

Valley County Planning and Zoning Commission

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Neal Thompson, Chairman
Ken Roberts, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission

July 19, 2022

Valley County Court House - Cascade, Idaho

PUBLIC HEARING – 5:30 p.m.

A. OPEN: Meeting called to order at 5:30 p.m. by Chairman Thompson. A quorum exists.

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

B. OLD BUSINESS:

1. C.U.P. 21-37 Tamarack Resort P.U.D. – Phase 3.2 Ponderosa Ridge– Final Plat: Martin Pico and Tamarack Two LLC are requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. The plat would include 15 “Chalet Lots” and open space, utility, and recreational easement areas. Lots would be accessed from private roads onto Village Drive. The 8.8-acre site is in the North ½ Section 5, T.15N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. [Not a public hearing.]

Chairman Thompson introduced the item. Administrator Herrick presented the staff report.

Commissioner Roberts asked staff for clarification on COA 12 regarding the Wildfire Prevention and Protection Plan, Southern Idaho Timber Protection Association, and Donnelly Fire Department. Director Herrick stated that this has not been required on previous plats within Tamarack Resort. The plan is within their application. The ordinance requirement for a wildland urban interface fire protection plan occurred after Tamarack Resort PUD was approved.

Scott Turlington, representing the Tamarack Resort, stated there is an overall wildfire prevention plan for the entire Tamarack Resort development. In 2021, they worked with Valley County, U.S. Forest Service, and Idaho Department of Lands to accomplish fire mitigation. This will continue. Tamarack Resort does accomplish neighborhood wildfire prevention with design guidelines and landscaping plans.

The Commissioners directed staff to confirm that the Wildfire Prevention Plan has been amended. Commissioner Roberts believes the final plat could be approved by the Commission

while still allowing the applicant to work with staff to determine the status of the Wildfire Prevention Plan

Scott Turlington said they are in support of all other staff recommendations and conditions of approval listed in the staff report.

Commissioners asked for clarification on COA # 11. The Board of County Commissioners final plat approval motion would state that building permits will not be issued prior to testing of the fire hydrants.

Commissioner Roberts moved to approve the final plat for C.U.P. 21-37 with the stated conditions plus a note on Condition of Approval # 12 that the applicant will work with staff to be in compliance and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously

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

5:45 p.m.

2. C.U.P. 22-09 Tamarack Resort P.U.D. – Phase 3.3 Osprey Meadows Estates – Final

Plat: Martin Pico and Tamarack Two LLC are 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 17 single-family residential lots. Lots would be accessed from West Mountain Road (public), Discovery Drive (private), and a new private road. The approximate 13-acre site is in West ½ Section 5, T.15N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. [Not a public hearing.]

Chairman Thompson introduced the item. Administrator Herrick presented the staff report and discussed compliance with conditions of approval and recommended changes to the plat. Public road right-of-way will be dedicated along West Mountain Road.

Scott Turlington, representing the Tamarack Resort, received a message from Chris Kirk with updated information on the Tamarack Resort Wildfire Mitigation Plan. Tamarack Resort is actively working with Southern Idaho Timber Protection Association and Donnelly Fire to update the plan. Dust mitigation on West Mountain Road occurred earlier this summer on approximately half-mile of gravel road from the roundabout entrance south to the entrance for the new employee housing site. Per an agreement with Valley County Board of Commissioners, this was done in lieu of paving the road during 2022. Regarding COA # 12, the Board of County Commissioners final plat approval motion would state that building permits will not be issued prior to testing of the fire hydrants.

Staff clarified that before the plat is recorded, the applicant must financially guarantee utilities at 120% or have a prepaid contract with a contractor (e.g., Idaho Power). This is required per Valley County Code Title 10.

Commissioner Roberts moved to approve the final plat for C.U.P. 22-09 with the stated conditions plus a note on Condition of Approval # 13 that the applicant will work with staff to be in compliance and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously

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

6:53 p.m.

- 3. C.U.P. 22-24 Alvarez RV Rental Site:** Alfredo and Alicia Alvarez are requesting a conditional use permit for the short-term rental of a recreational vehicle. Sewage waste would be disposed at the Northlake Recreational Sewer District dump site. Portable water would be obtained from the Northlake site. Their home is also on the property. The 6.4-acre parcel is addressed at 13309 Highway 55. The site is Post Ranches Subdivision Lot 1, located in the NW ¼ Section 3, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Tabled from July 14, 2022. 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 staff report and displayed the site and GIS map on the projector screen.

The RV site would be rented for short-term periods, less than 30 days per renter. The property owner also owns the RV and will be renting out the RV. Additional RVs would not be brought to the site. The compatibility rating and the dominant adjacent use was discussed. Commissioner Roberts believe the dominant adjacent use is agricultural. This will be discussed further during deliberations.

Chairman Thompson asked for the applicant's presentation.

Alicia Alvarez, 13309 Highway 55, stated that the application stated trees will be planted within five years. However, these trees have now been planted and will screen the site from the neighbor to the south. The RV is not hooked to sewer or septic. The RV will be moved to the Northlake Recreational Sewer and Water site to dump sewage. She is agreeable to not allowing the RV rental use to be transferred to a new property owner.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents. There were none.

Chairman Thompson closed the public hearing.

The Commission deliberated. Commissioner Roberts suggested that the compatibility rating be adjusted to make agriculture the adjacent dominant use. This would change Question 1 to -8 and Question 2 to a +4. The final rating would still be a +18.

Commissioner Freeman moved to approve C.U.P. 22-24 with the stated conditions and the following:

COA: If property is sold, the conditional use permit will expire. The use is not transferable.

Commissioner Roberts 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.

7:10 p.m.

C. NEW BUSINESS:

- 1. C.U.P 22-26 Glory Ridge Subdivision – Preliminary Plat:** Victor and Carrie Kranz are requesting a conditional use permit for a 14-lot single-family subdivision on 33.5 acres. Access would be from a new private road onto Rainbow Road (public). Variances are requested for shared driveways and a cul-de-sac length greater than 900-ft. Proposed lot sizes range from 1 acre to 3 acres. Individual wells and individual septic systems are proposed. The site includes parcels RP16N03E033156 and RP16N03E035420, in the W ½ Section 3, 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 staff report and displayed the site and GIS map on the projector screen.

Director Herrick showed the platted 70-ft right-of-way within Coho Estates for access to the proposed site on the GIS map. The old railroad bed is owned by private individuals. Valley County has a deeded 70-ft right-of-way for Nasi Lane. Currently this portion of Nasi Lane is not a good road. James and Joyce Nisula still own a small section per Valley County's records. The proposed plat was shown on the large screen. Director Herrick stated that the cul-de-sac could carry through to the property to the north and also to Nasi Lane to provide access. A hammerhead could be constructed. The Assessor's plat for the T.16N R.3E Section 3 and existing easements were discussed by staff and the Commissioners. The size of Lot 14 and required setbacks was also discussed.

Commissioner Freeman said a second access would be wise for emergencies.

Chairman Thompson asked for the applicant's presentation.

Victor and Carrie Kranz previously sold the existing home and 20 acres. The remaining 33 acres was also listed for sale during summer and fall of 2021 and did not sale. Therefore, they decided to apply for a subdivision plat. Test hole monitoring has been done. The previous owners of the property said that they had an easement from the northeastern part of the property to Nasi Lane. Nasi Lane is not maintained and is currently blocked due to large log placed across the roadway.

Rob Pair, Crestline Engineers, McCall, addressed Commissioner's questions. The plat is 81 feet wide in the narrow area, enough room for the 70-ft road right-of-way. The surveyor of the property stated it is adjacent to the 100-ft wide abandoned railroad and a non-exclusive easement exists to Nasi Lane. However, Crestline Engineers does not have a copy of the easement. Crestline Engineers and the applicant have discussed the comments in the Staff Report. The northern portion of the plat will be modified to provide a 70-ft right-of-way to allow for future access to Nasi Lane. The applicant is agreeable to the conditions of approval listed in the staff report. Mr. Pair discussed the size of Lot 14 and stated there is enough room for a building site, septic, and well.

In response to questions from the Commissioners, Staff displayed the PZ GIS map. Director Herrick clarified the location and ownership of the abandoned railroad, other nearby parcels, and the location of the Idaho power easement. Director Herrick believes the 0.11-acre parcel RP16N03E033024 owned by James and Joyce Nisula may be a result of a gap in deed descriptions. Research needs to be done.

The applicant intends to allow short-term rentals as the adjacent Coho Estates also allows short-term rentals.

Commissioner Roberts referred to comments received regarding past flooding in the area. Mr. Pair stated they must prepare a stormwater drainage report which accounts for off-site drainage effects on the property. Modeling includes soil types, rain-on-snow events, culvert sizes, and a conservative approach. There will be adequate drainage for spring melt-off.

Mr. Pair stated the homeowners' association would be responsible for maintenance of open space. Lot 14 is able to meet the required setbacks of 20-ft front, 20-ft rear and 7.5-ft sides with a building site of \pm 6,000 sqft, approximately 60-ft x 40-ft, with enough room for septic system and well.

The subdivision will include a public right-of-way with a private road declaration. The plat will be modified to provide access all the way to the northeastern property line. All easements will be shown on final plat. The final plat will include the dimensions for the rim area. The 10-ft building setback from the rim will be shown on plat. The rim area is grassy with trees are at the top. A fire mitigation plan will be submitted. None of the property is within the designated floodplain

The property is currently fenced along property line. It is within a herd district; however, Valley County Code requires participation in fencing for conditional use permits. Title 9 requires holders of conditional use permits to maintain fence in cooperation with landowners.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided.

Lou Nilsen, 13253 Kokanee Drive in Coho Estates, referred to the Rainbow Road in Coho Estates. The road is paved except for the piece to the proposed subdivision. It was designed to be a future road. This section is not currently plowed by Valley County; however, the remainder of Rainbow Road is.

Director Herrick clarified that the "future access" shown on Coho Estates plat is a platted public right-of-way. The road will be built to a private road standard.

Mr. Nilsen continued that a separate access to the proposed subdivision should be required. The Purdom's run cattle west of the proposed site. It is a herd district, but cattle frequently trespass onto Coho Estates. At least two times in past 10 years, water has come from ditch and washed out the bank. Coho Estates HOA has brought in large rock and felt/plastic for repairs.

Chairman Thompson asked for opponents.

Lance Hayes, 13261 Kokanee Drive, concerns are traffic and public safety, particularly for the Coho Lane and Highway 55 intersection. This subdivision, new construction in Coho Estates, and the new storage units will increase traffic. There have been many crashes at Coho Lane and Highway 55.

Barrett Lamm, 13282 Rainbow Road, purchased the 20-acres and home from the applicants. Last winter he plowed the portion of unpaved road to access his home. Where will snow from this roadway be stored in the future. The property does have a high-water table. He is concerned about septic runoff into his three ponds. The ponds do hold water all year long and are over 6-ft deep. He is concerned about traffic and noise that short-term rentals would cause.

He would like information on how his driveway will be impacted by the proposed subdivision road.

Director Herrick explained to the Commissioners that Valley County is not accepting new roads or expanding County maintenance at this time. The applicant will need a private road declaration and an agreement with Valley County regarding maintenance of the "future access" portion of Rainbow Road. A hammerhead can be built at the northeastern part of the proposed subdivision for future development and/or connectivity. In meantime, a private road will be built to the private road standards and will require maintenance.

Kim Nilsen, 13253 Kokanee Drive, is the president of the Coho Estate Homeowners Association. The CCRs do not permit short-term rentals; however, she has worked with the Planning and Zoning staff and Central District Health to make sure the two existing vacation rentals in Coho Estates are in compliance. Loud noise, trespassing, etc. are frequent problems with short-term renters. Short-term rentals are not encouraged in Coho Estates. Nasi Lane should be the primary entrance for this proposed subdivision. The access through Coho Estates should be closed; this would mitigate the increased traffic from the storage units. Having the entrance to be Nasi Lane would spread out the congestion and increase security for Coho Estate property owners.

Joan Courtney, 13281 Kokanee Drive, is concerned about the water and drainage. The ditch runs behind her property; she is adjacent to the proposed subdivision. She previously submitted pictures showing when water ran down the road. The storage building in the area of the proposed lot 5 has been used to store boats and trailers for a commercial use.

Chairman Thompson asked for rebuttal from the applicant.

Victor Kranz stated that the storage structure did not allow public to access; it was used to store their own vehicles. The structure is a portable building on blocks that will be removed. The new road will be a gravel road. He does not have a problem with chip sealing the portion of road in Coho Estates leading to the new private gravel road. The existing ponds are filled with natural drainage. They understand that there are significant concerns regarding short-term rentals and are willing to not allow STRs

Commissioner Roberts asked about road maintenance. The applicant is required to submit a copy of the private road declaration prior to PZ Commission approval of the final plat.

Access using Nasi Lane was discussed. Commissioner Roberts believes more due diligence is required to work toward an access via Nasi Lane. Ordinances encourage multi-access for emergency.

Mr. Kranz was told by the surveyor that an easement to Nasi Lane exists but needs to be further researched.

Gregg Tankersley, Crestline Engineering, stated that the International Fire Code requires multiple access roads for 28 or more home sites. The applicant has agreed to stub the new road to the northeastern property line. However, he believes a second access is not necessary.

Director Herrick stated all easements must be shown on the final plat. If an easement does exist, then the lot owners should be able to use it to access Nasi Lane.

Gregg Tankersley stated that the application includes a public right-of-way with a private road built to a private road standard (gravel). If the County chooses to acquire the road in the future,

it could be paved. The private roads will include drainage ditches and swales for stormwater drainage. This will address the water runoff issues better than the existing driveway construction. The Valley County Engineer will review and approve the roadway plans.

Chairman Thompson closed the public hearing. The Commission deliberated. Valley County Road Superintendent Jeff McFadden's written comment was discussed. Regarding the road issues, the PZ Commission make recommendations to the Board of County Commissioners who make the final decisions. The intersection at Coho Lane and Highway 55 was discussed. This is a terrible intersection. The Board of County Commissioners should address this intersection with Idaho Transportation Department (ITD). The County Commissioners met with ITD on July 18, 2022; many issues were brought up. Turn lanes at multiple intersections on Highway 55 are often requested by the Board of County Commissioners to ITD. Neighborhoods could create a Local Improvement District (LID) and fund turn lanes for their neighborhoods.

Compatibility with the neighborhood was discussed. The proposed land use meets Valley County ordinances and is compatible with the Comprehensive Plan. Commissioner Roberts believes the compatibility rating is accurate. The Comprehensive Plan promotes subdivision development in these types of areas. Commissioner Freeman stated this is good spot for a single-family residential subdivision.

Commissioner Roberts moved to approve C.U.P. 22-26 with the stated conditions and as follows:

- COA**: Must be a public right-of-way with a private road.
- COA**: Must show all easements on the final plat.
- COA**: Must modify cul-de-sac to provide a 70-ft right-of-way to Nasi Lane and the property to the north.
- COA**: Must put measurable rim line on final plat.
- COA**: Must implement the Wildland Urban Interface – Fire Mitigation Plan and then put a note on the face of the plat referencing the plan. Must also provide for long-term maintenance in the CCRs.
- COA**: Recommend chip sealing the currently platted portion of the road within Coho Estates.
- COA**: CCRs must replicate short-term rental language in Coho Estates CCRs.
- COA**: Must do a title report on off-site access to the validated portion of Nasi Lane.

The Commission deliberated and determined the application complies with the comprehensive plan and the ordinances of Valley County.

Commissioner Roberts moved to approve CUP 22-26 Glory Ridge Subdivision – Preliminary Plat with the conditions of approval. Commissioner Freeman 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.

7:55 p.m. - Short recess

- 2. C.U.P. 22-27 Cell Tower – Amendment of C.U.P. 03-08:** T-Mobile West LLC is requesting a conditional use permit to modify the existing cell tower by adding a 50kw backup generator to the 10,000 sq-ft site. The property is addressed at 12626 Koskella Road, parcel LR15N03E01600B, and located in the SE ¼ Section 1, T.15N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Commissioner Roberts moved to table C.U.P. 22-27 to August 8, 2022, at 6:00 p.m.
Commissioner Freeman seconded the motion. Motion carried unanimously.

D. FACTS AND CONCLUSIONS - Action Items:

- C.U.P. 22-21 Stag's Run Estates Subdivision

Commissioner Freeman moved to approve the Facts and Conclusions as listed and authorized the Chairman to sign. Commissioner Roberts seconded the motion. Motion carried unanimously.

D. WORKSESSION

- Impact Areas for Cascade, Donnelly, and McCall

Director Herrick referred to a memo dated July 19, 2022, that she sent to the Planning and Zoning Commissioners regarding impact areas. Attached are Idaho Statute Title 67-6526 and maps the current impact areas of Cascade, Donnelly, and McCall. Also included is a letter that the Board of County Commissioners submitted to City of McCall as required under Idaho code. Similar letters were also sent to the cities of Donnelly and Cascade. Impact area agreements must be reviewed every 10 years per state statute. The Cascade Impact Area was updated in 2010; Donnelly in 2000; and McCall in 2011. The Board of County Commissioners mirrored the ordinances of McCall for the McCall Impact Area. This area is administrated by the City of McCall and a joint planning and zoning commission. Valley County Code Title 7 has the impact area agreements. The Commissioners shall review the information and answer the questions in the letter. The Board of Commissioners would like answers prior to November 1, 2022.

Brian Parker, McCall City Planner, believes this deadline provides a reasonable timeframe for McCall to provide input. The McCall City Council will hold a work session on August 28, 2022.

The Planning and Zoning Commission will make recommendations to the Board of County Commissioners. The cities of Cascade, Donnelly, and McCall will also make recommendations to the Board of County Commissioners. The Planning and Zoning Commissioners should review the provided Idaho Code and maps and consider if the current impact areas are effective and if the boundaries should be changed. The Commission should respond to the answers posed by the Board of County Commissioners.

The next work session will be held on Tuesday, August 16, 2022.

Chairman Thompson adjourned the meeting at 8:15 p.m.