

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
September 9, 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 Childs moved to approve the minutes of August 11, 2022.
Commissioner Caldwell seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- C.U.P. 21-19 Pines by the Lake Subdivision – Final Plat:** Clover Valley Properties LLC is requesting a 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 six single-family residential lots. Lots would be accessed from Old State Road onto a private road. The site is 5.25 acres of parcels RP16N03E355565 and RP16N03E350174 in the NWSW Section 35, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Not a public hearing. Action Item. [Not a public hearing.]

Acting Chairman Roberts introduced the item and asked if there was any *ex parte* contact or conflict of interest. Commissioner Roberts recused himself and left the meeting room. Acting Chairman Caldwell asked for the staff report.

Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

Director Herrick summarized the following exhibits:

- Exhibit 1** – Revised Final Plat. (September 8, 2022)
- Exhibit 2** – Final Plat Submittal Letter responding to status of conditions of approval. (September 8, 2022)
- Exhibit 3** – Private Road Construction Certification letter from Crestline Engineers, the applicant's engineer. (September 8, 2022)

Preliminary plat and the conditional use permit were approved prior to inclusion of development

agreements in conditional use permits.

Rob Pair, Crestline Engineers, McCall, represented the applicant. All utilities have been installed. Private road declaration and limiting access from the private road have been noted on the revised plan (**Exhibit 1**). CCRs have been drafted. They are working with the Gold Fork Irrigation District. Otherwise, no significant changes to the plat.

Staff will review CCRs prior to recording the final plat. The fire mitigation plan should be mentioned in the CCRs. The fire mitigation plan will be recorded and noted on the final plat.

Commissioner Childs moved to approve C.U.P. 21-19 final plat 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.

6:15 p.m.

Commissioner Roberts returned to the meeting room.

2. **C.U.P. 21-34 Saddle Rock Subdivision – Final Plat:** Ryan and Heidi Schneider are requesting a 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 19 single-family residential lots. A Phase 2 is planned. Lots would be accessed from new private roads onto Highway 55. A shared driveway is proposed. It includes parcels RP12N04E174096, RP12N04E175766, and RP12N04E175819 in the SW ¼ Section 17 and the S ½ Section 18, T.12N, R.4E, Boise Meridian, Valley County, Idaho. Not a public hearing. Action Item

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

Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. Director Herrick summarized the following exhibits:

- **Exhibit 1** – Correspondence from applicant with draft declaration of private roads, shared driveway agreement, and CCRs. (September 8, 2022)

Heidi Schneider, 291 Ashton Lane, McCall, stated the shared driveway has been installed and will be used by Parcels 5 and 13. She further explained **Exhibit 1**. Changes to road names and flow have been made based on Staff's recommendations. Draft CCRs do address long-term maintenance and cost of the wildland fire mitigation plan. The surveyor is updating the plat. Steve Hull, Cascade Fire Chief, has been out to see how they have implemented recommendations within the wildland fire mitigation plan. The homeowners' association will be responsible for following requirements of the plan; CCRs also require individual lot owners to reduce the risk of fire. Idaho Transportation Department (ITD) is repaving this stretch of Highway 55 this fall; prep work has been done for the road approaches. The applicants have requested a letter from ITD stating the contractor is responsible for putting in the approaches per requirements. Approach permits have been approved by ITD. Mike Reno, CDHD, is ready to sign plat.

Commissioner Caldwell moved to recommend approval of the C.U.P. 21-34 final plat and authorize the Chairman to sign. Commissioner Childs seconded. The applicant has submitted clear documentation. Motion carried unanimously

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

6:34 p.m.

D. NEW BUSINESS:

- 1. C.U.P. 22-30 Shaw Family Ranch Subdivision – Preliminary Plat:** Shaw Family Company LLC is requesting a conditional use permit for a 6-lot single-family subdivision on 721.8 acres. Proposed lot sizes range from 10 to 510 acres. Individual wells and individual septic systems are proposed. Access would be from Boulder Lake Road (public). The proposal includes parcels RP18N03E240005, RP18N03E244806, RP18N03E250005, RP18N03E253005, and RP18N04E195405, located in Sections 24 and 25, T.18N, R.3E, and Sections 19 and 30, T.18N, 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 and GIS map on the projector screen

Director Herrick explained the development agreement process. The Capital Improvement Program (CIP) costs were updated by the Board of County Commissioners in July 2022. No new roads are proposed.

Director Herrick summarized the following exhibits:

- **Exhibit 1** – Wildland Urban Interface Fire Protection Plan. (August 29, 2022)
- **Exhibit 2** – Paul Ashton, Parametrix, responded as the Valley County Engineer. (August 29, 2022)
- **Exhibit 3** – Eric Rothwell has concerns and suggestions. (September 2, 2022)

Acting Chairman Roberts clarified that the property is not within an irrigation district, but it is does receive water from Irrigation District 65D [Boulder Creek].

Acting Chairman Roberts asked for the applicant's presentation.

James Fronk, 14028 Norwood RD, represented the applicant. Previously this property split would have been dealt with lot line adjustments. The land has been managed by a four-generation ranch family. The family members are trying to distribute property within the family while keeping most of the property under Shaw Family Company LLC. No changes to the irrigation practices. Wetland delineation on the preliminary plat is Mr. Fronk's interpretation of the existing wetlands from aerial maps. The fire management plan will be adhered to. The property has been well managed and has recently won awards for land management.

Director Herrick stated that the base flood elevation(s) determination for all areas within the designated floodplain must be shown on the final plat. This is a requirement of Valley County Code Title 11 and a requirement of National Flood Insurance Program. Director Herrick is unaware of any efforts or legislation to change the requirements. This requirement has been discussed with the Idaho State Floodplain Coordinator who works with Idaho Department of Water Resources. Any division of land [subdivision or parcel split] requires delineated base flood plain elevation for areas within the designated floodplain; this federal requirement began in the 1970s. Valley County must comply with the National Flood Insurance Program, or they will not provide insurance in Valley County.

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 moved to approve C.U.P. 22-30 Shaw Family Ranch Subdivision with the stated conditions.

Modify COA #8: Wetland information on preliminary plat shall be retained in the file and delineated as each parcel as developed.

COA: Base flood elevations shall be delineated on the final plat.

Commissioner Childs seconded the motion.

The Commissioners agree that this subdivision proposal complies with the Valley County Comprehensive Plan and Valley County Codes. It is compatible with surrounding land uses. The proposal retains the rural setting of Valley County. Commissioner Caldwell stated she calculated a +25-compatibility rating.

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
7:07 p.m.*

2. **C.U.P. 22-32 Esplin Glamping and Short-Term Rentals:** Harmon Esplin is requesting approval of a conditional use permit for a camping facility for short-term rentals. Phase 1 an existing rental cabin, three RV camping sites, and five yurt campsites. Phase 2 would replace the campsites and existing cabin with a total of seven residences available for short-term rentals. Individual wells and storage tank would provide water; central sewer would be provided by Northlake Recreation Sewer and Water District. Access will be multiple driveways from West Mountain RD (public) and Palladin RD (public). The 2.9-acre site, addressed at 2440 Palladin RD, parcels RP16N03E191508 and Smiling Julie Lot 33A, and located in the NE ¼ Sec. 19, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item. **POSTPONED to October 20, 2022**
3. **C.U.P. 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway:** SKBarton Invest LLC is requesting approval of a conditional use permit for a twelve mini-cabins for short-term rentals. Cabin size would range from 200-400-sqft for a combined total of approximately 3600-sqft. Access would be from an existing easement to Spring Valley Road. A shared driveway would lead to all cabins plus a single-family residence on parcel RP16N03E342405. A variance is also request from the required 75-ft of road frontage. An individual well would provide water; central sewer would be provided by Northlake Recreation Sewer and Water District. The 6.58-acre site includes RP16N03E276610 and part of RP16N03E342405, and is located in the S ½ Sec. 27 and NENW Sec. 34, T.16N 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** – Paul Ashton, Parametrix, responded as the Valley County Engineer. (August 29, 2022)
- **Exhibit 2** – Jess Ellis, Donnelly Fire Marshal, listed requirements. (September 6, 2022)
- **Exhibit 3** – Dianne and Terry O’Keeffe, Spring Valley Road, are opposed. (September 2, 2022)

The location and width of the site was discussed. Base flood elevations have already been determined in the area. Adjoining property use and owners as well as the access for this site was

reviewed on the large screen. There is an existing easement for Northlake Recreational Sewer and Water District across the property. US. Bureau of Reclamation was noticed.

Acting Chairman Roberts asked for the applicant's presentation.

Kara Barton and Shawn Barton, Twin Falls, Idaho, were available to discuss their application. Ms. Barton explained the deed gap that is being cleared up. SKBarton Invest LLC consists only of five family members (Kara, Shawn, and three daughters). It is their dream retirement property. They have previously remodeled two other dilapidated home sites. From March 1912 to March 1985, the property was owned by railroad company; they wish to retain the railroad history of the property. Prior to applying for the conditional use permit, they had sent information letters to the neighbors. This is private property, not public. The proposed project will remediate three concerns: (1) useable property that they learned was restricted after purchase; (2) correcting the sewer easement; and (3) addressing the neighbors' desire to walk the area and access the lake area. The proposed project includes a walking path for guests; they are willing to open it for the neighbors' use. It would not be open to public use for safety, privacy, and security reasons. The "road" is actually a private driveway. To correct many of the response letters, the property to the east is private property, not U.S. Bureau of Reclamation managed property. The proposal is for 12 tiny cabins on 6.58 acres, approximately one cabin per half-acre. Allowed density is 2.5 full-sized dwelling units per acre. The proposal includes 1.2% of the area covered by buildings; the landscaped area is 70.8%. Their personal residence would be built on the southern parcel and is not part of the conditional use permit request. Fire mitigation and safety is a priority. No open wood-burning fires and no fireworks. Illegal camping by trespassers will no longer occur. On-site staff will enforce the rules. Their investment will increase the property value of the site. The bird-nesting site on the peninsula is important to them also; the area is closed off from March 1 to July 1, annually. They have not blocked off access to Bureau of Reclamation land but have gated their private property. The project will increase jobs. The property was on the market for two years. Privacy for guests is important as well as adjacent property owners. The rentals will be marketed to couples, not large parties. Ms. Barton referred to existing nearby vacation rentals in the neighborhood.

She submitted **Exhibit 4** and described the submitted information. Each Commissioner received a copy for review.

- Responses to comments included in the staff report.
- Responses to staff report comments and questions:
 - Turn-around will be large enough; a 10,000-gallon water tank will be installed
 - No fire pits; outdoor propane style fires, not wood-burning fire pits.
 - They are in discussion with North Lake Recreational Sewer and Water District (NLRSWD) and have met on-site.
 - Have submitted annexation request to NLRSWD.
 - Building setbacks will be a minimum of 30-ft from side property lines.
 - Distances between cabins will vary from 85-167 feet; the buildings will be staggered
 - Recreational area will be on the proposed project parcel.
 - Walking path is proposed along the on the east side of the property
 - Trash will be collected by Lakeshore Disposal; they will be able to use the hammerheads.
 - The applicants will be the day-to-day managers.
 - The existing sewer line was not constructed within the recorded 20-ft easement area. This restricts the buildable area of the parcel.
 - A diagram of driveway ingress and egress is included.
- Comment letter from Michael Butler in support of the applicants.
- Diagrams and pictures of proposed swales.
- Pictures of proposed fire pits.
- Picture of privacy wall examples.
- Wells and groundwater management information.

Acting Chairman Roberts referred to the swale diagram location. He has concerns about spring runoff. The current ditches have not been maintained in the past since the railroad has been discontinued.

The applicants responded that the drainage will be improved along the entire length. The swale will be located on the east side of the property to allow water to flow. They would like to correct the sewer easement, so it matches the constructed sewer line.

Jennifer Blood, Lewiston, is the applicants' engineer. She referred to Page 2 of the diagrams submitted with the application. The green highlighted area is the existing NLRSD 20-ft sewer easement. The dashed line is the actual sewer line location. Snow will be stored on site. Parametrix, Idaho DEQ, and the Bureau of Reclamation have been contacted.

Ms. Barton stated that the site is not in a groundwater concern area according to Idaho Department of Water Resources. They have contacted a well driller who said is not aware of well concerns in this area.

NLRSD does not provide water service in this area. Fir Grove Subdivision, located to the north, has in their own community well. Everyone else in area has individual wells.

Acting Chairman Roberts asked for proponents. There were none.

Acting Chairman Roberts asked for undecided.

James Siewert, 12880 Willow RD, stated that 12 rental units seems like a lot. Short-term renters bring problems, including added traffic.

Acting Chairman Roberts asked for opponents.

Steve Byrne, 12898 Spring Valley RD, is opposed to this motel-style application. Reasons include the narrow parcel, drainage, upstream flooding, snow storage, additional traffic, and impact on wildlife and nesting birds. The proposal is an inappropriate use for the location.

Steve Morey, 12870 Spring Valley RD, echoed previous sentiments in opposition. The extra traffic is not wanted and is already getting worse. Lots of existing short-term rentals are in the neighborhood and cause issues including illegal parking and late-night parties. Vacation rentals add impacts to a residential neighborhood and hurts quality of life for residents. This proposal is a commercial endeavor surrounding on three sides by residential homes. He lives 400 feet from the driveway location and did not receive any notification from the applicant. The public hearing sign is not visible from the public roads. Snow removal and storage are additional concerns.

Mark Popadics, 12868 Spring Valley RD, is strongly opposed. Reasons include the number of proposed units, additional traffic, dusty roads, noise, and safety of neighborhood. Spring Valley Road is the only entrance to the area. People would not respect speed limits. The additional use would further deteriorate the existing roads. The proposal is a commercial business in residential area. How would the limit of two guests per cabin be enforced? People currently park in his driveway without permission. His dream is to stay here. This may be the applicants' dream but would be his nightmare.

Mike Seibert, 12701 Smoky DR, is a long-term permanent resident in the area. Traffic, safety, fire control are concerns. This would be a commercial use in a residential area; a horizontal motel at a site that is difficult to access. The use would encroach on waterfowl nesting area. Cumulative impacts are important. There is very little traffic control on Spring Valley Road. Opposed to this scale.

Doug Ewing, 12864 Spring Valley RD, owns adjacent property. The applicants are nice people. He had assumed the easement across his property would be used by residences with one home per

each of the two parcels. He has an easement that crosses the applicant's parcel all the way south to the end. There is no Bureau of Reclamation access to the east, only at the far south end. Additional dust is a concern. This is a good project but the wrong location. The use is inappropriate. Valley County Code requires a 75-ft road frontage for commercial use. Water drainage is a concern; ditches are supposed to be on both sides of the property to handle all the water during the spring runoff. This runoff occurs during a short period but is extreme. The culvert on the west side is currently blocked. This is a recreational area location. Others do have easements in their deeds for access.

Acting Chairman Roberts asked for rebuttal from the applicant.

Ms. Barton stated that the property was previously used by trespassers to access the lake area, to hunt, and to ride ATVs, motorbikes, snowmobiles, etc. The traffic and parking in the road rights-of-way from this illegal use is gone. The neighbor has also had problems with trespassers. The applicants have cleaned up lots of trash both on their property and the adjacent Bureau of Reclamation managed land. The proposed recreational area will be over 300-ft from the peninsula containing the bird nesting area. The existing drainage is currently obsolete and will be a priority to fix. There is also non-compliance with properties north of this site. The area has not been maintained for 30-plus years. They have been unable to find the north end of the drainage culvert.

Many short-term rentals currently exist in this neighborhood. No parties would be allowed. Only one parking spot per cabin unit would be allowed. The proposed use would result in a reduction of vehicles driving on this property compared to past use. The applicants are willing to help participate in mediating the dust on the public roads in the neighborhood. They have talked extensively with Doug Ewing and believed they had his support. The easements have been discussed with attorneys and engineers. They have found no records of access easements other than for NLRSD and Doug Ewing's property.

Acting Chairman Roberts closed the public hearing. The Commission deliberated. Staff answered questions. The minimum setbacks are 50-ft from the front and rear property lines and 30-ft from the sides. All the proposed cabins would be on one parcel, not individual lots. The front of the property is determined by where the driveway enters the property. The front property line is the northern property line for this specific site.

The compatibility rating and matrix were discussed. Adjacent properties and uses were discussed. The requirement of dust mitigation on the dirt road were discussed. Possible condition of approval could be: Shall mitigate dust on 500-ft of unpaved portion of Spring Valley Road. Subdivision homeowner associations are able fund dust abatement.

Acting Chairman Roberts believes the use is a private recreation business or a recreational business. He does not believe it rates a positive score. Regarding Compatibility Evaluation Question # 4, this property was a railroad right-of-way, is narrow by nature, and has existing easements on it. Railroad Village Subdivision, which was platted on a portion of the railroad bed, has a public road access outside of the old railroad bed and thus more room for buildings. He does not believe the proposal is compatible with the adjacent uses of single-family residential. The physical characteristics of the land, drainage issues, easements, and narrow width of the property become problematic.

Commissioner Caldwell is not sure if this property should have been sold as land development property. Drainage and easements are concerns. She did not obtain the same compatibility as staff. She is concerned that there is not enough room for snow removal and storage with that many cabins.

Acting Chairman Roberts referenced the Valley County Comprehensive Plan. Chapter 2 Population Goal I is "Accommodate growth and development while protecting quality of life within Valley County. Goal II is "Retain the rural/small town character enjoyed by residents and visitors in Valley County.

There has been a lot of testimony that placing this type of business would result in an “horizontal hotel” in a residential area. The proposal is not compatible with Comprehensive Plan. There are health and safety issues.

Commissioner Freeman believes this would be a good use for the land. Single-wide homes could fit on the parcel. The use would reduce the trespassing issues. The site would be a controlled and calm environment compared to past use. People would not be showing up at these small cabins with their outdoor recreation toys. He believes it would be an asset to the area.

Staff clarified the width of the parcel at the north and south ends. The site is approximately 6.5 acres of land.

Acting Chairman Roberts said the ditches on east side of the property are very deep and wider on the south end. Snow storage areas on the site plan were discussed. Commissioner Caldwell stated that there are only two snow storage areas. The applicants’ engineer had stated snow storage area would be re-engineered to have the required storage.

Commissioner Caldwell appreciates Commissioner Freeman’s comments about the private property versus public use. She agrees that the applicants have likely done a lot of work to remove trash from the area. This is an area where short-term rentals are currently allowed. However, she does not believe the building setbacks could be met, particularly on the northern part of the property, based on the scale on the diagrams submitted with the application.

Commissioner Childs also struggled with the compatibility of the use. After the first three questions on the Compatibility Evaluation, she calculated a lot of negative numbers. The surrounding properties do not have restrictions on short-term rentals; however, not at twelve rentals per lot. She believes the tiny dwellings could meet building setbacks. Stormwater would be a big challenge but could be dealt with. The neighboring properties have the right to the enjoyment of their property. The neighborhood would be impacted by more of a commercial business use versus residential if approved.

Commissioner Freeman suggested less cabins, for example six instead of twelve would have less impact.

Acting Chairman Roberts does not believe that reducing the number of cabins would make a difference. The layout of the land is not suited for access. Building setbacks and utility and drainage easements would still be issues. It would be a safety issue if the sewer pressure line failed.

Commissioner Childs believes modern engineering could solve many of the challenges. However, the proposal is not compatible with the overall adjacent land use. Change in development is inevitable but twelve rentals could really impact neighboring properties and their right to quiet and enjoyment of their properties. The lack of compatibility is more substantial than the issues with setbacks and drainage. She would not approve the application as it stands.

Commissioner Childs moved to deny C.U.P. 22-33 Barton Short-Term Rentals and V-4-22 Barton Shared Driveway. Commissioner Caldwell seconded the motion.

Commissioner Caldwell does appreciate that the completeness of the application; a lot of time, effort, and thought was put into it. Acting Chairman Roberts also complemented the quality of the submittals and presentation.

Motion carried unanimously.

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

8:50 p.m.

C. OTHER – Action Items:

- **C.U.P. 17-03 EnergySeal Office, Shop, and Employee Housing – Lot Split Request. Action Item**

EnergySeal has a commercial business on Oster Subdivision Lot 1. The conditional use permit approval included employee housing on the lot. The applicant's mortgage company wants to split the lot between the commercial and residential areas. There is nothing on the plat that prohibits a lot split. The conditional use permit was for one piece of property; therefore, staff would like the Commissioners to clarify if they have any concerns.

Commissioner Freeman moved to allow EnergySeal to split Oster Subdivision Lot 1 for financial purposes. Commissioner Childs seconded the motion. Motion carried unanimously.

D. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 22-27 Cell Tower
- C.U.P. 22-28 Elk Ridge Retreat
- C.U.P. 22-31 Ashton Meadows Subdivision
- PUD 22-02 and C.U.P. 22-29 Valley Meadows

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

C. Work Session – Impact Areas for Cascade, Donnelly, and McCall

The Commissioners desire to postpone the work session to October 6, 2022, at 5:00 p.m. to allow all Commissioners to be present. This would also allow more time for Commissioners to review the Comprehensive Plans and Impact Areas boundaries.

ADJOURNED: 8:56 p.m.