

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 14, 2022

Valley County Court House - Cascade, Idaho

PUBLIC HEARING – 6:00 p.m.

You may view the hearing by going to www.co.valley.id.us and click on “Watch Meetings Live”.

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

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

B. MINUTES: Commissioner Caldwell moved to approve the minutes of June 9, 2022, with a minor correction. Under C.U.P. 22-16 Camp Modern, the minutes should state “Acting Chairman Caldwell introduced the item and opened the public hearing. Acting Chairman Caldwell asked if there was any *ex parte* contact or conflict of interest.” Commissioner Freeman seconded the motion. Motion passed unanimously. Commissioner Freeman moved to approve the minutes of June 23, 2022; Commissioner Caldwell seconded. Motion passed unanimously.

PZ Commissioner Sasha Childs joined the Commissioners at 6:04 p.m.

C. NEW BUSINESS:

1. VAC 22-02 Wykert Vacation of Utility Easement: Nicole Wykert is requesting a vacation of a 12-foot-wide utility easement centered on the lot line between Lots 32 and 34, Little Donner Subdivision Tract II in order to build over the easement. The 2-acre site is addressed at 1560 Crown Point Parkway and located in the NENE Section 11, T.14N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Roberts 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** – David Moiza is in opposition unless the easement does not affect his ability to receive utilities on his lot. (July 7, 2022)

Commissioner Freeman referred to the utility easements listed on the recorded plat and asked staff for confirmation that all other 12-ft easements would still exist except for the lot line between Lots 32

and 34 centered on all rear and side. If approved, only the easement on the lot line between Lots 32 and 34 would be vacated. Therefore, easements will continue to exist on lot lines to Mr. Moiza's lot.

Acting Chairman Roberts asked for the applicant's presentation.

Nicole Wykert, owner of both Lot 32 and 34, wants to vacate the easement between the lots they own; the other easements along the lot lines would remain.

Acting Chairman Roberts asked for proponents. There were none.

Acting Chairman Roberts asked for undecided. There were none.

Acting Chairman Roberts asked for opponents. There were none.

Acting Chairman Roberts closed the public hearing.

Commissioner Caldwell moved to recommend approval of VAC 22-02 to the Board of County Commissioners with an additional condition of approval:

COA: Easements shall remain on the lot lines between Lots 34 and 38 and Lots 31 and 34.

Commissioner Childs seconded the motion. Motion carried unanimously.

2. VAC 22-03 Wardwell Vacation of Utility and Drainage Easement and V-3-22 Wardwell

Setback Variance: Wayne Wardwell is requesting a vacation of a 10-foot-wide utility and drainage easement centered on the lot line between Gold Dust Ranch No. 2 Lots 142 and 143. Lot 142 will be combined with part of Lot 143. He is also requesting a variance to relax the rear setback from the required 20 feet to 7.5 feet. The site is addressed at 9 Nugget Drive and is in the NESE Section 9, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Roberts asked for the Staff Report.

Director Herrick stated the applicant has withdrawn the variance request.

Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. The lot-line adjustment was clarified on the map. The new parcel will be Lot 142 and a portion of 143. The rear setback would be 20-ft. Many of the plats recorded in the 1970's have utility easements shown on all lot lines.

Chairman Roberts asked for the applicant's presentation.

Wayne Wardwell, 9 Nugget Drive and Boise, Idaho, purchased this lot to build or put a RV on the site. Toby Olson put in a driveway and septic system. Due to the hill, there is not a lot of buildable area. The Holden's sold them a part of Lot 143. He does not recall the conversation that Pam Holden refers to; however, he does not want to cause issues with the neighbors. Thus he has requested to withdraw the variance application.

Acting Chairman Roberts asked for proponents. There were none.

Acting Chairman Roberts asked for undecided. There were none.

Acting Chairman Roberts asked for opponents. There were none.

Acting Chairman Roberts closed the public hearing.

Commissioner Childs moved to recommend approval of VAC 22-03 to the Board of County Commissioners with the additional conditional of approval:

COA: The Variance application has been withdrawn. The approval recommendation does not include the setback variance request.

Commissioner Freeman seconded the motion. Motion carried unanimously.

6:24 p.m.

3. C.U.P 22-22 Round Valley Haven Subdivision – Preliminary Plat: Philip Portsche is requesting a conditional use permit for a 2-lot single-family subdivision on 34 acres. Access would be from a shared driveway from Highway 55. Proposed lot sizes are 16-acres and 18-acres. Individual wells and individual septic systems are proposed. The site is parcel RP12N04E190004 and RP12N04E190480, addressed at 10373 Highway 55, in the NENE Section 19, T.12N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Roberts asked for the Staff Report. Director Herrick presented the staff report and displayed the site, GIS map, and application on the projector screen. There is a mandatory 100-ft setback from the property line along Highway 55 to any building. The approach from Highway 55 was clarified.

Acting Chairman Roberts asked for the applicant's presentation.

Philip Portsche, Boise, Idaho, apologizes for the plat as the surveyor became sick. It will be corrected.

Acting Chairman Roberts asked for proponents. There were none.

Acting Chairman Roberts asked for undecided. There were none.

Acting Chairman Roberts asked for opponents. There were none.

Acting Chairman Roberts closed the public hearing.

The Commission deliberated. Commissioner Caldwell stated this is a good application and owners have done their due diligence. The applicant will need a corrected plat prior to final plat submittal. Commissioner Freeman stated that the two-lot subdivision is a good use for the property; the property has been cleaned up. Acting Chairman Roberts asked for clarification on the illegal lot split that occurred in 2016. Director Herrick said that a deed was recorded that caused an illegal, non-buildable split. The subdivision plat will fix the illegal parcel split.

The wildland urban interface fire mitigation plan needs to be included in CCRs and/or financially guaranteed. The applicant can complete required work prior to final plat. The wildland urban interface fire mitigation plan needs to be addressed in CCRs for long-term maintenance or the plan could be recorded and referenced in a note on the face of the final plat.

Commissioner Caldwell moved to approve C.U.P. 22-22 with the conditions stated in the staff report and:

COA: A 30-ft frontage for Lot 1 along Highway 55 is required.

COA: Shall be a note to the face of the plat referencing a recorded wildland urban interface fire mitigation plan.

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.

6:42 p.m.

- 4. C.U.P. 22-23 Keller Multiple Residences:** Brett and Marcie Keller are requesting a conditional use permit for two residential homes on one parcel. Individual wells and septic systems are proposed. A shared driveway would access both residences. The applicant plans to combine parcels RP18N02E247206 and RP18N02E247265. The 46-acre site, addressed at 3737 and 3743 West Mountain Road, is located in the SE ¼ Sec. 24, T.18N R.2E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Roberts asked for the Staff Report. Director Herrick presented the staff report, displayed the site, GIS map, and application on the projector screen. The parcels will be combined into one parcel. Once combined, the owners will not be able to split the property further without a subdivision plat.

Acting Chairman Roberts asked for the applicant's presentation.

Heather Susemihl of McCall Design & Planning is representing the applicant. She showed the proposed locations of the buildings. The driveway will be located further north than shown on the site plan in the application. Have received the monitoring results. The house and barn will share a septic system; the guest house will have a separate septic system. She does not believe the applicant's wish is to have short-term rentals on the property.

Acting Chairman Roberts asked for proponents. There were none.

Acting Chairman Roberts asked for undecided. There were none.

Acting Chairman Roberts asked for opponents. There were none.

Acting Chairman Roberts closed the public hearing.

The Commission deliberated. This application does not require a wildland urban fire protection plan as a subdivision is not requested. McCall Fire Department did comment. Anything more than one residence per parcel requires approval from the Fire Department.

Commissioner Freeman moved to approve C.U.P. 22-23 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.

6:55 p.m. - *Short recess.*

- 5. 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. Action Item.

The applicant is not present.

Commissioner Caldwell moved to table C.U.P. 22-24 until July 19, 2022, at 5:30 p.m. Commissioner Childs seconded the motion. Motion carried unanimously.

7:02 p.m.

6. C.U.P 22-25 Paddy Summit Subdivision – Preliminary Plat: James Neill and Three Fifty-Nine LLC are requesting a conditional use permit for a 13-lot single-family subdivision on 280 acres. Proposed lot sizes range from 5 acres to 62.5 acres. Access would be from Paddy Flat Road (public). Shared driveways are proposed. Individual wells and individual septic systems are proposed. The site is known as 581 Paddy Flat Road, parcel RP17N04E212610, Tax #4 in Sections 20, 21 and 29, T.17N R.4E, Boise Meridian, Valley County, Idaho. Action Item.

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

Acting Chairman Roberts asked for the Staff Report. Director Herrick presented the staff report and displayed the site, application, and GIS map on the projector screen. The Wildland Urban Interface Fire Protection Plan dated July 6, 2022, was submitted (**Exhibit 1**).

Director Herrick described portions of the application and responded to Commissioner's questions. Director Herrick referred to Valley County Code 9-5A-6 which requires that all lots shall be provided or have direct access to utility services. Therefore, the PZ Commission would have to make a finding that the generators and/or solar panels are adequate to provide power.

Road development agreements allow for voluntary agreements by the applicant with the Board of County Commissioners (COA # 13). Options include the completion of off-site improvements or the County's 2007 capital improvement program (CIP). The value of the road right-of-way dedicated on the plat would be considered by the County Commissioners.

Director Herrick stated that COA # 16 would allow lot owners to place solar panels, a maximum of 30-ft high, without applying for conditional use permits. Building permits would still be required for the solar panels.

A shared driveway would be used by three lots; each of the lots will include the required 30-ft frontage. Lots 1-10 cannot be reduced in size; this restriction will be noted on the face of the plat. The applicant has also included a note on the plat restricting size of building areas on each lot.

This single-family residential subdivision application is requesting the use of solar and generators. No electric power lines currently exist in this area. When the subdivision code was written, solar panels and generators were not really an option for property owners. Valley County Code allows for flexibility based on the type of subdivision, larger lots, and location. The PZ Commission can make a decision to not apply the standard required in Valley County Code 9-5A-6. Wind turbines would also be a possibility. This would be considered an "off-grid" subdivision. There was discussion on whether hooking up to the electric grid should be required in the future. The other remote existing subdivisions similar to this request predate the ordinance requirement. A declaration of utilities will state what this specific subdivision has available for the lot purchasers.

Commissioners and staff discussed road maintenance and the Road Department's comments. A discussion on those recommendations would occur between staff, the applicant, and the Board of County Commissioners. Currently there is no snow plowing and limited road maintenance in this area. Snow plowing in the public right-of-way would require permission from the Valley County Road Department. The applicant is required to dedicate road right-of-way on both Paddy Flat Road and Loomis Ranch Road. COA #14 requires a note on the face of the plat stating: "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed." CCRs could state that the road is not plowed during the winter.

Acting Chairman Roberts asked for the applicant's presentation.

James Neill, Garden City, Idaho, bought the property from the Wilks Brothers two years ago. Due to the ordinance change in splitting properties, he is requesting a subdivision plat. The property includes a deed restriction not to build more than three homes within five years. He believes people would be surprised if Paddy Flat Road was suddenly plowed during the winter; he is not wanting it plowed at this time. People would be aware of the nature of the properties, access, lack of utilities, etc. John Lillehaug prepared the fire plan and is present for questions. The property has already been logged. He wants to keep building footprints small. CCRs will be included in the final plat submittal and will include information on utilities, level of road service, and requirements to reduce fire danger. He believes including the fire mitigation plan on the plat is sensible.

Sanitary restrictions release requirements were discussed. He proposed testing five lots between preliminary and final plat approval. The other lots are much larger and building locations are unknown at this time. Incinerator toilets or composting toilets could also be allowed. A deed covenant limits building over five years from purchase. In 2025, additional building could occur. Building limitations would be addressed in CCRs.

At this time, there are three people in the audience, including the applicant.
Acting Chairman Roberts asked for proponents. There were none.
Acting Chairman Roberts asked for undecided. There were none.
Acting Chairman Roberts asked for opponents. There were none.
Acting Chairman Roberts closed the public hearing.

The Commission deliberated. Sanitary restrictions were discussed. Septic systems are required in the populated areas of Valley County. Incinerator or compost toilets might be acceptable for this subdivision. The Commissioners could leave options open. Sanitary restrictions will need to be determined with Central District Health prior to final approval.

Commissioner Childs moved to approve C.U.P. 22-25 with the conditions stated in the staff report and:

COA: Must address lack of utilities and snowplowing in CCRs

COA: Wildland urban interface fire mitigation plan must be recorded and noted on the face of the plat.

COA: Must address deed restrictions in CCRs.

COA: Subdivision can be recorded with sanitary restrictions in place, but they must be released prior to approval of building permits. Sanitary restrictions will be addressed on a lot-by-lot basis.

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.

D. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 22-14 Hall's RV Site
- C.U.P. 22-15 James Solar Panels
- C.U.P. 22-16 Camp Modern
- C.U.P. 22-17 Tamarack Mountain Kennels
- C.U.P. 22-18 Blackhawk on the River Block XIX
- C.U.P. 22-19 Valley Heights Subdivision
- C.U.P. 22-20 CAT Rental Store

Commissioner Caldwell moved to approve the Facts and Conclusions as listed and authorized the Chairman to sign. Commissioner Childs seconded the motion. Acting Chairman Roberts abstained from voting. Motion carried unanimously.