

Valley County Planning and Zoning Commission

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@co.valley.id.us

Neal Thompson, Chairman
Ken Roberts, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission
November 17, 2022
Valley County Court House - Cascade, Idaho
WORK SESSION - 5:00 p.m.

A. OPEN: Meeting called to order at 5:00 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:	Arrived at 5:10 p.m.
PZ Commissioner – Ken Roberts:	Present via Zoom
PZ Commissioner – Neal Thompson:	Excused
PZ Assistant Planner – Lori Hunter:	Present

Other people in attendance were Brian Parker, McCall City Planner,
and Brian Oakey, Valley County Prosecutor's Office.

B. C.U.P. 12-11 ASAP Portables – Violation Hearing.

Numerous notices of conditional use permit violations have been sent to the applicant/property owner without response. The violations were forwarded to the Valley County Prosecutor earlier this year. A settlement conference was held November 15, 2022. This is no longer an action item for the Commission. At a future date, the Commissioners will review the settlement facts and conclusions, agreement, potential penalties and what needs to be completed including additional screening and driveway relocation.

Commissioner Freeman arrived at 5:10 p.m.

C. Work Session

1. 2022 Capital Improvement Program. Action Item

Director Herrick discussed a brief history of the Capital Improvement Program (CIP). When Commissions recommend that applicants enter into road development agreements (RDAs), the CIP is used in determining costs and impacts. Valley County is divided into different CIP areas. The PZ Commissioners were given a copy of the CIP map and details and costs for individual CIP areas. These are public documents. The Valley County Engineer created the revised document. It includes assessment of potential future buildout, existing conditions, cost of additional right-of-way, and capital improvements.

There was discussion on costs per various CIP areas. The voluntary development agreements have been using numbers from the 2007 CIP. The CIP calculations allow for consistency and non-arbitrary development agreements. Number of trips per day costs can be calculated. The applicant has alternatives and could either pay toward improvements or complete specific improvements. Large developments such as Westrock (*aka* Tamarack Resort), have capital contribution agreements which include road development plus additional infrastructure (e.g., stoplight at Highway 55, fire department, schools)

Money must be used in specific designated CIP area. Commissioner Roberts asked if a portion (10-20%) could be considered flexible to be used wherever need is. For instance, multiple CIP areas feed into the West Roseberry Road and the S-Bridge; thus, it would make sense to use a portion of CIP money from those areas be used to fund the S-Bridge project. Director Herrick believes that could be worked out in individual RDAs. Using a regional concept could be a recommendation to the Board of County Commissioners, particularly for large developments. This would be adopted as part of the updated Master Transportation Plan that the County has contracted Parametrix to complete.

Brian Oakey, Valley County Chief Deputy Prosecutor, responded that the geographical areas are based on specific purposes and could be more difficult to show that a subdivision impacts another area. This would be closely scrutinized. The policy document would need to require that the County can demonstrate a reasonable expectation a project will directly impact specific projects such as the S-Bridge in order to use funds outside of the particular CIP a project is located in.

Director Herrick noted that some CIP areas including Campbell Creek have footnotes; therefore the costs of regional infrastructure might already be built into the CIP area costs. The Board of County Commissioners have development agreement authority. They are currently negotiating voluntary development agreements; therefore, flexibility exists.

The Commission should recommend that the Board of County Commissioners adopt the updated Capital Improvement Program and the 2022 cost estimates. Director Herrick will draft a motion for the Commissioners for the meeting on December 8, 2022.

2. Impact Areas for Cascade, Donnelly, and McCall

The Commissioners last discussed the impact areas on September 1, 2022; copies of the meeting minutes were available for the Commissioners to refer to. Director Herrick clarified that the Commissioners will make recommendations to the Board of County Commissioners.

City impact area boundaries are based on (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future.

State statute requires a 10-year review of impact areas. Changes can be made prior to the 10-year period. Cities must have a plan to annex impact areas. Idaho Statute requires a "reasonable expectation to be annexed"; the statute does not specify a timeline.

Cascade Impact Area

The Commissioners agreed that the recommendations for the Cascade Impact area was solidified on during September 1, 2022, as stated below:

1. Adjust the southern boundary northward at least a mile to the southern section line of T.13N R.4E Sections 7 and 8 (approximately from Bear Wallow Road eastward to State Highway 55 north of One-Eleven Way)
2. Move the northern boundary to include additional area west of Highway 55 and north of Warm Lake Road.
3. Continue to apply Valley County Comprehensive Plan and Valley County ordinances.

Donnelly Impact Area

The current impact area was discussed as well as the expected growth area for the city of Donnelly. Valley County ordinances currently apply to the City of Donnelly Impact Area; The latest Donnelly Comprehensive Plan (2014) was not adopted by Valley County Board of County Commissioners

The Commissioners discussed moving the western boundary of Donnelly Impact Area to the west, across the S-Bridge to Tamarack Falls Bridge. This area is seeing growth. There was discussion on if this area is likely to be annexed into Donnelly within the next ten years. The northern and eastern boundaries were also discussed.

If the cities wish to modify the impact area, they can reach out to the Board of County Commissioners for a revision at any time. Therefore, Commissioners are willing to wait to enlarge the impact area on the western side.

1. Northern boundary of Wallace Lane.
2. Western boundary at the waterline of Lake Cascade.
3. Southern line at Barker Lane, east of State Highway 55.
4. Eastern line should be modified to remove the large agricultural (pasture) area:
From Barker Lane, north along State Highway 55;
north along section line between Sections 14 and 15, T.16N, R.3E;
north along section line between Sections 10 and 11, T.16N, R.3E, to Wallace Lane

McCall Impact Area

Proposed changes were discussed. Currently the Board has adopted a mirror image of the McCall Comprehensive Plan and McCall ordinances for the Impact Area. This arrangement has been in place since approximately 1982.

An applicant applies to the Staff at the City of McCall. Hearings are held by a joint planning and zoning commission that includes three representatives from the impact area and four from the City of McCall. The joint commission makes recommendations for McCall and the McCall Impact Area. The final decision maker for the McCall Impact Area is the Board of County Commissioners. Appeals of the joint PZ commission are heard by the Board of County Commissioners. The Board of County Commissioners chooses the three representatives from the Impact Area.

Chief Deputy Prosecutor Brian Oakey has concerns with the legality of the joint PZ Commission as it currently exists. The City of McCall has veto power with four votes. He believes the four City representatives should have advisory votes only on applications within the McCall Impact Area.

Brian Parker, McCall City Planner, answered questions from the Commissioners. McCall does have an annexation plan as detailed in the McCall Comprehensive Plan, page 106. Priority areas 1, 2, and 3 are shown. Priority Area 1 is within the Payette Lake Recreational Sewer and Water District boundaries; Areas 2 and 3 are not. The city of McCall has a policy of no forced annexation. Annexation is voluntary; therefore, a timeframe is not given.

Commissioner Childs stated that parts of the McCall Comprehensive Plan are at odds with the Valley County Comprehensive Plan. The Impact Area is confusing to property owners, realtors, and buyers. The Impact Area is large.

There was discussion on whether a large Impact Area should be governed by the Valley County Comprehensive Plan and Ordinances or if the Impact Area size should be reduced and continue to be governed by the McCall Comprehensive Plan and Ordinances. Using McCall Ordinances in the Impact Area would reduce properties being annexed into the city that are nonconforming with City requirements. Brian Oakey stated that a definitive plan for annexation is needed to reduce legal risk. The public is best served with consistent and uniform rules and requirements.

The commissioners should consider which ordinances are most appropriate to apply in a specific area, either McCall ordinances or Valley County ordinances.

The Commissioners compared the Impact Area to the city boundary on the GIS map. The property owned by the Nokes Family has deed restrictions and should not be included in the Impact Area. The Commissioners agreed that the Priority 1 Areas should remain in the Impact Area. Properties along and near the lakeshore should remain in the Impact Area as McCall City Code has regulations to protect the shoreline and water quality of Payette Lake. City services end at Fox Ridge.

State subdivisions do not conform to either the County's or City's requirements. State-owned endowment lands are not required to follow local land use ordinances. The State of Idaho "can plat into less than legal subdivisions".

Recommendations:

1. Recommend approval of the concept of advisory votes by city members of the Joint PZ Commission. Actual votes to be made by McCall Impact Area members.
2. Shrink Impact Area and keep McCall Comprehensive Plan and Ordinances.
 - At least 300-ft from lakeshore of Payette Lake to remain in Impact Area.
 - Krahn Lane eastward to existing boundary;
 - North to existing city limits;
 - Krahn Lane west to State Highway 55,
 - Southerly around the Community Commercial-zoned property;
 - Around the airport to Moonridge Drive (same as existing boundary)
 - Follow existing city boundary along Moonridge Drive and then northerly along river (adding the parcels currently inside the city limits but outside current impact area)
 - Continue north along the westerly boundary of the E ½ of the E ½ of Section 19, T.18N, R.3E (includes Valley View Subdivision No. 3, not Falcon Ridge Estates)
 - Continue north along the westerly boundary of the E ½ of the E ½ of Section 18, T.18N, R.3E

- Continue westerly north of West Mountain Road (current city boundary),
- Continue northly along the easterly boundary of the W ½ of the W ½ of Section 18, T.18N, R.3E (current city boundary)
- Continue north along the easterly boundary of the W ½ of the W ½ of Section 7, T.18N, R.3E (current city boundary)
- Continue westward along the southerly boundary of the SWSW Section 7, T.18N, R.3E (current city boundary)
- Continue westward along the southerly boundary of the SESE Section 12, T.18N, R.2E (current city boundary)
- Continue west and south to encompass all of existing Whitetail PUD
- Continue northerly along Valley County – Adams County line.

These changes would

- Remove parcels/lots south of Krahn Lane from the Impact Area
- Remove some of the Nokes Properties with deed restrictions
- Keep the Idaho Endowment Lands and State Park Lands inside the Impact Area
- Remove all of White Cloud Subdivision as requested by the City of McCall
- Follow City limits north of West Mountain Road
- Add the portion of Whitetail PUD that has been annexed into McCall.
- Keep King Pines Estates 1 and King's Pines Estates II inside Impact Area.

The City of McCall and the County Commissioners are scheduled to meet to discuss the Impact Area on January 19, 2023.

Impact Area recommendations will be added to the PZ Commission meeting agenda for December 8, 2022, as an action item.

3. Comprehensive Plan

The Commissioners started a discussion on the Valley County Comprehensive Plan on August 18, 2021. Other issues arose, delaying the discussion on the Comprehensive Plan.

The Commissioners will continue discussing the Comprehensive Plan in 2023. This will include zoning overlays.

Work sessions in 2023 will also include training for the Commissioners.

Acting Chairman Roberts adjourned the meeting at 6:55 p.m.