. 21-46 Barn Event Center. Commissioner Childs seconded the motion. No further discussion. Motion carried unanimously.

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

E. OTHER

- **Vault Privy Request - RP12N04E102050 – 22 Chalet Drive – Action Item**

Director Herrick received a Central District parcel approval request application for a vault privy. The GIS map of the area was displayed on the projector screen. Parcel RP12N04E102050 is a legal, buildable parcel. Valley County Code 6-1-8E states that the Planning and Zoning Commission must approve a privy permit before the Building Department Official can approve a building permit.

Nathan and Andrea Meikle, Boise, purchased this property approximately one and half years ago. They would like to build a dry cabin at the top of the hill. They are currently researching the feasibility of obtaining electrical power to the site. It would be difficult to get a well truck to the site. They plan to put in a propane stove and bring water to the site as needed. Gray water would be removed from site, not put into the ground, with a catch system underneath the sink. A drainage field would require water at the site which is not feasible. The vault toilet pumped regularly; a pump vehicle can reach the building site. An old logging road would be used to reach the building site

COA – The site cannot accommodate more than one (1) recreational vehicle.

Commissioner Childs moved to approve the privy request for RP12N04E102050. Commissioner Roberts seconded the motion. No further discussion. Motion carried unanimously.

F. FACTS AND CONCLUSIONS - Action Items:

- Amendment to Title 10 Valley County Code Subdivision Regulations
- C.U.P. 21-42 Dame Multiple Residence
- C.U.P. 21-43 Huckleberry Ridge Subdivision
- C.U.P. 21-44 Hidden Valley Subdivision

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

G. WORK SESSION – Subdivision Regulations and Future Land Use

Information was given to PZ Commissioners for future review. Future work sessions will be held the third Tuesday of every month at 5:30 p.m., except during March when the work session will be held on March 22, 2022.

Valley County Code can be rewritten to specify additional types of plats and requirements. Off-grid plats and plats without sanitary restrictions released were discussed. Creating zoning overlays was discussed. Compatibility and the currently multiple-use zoning was discussed. Commissioners were given maps they had previously requested which show private parcels of 40+, 80+, 160+ acres in Valley County.

Chairman Thompson adjourned the meeting at 10:00 p.m.