

Valley County Planning and Zoning

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STAFF REPORT: Impact Areas for Cascade, Donnelly, and McCall
– Recommendation to the Board of Commissioners

HEARING DATE: December 8, 2022

TO: Planning and Zoning Commission

STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director

Commissioners previously received packets with maps of the current impact areas and Idaho State Statute 67-6526. The packet also included questions posed to you by the Valley County Board of County Commissioners. (attached)

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. Cities must have a plan to annex impact area within a reasonable time.

For each of the three impact areas, the Planning and Zoning Commissioners have reviewed respective Comprehensive Plans, impact area boundaries, and ordinances. Ordinances implement comprehensive plans.

The Commissioners will make recommendations for changes to the Valley County Board of Commissioners. The Board will then renegotiate the impact area boundaries and applicable ordinances with the respective City Councils.

The impact areas are currently handled as listed:

1. Cascade Impact Area is currently under jurisdiction of Valley County and governed by Valley County Ordinances. County staff administer the ordinances.
2. Donnelly Impact area is governed by Valley County Ordinances and the 2002 Donnelly Comprehensive Plan. The most recent Donnelly Comprehensive Plan (2014) was not adopted by the Board of County Commissioner. County staff administer the ordinances.
3. McCall Impact Area is governed by the 2018 McCall Comprehensive Plan and McCall Ordinances. However, the Board of County Commissioners did not approve the expanded impact area that was within the 2018 Plan. City of McCall staff administer the ordinances.

Proposed recommendations have been discussed at previous Planning and Zoning Commission work sessions on September 1, and November 17, 2022.

PROPOSED MOTION:

The Planning and Zoning Commission recommends the following:

Cascade Impact Area (See attached map.)

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 (See attached map.)

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
5. Change to apply Valley County Comprehensive Plan and Valley County ordinances.

McCall Impact Area (See attached map.)

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.

ATTACHMENTS:

- Letter from Board of County Commissioners
- Idaho State Statute 67-6526
- PZ Work Session Minutes
 - July 19, 2022
 - September 1, 2022
 - September 8, 2022
 - October 6, 2022 - CANCELLED
 - November 17, 2022
- Maps of Proposed Boundaries

END OF STAFF REPORT



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6526. AREAS OF CITY IMPACT - NEGOTIATION PROCEDURE. (a) The governing board of each county and each city therein shall adopt by ordinance following the notice and hearing procedures provided in section 67-6509, Idaho Code, a map identifying an area of city impact within the unincorporated area of the county. A separate ordinance providing for application of plans and ordinances for the area of city impact shall be adopted. Subject to the provisions of section 50-222, Idaho Code, an area of city impact must be established before a city may annex adjacent territory. This separate ordinance shall provide for one (1) of the following:

- (1) Application of the city plan and ordinances adopted under this chapter to the area of city impact; or
- (2) Application of the county plan and ordinances adopted under this chapter to the area of city impact; or
- (3) Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact.

Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.

(b) If the requirements of section 67-6526(a), Idaho Code, have not been met, either the city or the county may demand compliance with this section by providing written notice to the other of said demand for compliance. Once a demand has been made, the city shall select its representative as hereinafter provided, within thirty (30) days of said demand, and the process set forth in this subsection shall commence. The county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days after the city officials have been confirmed by the council, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the three (3) members at large and shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area of city impact, plan, and ordinance requirements, either the city or county may seek a declaratory judgment from the district court identifying the area of city impact, and plan and ordinance requirements. In defining an area of city impact, the following factors shall be considered: (1) trade area; (2) geographic factors; and (3) areas that can reasonably be expected to be annexed to the city in the future.

(c) If areas of city impact overlap, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. If the cities cannot reach agreement, the board of county commissioners shall, upon a request from either city, within thirty (30) days, recommend adjustments to the areas of city impact which shall be adopted by ordinance by the cities following the notice and hearing procedures provided in section 67-6509, Idaho Code. If any city objects to the recommendation of the board of county commissioners, the county shall conduct an election, subject to the provisions of section 34-106, Idaho Code, and establish polling places for the purpose of submitting to the qualified electors residing in the overlapping impact area, the question of which area of city impact the electors wish to reside. The results of the election shall be conclusive and binding, and no further proceedings shall be entertained by the board of county commissioners, and the decision shall not be appealable by either city involved. The clerk of the board of county commissioners shall by abstract of the results of the election, certify that fact, record the same and transmit copies of the original abstract of the result of the election to the clerk of the involved cities.

(d) Areas of city impact, plan, and ordinance requirements shall remain fixed until both governing boards agree to renegotiate. In the event the city and county cannot agree, the judicial review process of subsection (b) of this section shall apply. Renegotiations shall begin within thirty (30) days after written request by the city or county and shall follow the procedures for original negotiation provided in this section.

(e) Prior to negotiation or renegotiation of areas of city impact, plan, and ordinance requirements, the governing boards shall submit the questions to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by the governing board to make its recommendations to the governing board. The governing boards shall undertake a review at least every ten (10) years of the city impact plan and ordinance requirements to determine whether renegotiations are in the best interests of the citizenry.

(f) This section shall not preclude growth and development in areas of any county within the state of Idaho which are not within the areas of city impact provided for herein.

(g) If the area of impact has been delimited pursuant to the provisions of subsection (a)(1) of this section, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission, may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of city impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code.

Valley County Board of Commissioners

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Cascade, Idaho 83611-1350



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June 27, 2022

Mayor Bob Giles
Council President-Colby Nielsen
Councilor Lyle Nelson
Councilor Julie Thrower
Councilor Mike Maciaszek
216 E. Park Street
McCall, ID 83638

Re: McCall Area of Impact

Dear Mayor Giles and Councilors,

As we are sure you are aware, there have been several conversations recently surrounding the appropriate planning and zoning processes for private property lying within the current boundary for the McCall Area of Impact ("AOI"). To our knowledge, it has been more than ten years since the City of McCall and Valley County reviewed the AOI plan and ordinance requirements. According to the Local Land Use Planning Act ("LLUPA") we are required to undertake such a review at least every ten (10) years. In addition, LLUPA states that the AOI boundary, the comprehensive plan governing the AOI and ordinance requirements are to remain fixed until both the governing boards for the City and the County agree to renegotiate. See Idaho Code § 67-6526(d). However, before renegotiations can commence, the governing boards are required to submit questions to the respective planning and zoning commissions for a recommendation. See Idaho Code § 67-6526(e).

The purpose of this letter is to inform you that we intend to seek the advice and recommendation of the Valley County Planning and Zoning Commission regarding how each of the three AOIs should be governed into the future (Cascade, Donnelly and McCall). The questions we will be submitting are as follows:

- (1) After review of the AOI Comprehensive Plan, do you have any recommendations for change?

- (2) After review of the respective boundaries for each AOI, do you have any recommendations for boundary adjustments?
- (3) After review of the respective ordinances that apply in each AOI, do you have any recommendations for change? Specifically, do you recommend that the city plan and ordinances adopted should apply to the AOI, or the county plan and ordinance, or some other plan and ordinances?

In order to give the Planning and Zoning Commission a reasonable opportunity to study these complex issues and provide useful recommendations we will be requesting the Planning and Zoning review and recommendation be completed on or before November 01, 2022. Our hope in sending this letter is that you will submit the same or similar questions to the McCall Planning and Zoning Commission with the same deadline.

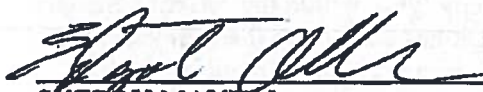
Once we have received the recommendations from the Valley County Planning and Zoning, our intention is to formally request renegotiation of the AOI comprehensive plan, boundary and required ordinances.

We appreciate the collaboration that has taken place between the City and the County and it is not our intention to disrupt or change that. Rather, our motivation is to ensure that we are in compliance with the laws that govern planning and zoning throughout Valley County. We look forward to the continued dialogue.

Sincerely,



ELTING HASBROUCK
Chairman, Board of County Commissioners



SHERRY MAUPIN
Commissioner, Board of County Commissioners

EDGAR ALLEN
Commissioner, Board of County Commissioners

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

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.

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 1, 2022
Valley County Court House - Cascade, Idaho
WORK SESSION – 5:30 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 5:30 p.m. by Chairman Thompson..

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Sasha Childs:	Present
PZ Commissioner – Scott Freeman:	Excused
PZ Commissioner – Ken Roberts:	Arrived after meeting began at 6:40 p.m.
PZ Commissioner – Neal Thompson:	Present
PZ Assistant Planner – Lori Hunter:	Present

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

C. Work Session

• Impact Areas for Cascade, Donnelly, and McCall

Commissioners previously received packet with maps of the current impact areas and Idaho Statute 67-6526. The packet also included questions posted to you by the Valley County Board of County Commissioners. Recommendations are to be given to the Board of County Commissioners by November 1, 2022.

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.

For each of the three impact areas, the Planning and Zoning Commissioners should review respective Comprehensive Plan, impact area boundaries, and ordinances. The Commissioners shall make any recommendations for changes to the Valley County Board of Commissioners. The Board will then renegotiate the impact area boundaries and applicable ordinances. There is flexibility to devise a process that works.

The annexation process was discussed. If an area is going to be annexed into a city, the ordinances should be similar for future development. Property has to be in the impact area prior to an annexation by a city. Director Herrick is unsure if cities are required to provide services such as water and sewer within city limits. City councils are responsible for planning and density control within city limits. No change in tax revenue for cities until a property is annexed; properties within the impact area do not pay city taxes.

State statute requires a 10-year review of impact areas. Proposes can be made at any time. Cities must have a plan to annex impact area within a reasonable time.

Ordinances implement comprehensive plans. Conditional use permit applications and sewer water district planning within and near impact area boundaries was discussed.

The Cascade, Donnelly, and McCall Impact Areas are all handled differently at this time. The PZ Commissioners should discuss if the cities should control decisions within impact areas; which ordinances (County or City) should apply; or if some sort of hybrid model should be used. Negotiations between the city councils and the Board of County Commissioners have resulted in different negotiations for each city impact area.

Brian Oakey stated that impact areas are required by Idaho statute. He recommends that the Commissioners be mindful of each city's goals and objectives. The impact area boundaries put property owners on notice that they may be annexed in the future.

The impact areas are currently handled as listed:

1. Cascade Impact Area is currently under jurisdiction of Valley County and governed by Valley County Ordinances.
2. Donnelly Impact area is governed by Valley County Ordinances and the 2002 Donnelly Comprehensive Plan. The most recent Donnelly Comprehensive Plan (2014) was not adopted by the Board of County Commissioner.
3. McCall Impact Area is governed by the 2018 McCall Comprehensive Plan and McCall Ordinances. However, the Board of County Commissioners did not approve the expanded impact area that was within the 2018 Plan.

The Valley County GIS maps were used to view impact areas on the large screen. The Commissioners also have printed maps.

Cascade Impact Area

The current impact area boundaries were discussed as well as the expected growth area for the city of Cascade. The Valley County Comprehensive Plan and Valley County ordinances apply to the City of Cascade Impact Area.

The Crown Point area as well as an area around West Mountain Road was removed from the impact area in 2010 as the City of Cascade did not plan on annexing the area. Boundary changes were discussed. It makes sense to have the airport area within the impact area.

Recommendations discussed by the Commissioners:

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. Donnelly Comprehensive Plan was discussed. The latest Donnelly Comprehensive Plan (2014) was not adopted by Valley County Board of County Commissioners due to errors and needed changes. Valley County ordinances currently apply to the City of Donnelly Impact Area.

Boundary changes were discussed. The Commissioners would like to know more specifics about the Donnelly Comprehensive Plan.

Recommendations discussed by the Commissioners:

1. Northern boundary of Wallace Lane makes sense.
2. Western boundary at the waterline of Lake Cascade makes sense.
3. Southern line at Barker Lane makes sense.
4. Eastern line should be modified to remove the large agricultural (pasture) area.
5. Change to apply Valley County Comprehensive Plan and Valley County ordinances.
6. In near future, recommend that the application of the Donnelly Comprehensive Plan be reconsidered once it has been redesigned.
7. The Board of County Commissioners should ask the City of Donnelly if they have any desire or plans to annex the area across the S-Bridge.

McCall Impact Area

The current impact area was discussed as well as the expected growth area for the city of McCall. Maps of the existing zoning map, impact area boundaries, and city limits were reviewed. The latest impact area boundary map was not adopted by Valley County Board of County Commissioners. Proposed changes were discussed. Currently the Board has adopted a mirror image of the McCall Comprehensive Plan and McCall ordinances. McCall has a joint planning and zoning commission that includes three representatives from the impact area. 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.

The City of McCall wants to include additional area south to Johnson Lane. The city would like more control on development in the area around the airport. However, The McCall Airport personnel can comment on proposals within the area of the airport at this time. The Board of County Commissioners recently approved an additional requirement for building permits (FAA Form 7460-1).

Brian Parker, McCall City Planner, stated that McCall does not do forced annexation. People can apply to be annexed.

Building permit fees in the McCall Impact Area go to City of McCall. The city reviews building permits and does building inspections in the impact area. The Valley County Road Department has jurisdiction for roads within the impact area.

There are some things that aren't quite clear in the impact area. Short-term rentals in the McCall Impact Area were discussed; no one is requiring permits for them at this time. Other loopholes include large gatherings that do not require permits under City of McCall Code although a conditional use permit would be required for the same use in other areas of Valley County. The Sheriff will issue permit for a large gathering in McCall Impact Area. Enforcement in the impact area was discussed. The City of McCall investigates and writes reports which are forwarded to the Valley County

Prosecutors Office. There is confusion by the public if they should contact McCall or Valley County for violations within the impact area.

The effect of reducing the McCall Impact Area was discussed. The expectation of current property owners is that existing zoning will remain. Mr. Oakey asked the PZ Commissioners to consider if it makes sense to apply city ordinances if there is not an associated plan for annexation. Mr. Oakey stated that the joint planning and zoning commission is legal but the way it is currently being operated may not be. Clarification is needed to determine if all joint commission members should be voting on issues within the Impact Area. These procedures will be modified through this process and review.

The Commissioners discussed McCall's plans for future annexation and providing services. If subdivision proposals are adjacent to city services, the Commissioners agreed that it makes sense to expand the services and the city limits. There should be an organized plan to increase city limits. Utility providers have to have a master plan for service area.

The current zoning in the impact area was discussed. McCall does do development agreements. The Commissioners would like further discussion on the pros and cons on revising McCall impact area boundaries, particularly for the land currently managed by Idaho Department of Lands. The city of McCall does want to protect their drinking water which comes from Payette Lake.

The southeast boundary seems to be geographically drawn. White Cloud Subdivisions are currently split with a portion within the impact area. Valley County does maintain some of the roads within the White Cloud Subdivisions.

Recommendations discussed by the PZ Commission:

1. Boundary changes to include portion of Whitetail P.U.D. that was annexed into the city but outside the impact area boundary as well as part of RP18N02E130006 that has McCall city limits on three sides.
2. Include portion of River Ranch already in city limits but south of the current impact area boundary.
3. Removal of White Cloud Subdivisions from the impact area.
4. New ordinances for short-term rentals and events, and remove requirement of Accessory Dwelling Units (ADUs) in new shop/garage buildings
5. Modify Joint Planning and Zoning Commission to be lawful.
6. City of McCall shall submit an annexation plan

- **The review of the Valley County Comprehensive Plan will be discussed at a later time.**

ADJOURNED: 7:40 p.m.

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

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.

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

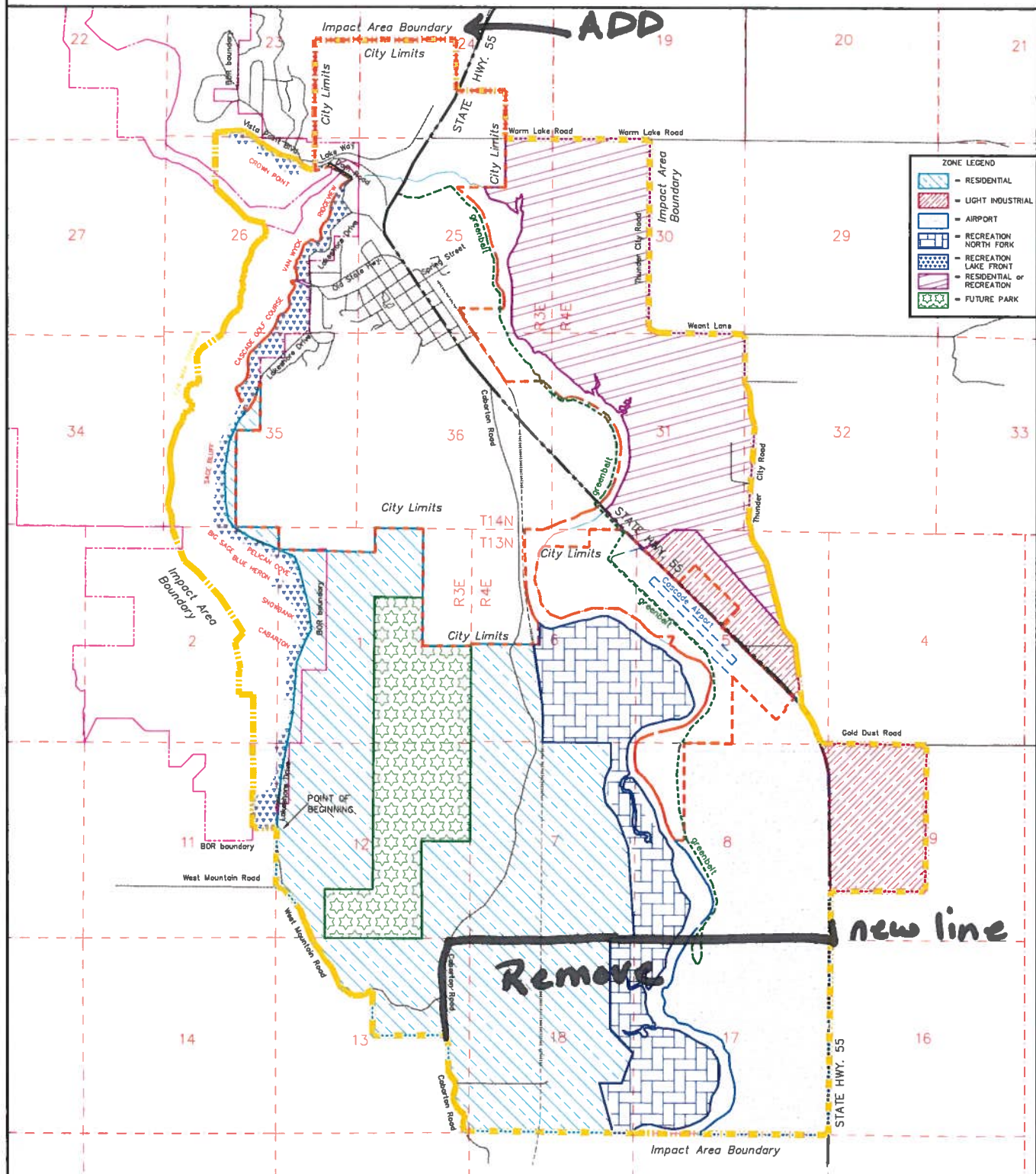
The Commissioners started a discussion on the Valley County Comprehensive Plan on August 18, 2021. Other issues arose, delaying the discussion on the Comprehensive Plan.

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.

IMPACT AREA & ZONING - 2010 - Planimetric Base Map



1320' 0' 840' 1320'

Bearings based on State Plane Grid

I, John Russell, Idaho Professional Land Surveyor #6021, do hereby certify that this map was prepared by me or under my direct supervision, at the request of the Valley County Planning & Zoning Department.

DRAWN: J.Russell DATE: 6/30/10 SHEET: 1 of 1
REVISED: JER 9/24, 11/18/10
RSI # 10-040 (8-014) Drawing: 10-040I.dwg CIAMageD lab
(C) CIAMap, John Russell (2010) All Rights Reserved

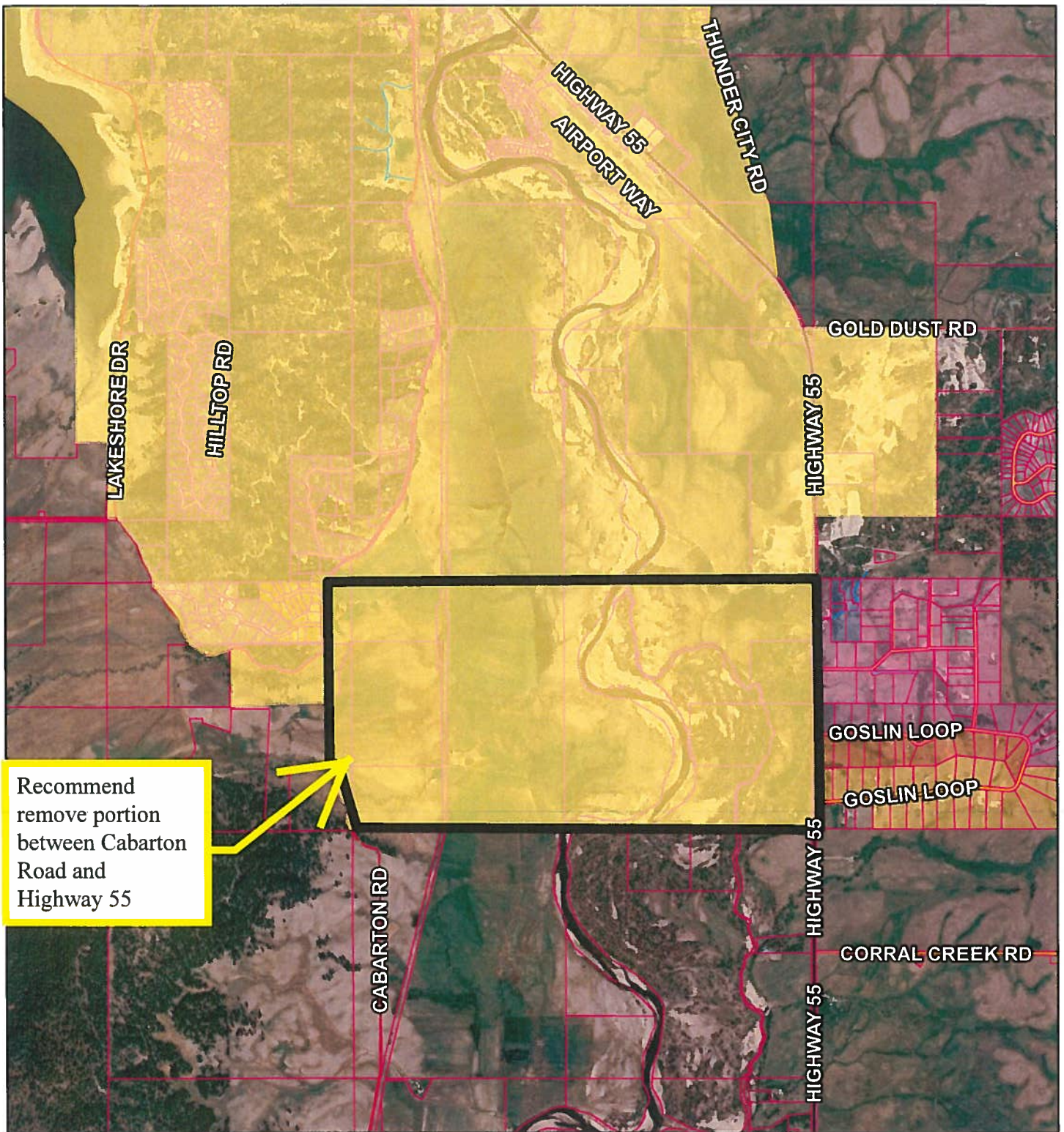
SURVEY NOTES:
Map data was compiled from USGS topographic maps, BLM Master Title Plats, Valley County Assessor's Plat, Valley County Rural Addressing Maps, Bureau of Reclamation Boundary shapefiles, City of Cascade Maps, and 2009 NAIP imagery (Insideidaaho).
Projection is Idaho State Plane Coordinates, West Zone.

CITY OF CASCADE
Impact Area

situated in
T.13N. R.3E.; T.13N. R.4E.;
T.14N. R.3E.; and T.14N. R.4E., B.M.
Valley County, Idaho

Valley County Surveyor
Russell Surveying, Inc. ~ McCall, Idaho
June 2010
11/18/10 Sheet 1 of 1

Valley County Planning and Zoning



November 30, 2022

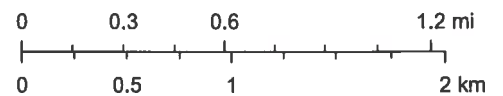
- Override 1
- City Impact Areas
- Parcel Boundaries

Subdivisions

- ARROWHEAD MOBILE VILLAGE & R.V. PARK
- BEN GOSLIN NO. 2
- BEN GOSLIN NO. 3

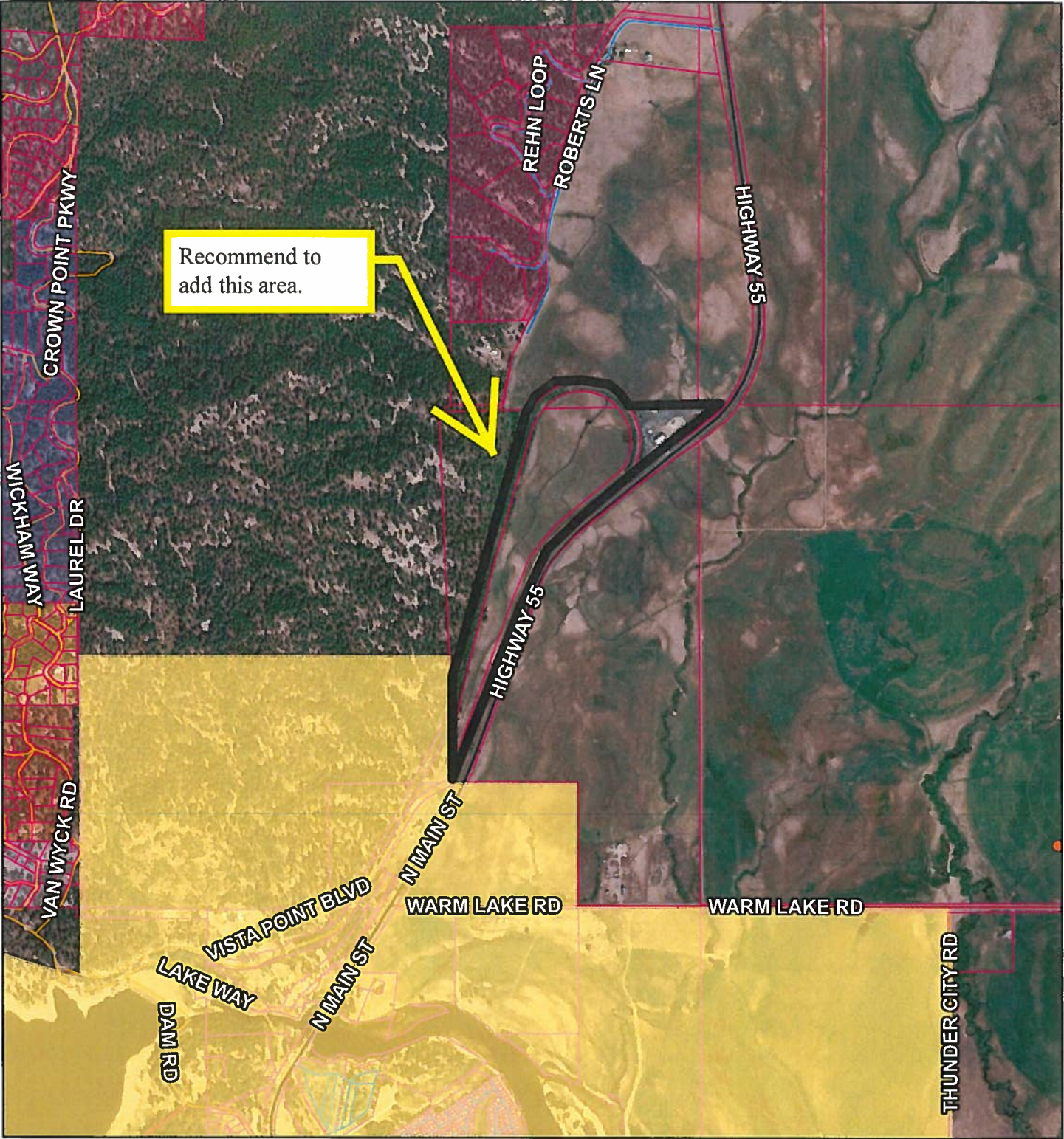
- BEN GOSLIN NO. 4
- BEN GOSLIN TRACT
- BIG CREEK ESTATES

1:50,206

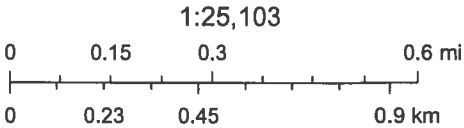
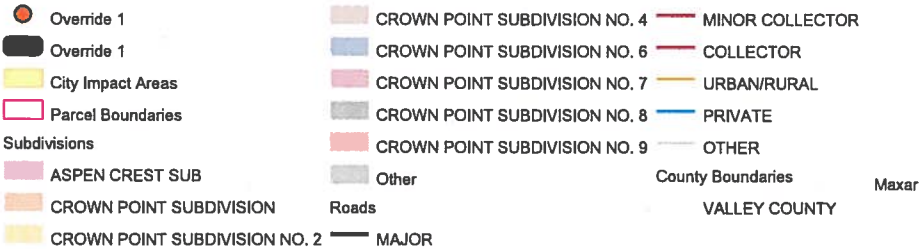


Earthstar Geographics

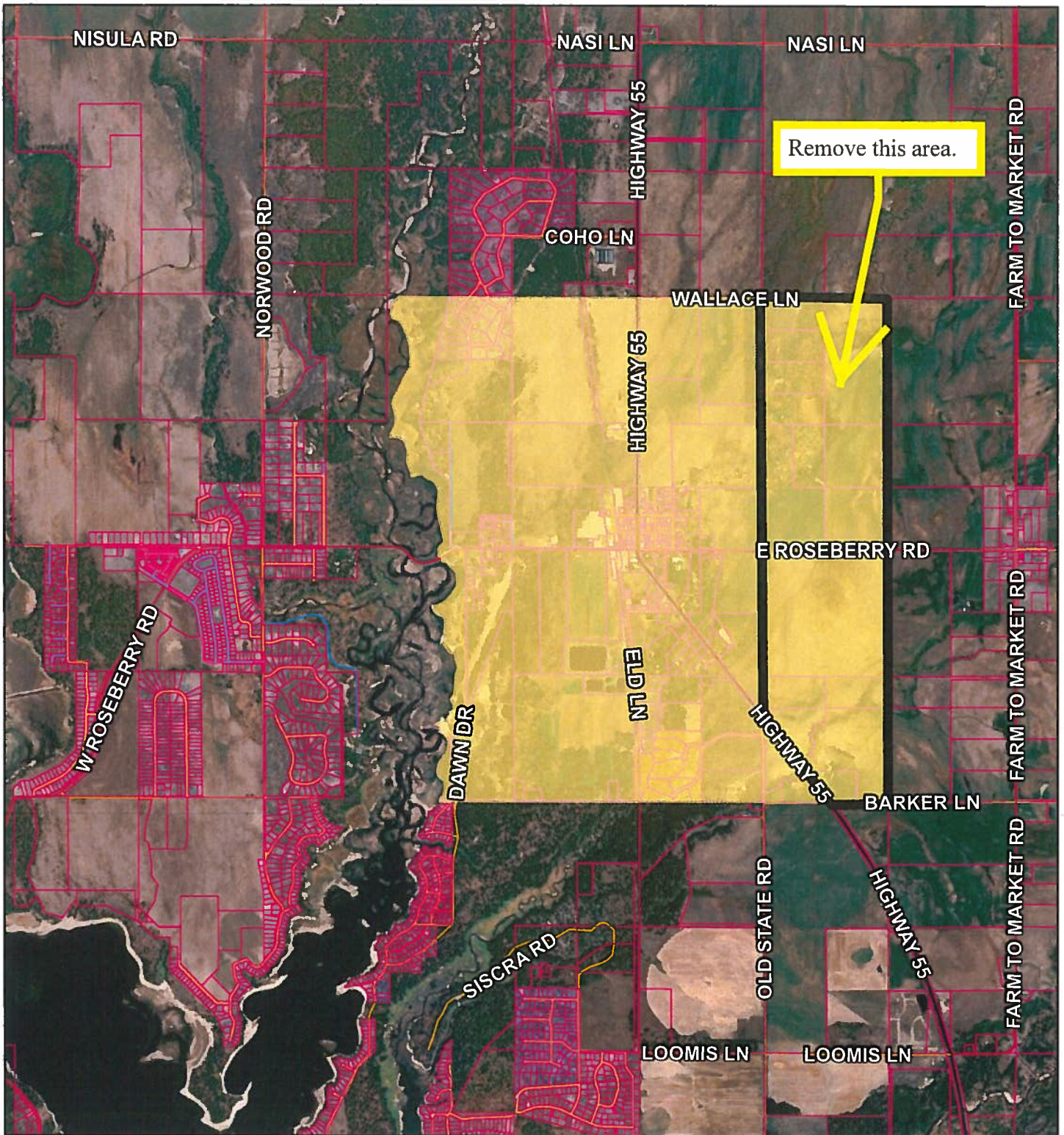
Cascade Impact Area - Northern Boundary



November 30, 2022



Donnelly Impact Area



November 30, 2022

- | | |
|-----------------------|-----------------------------------|
| — Override 1 | BIG SMOKY NO. 1 SUBDIVISION |
| — Override 1 | BIG SMOKY NO. 2 SUBDIVISION |
| City Impact Areas | BOULDER CREEK MEADOWS SUBDIVISION |
| Parcel Boundaries | COHO ESTATES |
| Subdivisions | CRANE SHORES SUBDIVISION |
| ALEXANDRA SUBDIVISION | DONNELLY, TOWNSITE OF |
| ASHLEY SUBDIVISION | DREWSTER SUBDIVISION NO. 1 |

Earthstar Geographics

Recommended Boundary

