



Valley County Planning & Zoning Commission

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Todd Hatfield, Chairman
Harry Stathis, Vice-Chairman

Ed Allen, Commissioner
Mike Diem, Commissioner
Gerald Patterson, Commissioner

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: January 10, 2008

TIME: 6:00 P.M. to 8:30 P.M.

LOCATION: Valley County Courthouse

ATTENDANCE: Commissioners present: Chairman Ed Allen, Mike Diem, Gerald Patterson, Todd Hatfield and Harry Stathis. Staff members present: Cynda Herrick, AICP, Planning and Zoning Administrator and Paula Amundson, Planning and Zoning Administrative Assistant.

The meeting was called to order by Chairman Allen at 6:00 p.m.

A. OLD BUSINESS:

1. C.U.P. 06-48 Brewster Mill Subdivision – Final Plat: The applicants are John and Alice Millington, and Gerald and Cynthia Brewster. They are requesting final plat approval to establish a two-lot single-family subdivision on 5.65 acres. The Commission will review the final plat and Conditional Use Permit to determine conformance with the preliminary plat. Access would be from Buckcamp Lane. The site is addressed as 275 Buckcamp Lane and is located on a portion of Lot 1 in Hogue Hollow Parcels in Sec. 31, T.18N, R.3E, B.M., Valley County, Idaho.

Chairman Allen announced the item and asked for the Staff Report.

Staff stated this had been previously approved for final plat, but the final plat had expired. The only outstanding issue is on the ownership of a 12 foot strip of land on the east side of the property line. Staff also stated that AmeriTitle had responded and stated that this issue would not preclude them from issuing title insurance.

Bob Fodrea, Rennison Fodrea, Inc., 105 N. Main Street, Cascade, had the following comments:

- Applicants purchased the land years ago from the Hogue's.
- When the survey was done at that time, there were no requirements for records of survey to be filed. The original survey was done by Bill Harris.
- Found an original plot map and it indicated to him that the ownership went to a 16th line,

but they never got the legal description corrected.

- After the property was deeded Kerr Surveying did a resurvey of that parcel, and they showed the boundary line the same way that he showed it himself going to a 16th line. There is no conflict with the adjacent property owners, only a conflict of the one distance on the legal description from so long ago.
- The applicants felt that going through quite title process was too expensive.
- He understands that Mrs. Hogue was very senior and was unable to do a quit claim deed.
- He will stand by the liability for this boundary personally. He will be the responsible party saying that the line goes there.
- This issue is not being contested by anyone.
- AmeriTitle had responded and stated that this issue would not preclude them from issuing title insurance. They felt this was probably a survey issue, rather than a title issue.

Staff stated this is a matter of the legal description. She also stated that Sue Probst, the Valley County Cartographer responded that their office would abide by the decision of the County Commissioners and Planning and Zoning

Commissioner Stathis moved to approve final plat for C.U.P. 06-48 Brewster Mill Subdivision and authorized the chairman to sign. Chairman Patterson seconded the motion. The motion carried unanimously. This approval is good for 90 days.

MINUTES: Chairman Allen asked if there were any changes or corrections to the December 13, 2007 minutes. There were none. Commissioner Diem moved to approve the minutes for December 13, 2007. Commissioner Stathis seconded the motion. The motion carried unanimously.

2. C.U.P. 07-25 Centennial Log & Timber Homes: The applicant is Centennial Log & Timber Homes. They are requesting approval for a log yard to build hand-carved log structures. The office would be a temporary one-story log structure. The portable toilets and trash would be enclosed in log structures. The site is 5 acres on the NE corner of Hwy 55 and Corral Creek Road. Access would be from Corral Creek Road approximately 300 ft east of Hwy 55. The site is part of RP13N04E210006A in Sec. 21, T.13N, R.4E, B.M., Valley County, Idaho. [Postponed from November 8, 2007]

Chairman Allen announced the item and asked if there were any exparte or conflict of interest. Commissioner Hatfield excused himself.

Staff presented the Staff Report.

Commissioner Diem asked about the minutes from the previous application C.U.P. 97-1. Staff stated some of the conclusions were:

- Comprehensive plan land use goal is to retain the rural atmosphere of the valleys.
- To achieve these goals commercial and industry development will be more acceptable in or near existing incorporated communities.
- They didn't believe that commercial or industrial uses would increase the value of residences in the area.

- The application will add some value to the land but didn't know if heavy industry designation would help or harm the economic value of the surrounding properties.
- They felt if heavy industry is permitted that compatibility will be established.

Commissioner Stathis and Chairman Allen had questions regarding staff's compatibility rating sheet and would review later.

Chairman Allen stated at this time they would hear from the applicant.

Charles Mangun, 5363 Forbes, Boise, stated that they are proposing to take raw logs and fabricate them into a log home that will then be disassembled and taken off to the permanent building site and resurrected there. They have made this proposal as attractive as they can by covering storage areas and portable restrooms with similar log structures that will match the homes they are building. They are willing to make whatever concessions needed to make this more appealing to their neighbors and whoever might have opposition to this application.

Commissioner Patterson asked about the site plan concerning the project area and log prep area.

Mr. Mangun replied that they could possibly have two projects going on at the same time and wanted the plan to reflect that. Also regarding the visibility of the stored logs, you would mostly see the structure going up rather than the logs being stored behind it for building purposes.

Chairman Allen asked about the required water storage. Mr. Mangun stated that they were not aware of the 3,500 gallon storage tank until they received the staff report, but is willing to comply with this requirement from the fire department.

Commissioner Diem asked about how many log homes they would build per year. Mr. Mangun stated as a guess maybe they would do three smaller homes or two larger homes, depending on the economy.

Chairman Allen had questions regarding setbacks. Staff stated that since it was heavy industrial use they will have to increase the setbacks to 150 feet. Chairman Allen thought with the subject area being five acres they could go back quite a ways for desirability purposes.

Commissioner Diem wanted to know their plans for the generated waste from the product. Mr. Mangun stated there are several kinds of waste; waste bulk wood becomes firewood that they would use themselves; bark that would get chipped and shredded, which they would sell to nurseries; and less biodegradable stuff, the banding and packaging that would go into a dumpster and be shipped out.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for undecided.

Todd Hatfield, 14070 Deerfield Road, McCall made the following comments:

- To find a location for this type of business is very difficult in this county.

- People want them to be in industrial parks, which there are none. If they are closer to a city, then there are more people that will oppose this type of business.
- It does have support from the comprehensive plan with the timber and agricultural industry. The county supports tourism but doesn't really do anything to provide support for the timber and agricultural industry.
- It does fit in to that part of the comprehensive plan and is a benefit if logs are purchased locally.
- The operation sounds very similar to mine and if you ask the applicants about the amount of time that they will actually spend on site you will find it is not very much, because we probably only work at my log yard for four months out of the year. The rest of the time we are out on the job putting up the home on the permanent site.
- Not sure if they have any plans for a saw mill.
- Wondered if they had a dust abatement program, because it gets very dusty in the summer from running over the natural ground cover. If approved a dust program should be required.

Chairman Allen asked for opponents.

Harry Adams, 10973 Highway 55, Cascade, lives just across the highway from proposed project. At the last meeting we had more opponents, Tim Shaw and Frank Donaldson. They both were unable to make this meeting and like myself have not changed their minds and felt this is not compatible with the open scenic nature of that property. Tourism and recreation is this county's major sources of income and doing this in our scenic corridor is foolish. The applicants felt this business needed to be off the highway to sell homes. Websites are the way you sell things nowadays. Even if they only work there a few weeks a year, it is still clutter. Nothing has changed since it was rejected ten years ago. My wife was planning and zoning commissioner and she recused herself at that time from the decision. She wrote the same compatibility evaluation and came up with a -4, which we have submitted. I am speaking in a general nature for the Shaw's and the Donaldson's, so you know where we are coming from.

Staff stated the compatibility rating was a -3 that was submitted by Mrs. Adams. Mr. Adams stated she was on planning and zoning for five years.

Chairman Allen asked for applicants' rebuttal.

Adam Grad, 240 Pole Cat Ridge, Cascade, had the following comments:

- Not so much a rebuttal, because he could see the point of view that the neighbors had. But along the lines of what Mr. Hatfield said was that they did not come to this site as their first choice for a site. He has met with every property owner from State Street all the way up to Gardenia. He has spent a year trying to find a piece of property that would work for them. When the Kennedy's agreed to let them try and put their business there, he was very relieved. They need visibility to sell their product. They want to construct pieces of art. Their business is to hand carve log homes. What they do is very attractive to look at. They want people to stop in and look at their work.
- Websites and advertising are a good source of getting your product known, but it is difficult to compete with the larger companies.

- They are not a start up company. He and his partner Chuck have been together for two years. Chuck has been building log homes for over ten years. They are currently bidding and working on homes in Valley County. He has lived in Valley County for eight years and would also like to work in Valley County.
- He understands what the opponents are saying, but they would like to show them what they can do. They are willing to work with the neighbors and the commissioners to make this a palatable project in Valley County.

Commissioner Stathis asked if they had a shop location in Boise. Mr. Grad responded no they do not. Right now they do all of their projects at the homeowners site, which involves a lot of traveling.

Commissioner Patterson complimented their proposed sign design. He asked if they were going to do a rail fence in the front along the highway to make it less intrusive. Mr. Grad said they plan on doing a hand carved log fence along Highway 55 and the Corral Creek frontage. This type of fence will not be around the whole property, but they will be fencing around the whole property because of the Kennedy's cattle.

Commissioner Patterson asked how long would their lease be for. Mr. Grad said they have discussed a three to five year lease.

Commissioner Diem asked how much room was there on the property so that you would be able to move their business back even further. Mr. Grad stated they have no objection to that, but the obstacle is a rise in the land, and they need level land to build on. We would probably be able to push back quite a ways, but that would put us closer to the Shaw residence. We would be able to push back a reasonable distance, but we still want some visibility.

Commissioner Diem asked why they selected this site over all the other sites they looked at. Mr. Grad stated it was because they were told by the Kennedy's that they could use their property for this type of business. With the other sites, it was one problem or legal issue after another.

Commissioner Patterson asked how many employees would they have. Mr. Grad stated they plan on having two to four. The jobs will be good jobs; well paying and provide steady work.

Chairman Allen brought it back to the table for deliberations.

The commissioners went through the compatibility rating done by staff. All questions were left the same except for No. 7, "Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?" This was changed to a 0 from a +1. The guideline for being a zero was that it is not applicable or neutral. The commissioners all went with neutral.

The commissioners asked about the increased public revenue from the property. Staff stated that piece of property would be taxed as an industrial piece of property rather than agricultural and create jobs.

This changed the overall compatibility rating from a +6 to a +4.

Chairman Allen felt that it all came down to the compatibility issue. Staff stated that they could also give the applicant a review time which would require them to come back to the commission in a specified time frame. Chairman Allen felt this should be an additional condition of approval.

Commissioner Stathis understood that they needed highway visibility, but if they were to push further back than the 150 feet setback, how much further could it be without interfering with the Shaw residence.

Chairman Allen stated they should decide what the reasons for opposing or proposing this application are. If there are problems how can they be mitigated?

Commissioner Patterson stated that by looking at their brochure it sure looked like a desirable project for the county. Commissioner Stathis stated that they should put them on a review basis so that they can see if they are abusing the conditional use permit by not being an eyesore and making sure the site is maintained.

Chairman Allen felt this is a business that is somewhat needed. He worked at a log yard in Idaho County and there is also a log yard in Adams County on the side of the highway and he never found that to be offensive. Commissioner Patterson brought up the log yard in Valley County owned by Todd Hatfield. Commissioner Stathis stated that where Todd's log yard is located was not the same as what they are presently looking at with Todd's commercial neighbors.

Chairman Allen further commented that:

- Less of an impact than a subdivision. These homes are not permanent obstructions to views. They go up and then they go down. They are worked on more on site than at the log yard.
- Needs to be kept neat and clean, so it does not present a negative impact.
- Log fencing is a good idea to break up the view.
- People like seeing log homes being built.
- Better than a gravel pit.
- Needs additional conditions of approval to make it acceptable.

Staff stated a condition of approval could be "will be reviewed by commission after second season and if determined not compatible will abandon business or come into compliance". It can also read that it can be reviewed in the fall of 2008 and be reviewed yearly to make sure they are in compliance.

Commissioner Diem stated that initially he wondered why they would want to approve something that has already gone through the process for the same site and same type of business, with the decision already being made that this was incompatible. He wondered about the discussion and if there had been any flexibility for the location or if there wasn't. He now thought that if it can be located further back to 300 feet or so there would be sufficient space to locate the business and still have good visibility and not be too close to the Shaw's residence. There has not been any discussion of hours, which he thought should be another condition of approval.

Staff stated that typical hours for heavy industry are Monday through Saturday 7:00 a.m. to 7:00 p.m. In the past the commission has shortened the day on Saturday to 8:00 to 5:00 p.m.

Commissioner Stathis wondered that if they did approve this application, what happened when another application for heavy industry comes in that wanted to be off the highway and they use this as compatibility, what then. Chairman Allen stated you would consider it on its own merit. Staff stated that you would look at each application individually.

Commissioner Stathis concluded he liked watching log homes being built. Chairman Allen stated that around the country they do have log yards sitting in full visibility and people seem to be attracted to them. Commissioner Patterson believed it fit in with the mountain atmosphere. Chairman Allen stated it sure is better than a lot of other things that could be there.

Commissioner Diem stated that if the location was moved further back it would be farther away from the higher water table and from any residual. It was agreed amongst commissioners to move the location 250 feet back from Highway 55.

Staff recited additional conditions of approval that have been created as a result of their discussion:

- Will be reviewed by Planning and Zoning Commission after first season and every fall. If determined not to be compatible they will be required to clean up site and stop operations.
- Will place log fencing intermittently to break up site along west and south use areas.
- Must mitigate dust.
- Operating hours are from 7:00 to 7:00 Monday through Friday and 8:00 to 5:00 on Saturday.
- Must locate log yard 250 feet back from Highway 55.
- Will plant a cluster of trees in the southeast corner between the Shaw's residence and log yard.

Commissioner Stathis moved to approve C.U.P. 07-25 Centennial Log and Timber Homes with additional conditions of approval. Commissioner Patterson seconded the motion. Motion carried unanimously.

Chairman Allen stated there was a ten day appeal period.

B. NEW BUSINESS:

1. C.U.P. 07-30 Boulder Peak Ranch – Preliminary Plat: The applicant is Boulder Creek Ranch, LLC. They are requesting preliminary plat approval to establish a 43 lot single-family residential subdivision with two open space lots on 209.5 acres. Interior roads would be public. The subdivision would be implemented in two phases and be served by individual wells and septic. The site is on Paddy Flat Road east of Farm to Market Road, between Lake Fork and Donnelly. The property is RP17N04E306005A and is located in the S ½ SW ¼ of Section 30 and NW ¼ of Section 31, T.17N, R.4E, B.M., Valley County, Idaho.

Chairman Allen announced the item and asked if there were any exparte or conflict of interest. There were none.

Staff presented the staff report. Staff read the conditions of approval and stated No. 16 shall be removed since it is covered under the road development agreement. Since the staff report had been completed the following additional correspondence had been received:

Jeff Schroeder, Valley County E.I.T., responded by letter dated January 4, 2007 and had the following comments (exhibit 1):

- Preliminary site grading plans have been reviewed and approved.
- BMP's have been shown on the submitted plan set.
- A road development agreement will be required.
- Must preserve all public right-of-ways within the legal boundaries of the proposed development.
- A 70' right-of-way is required. They will need to dedicate additional right-of-way and be noted on the final plat.
- Needs to clarify the proposed easement at lot 19 and the easement from Lot 22 to Lot 16.
- As part of the revised plan set the applicant must address his additional comments.

Scott Corkill, Idaho Department of Lands, responded by letter dated January 10, 2007. He had the following comments:

- It has been noticed that the plat only shows one access point. They recommend that the developer contact the Payette Lakes Area office to discuss a second access point. This could also relieve some concern from the local rural fire department for access in emergency situations.

Marlene Hayes, 13380 Vili Road, Donnelly, responded by letter dated January 9, 2007. She had the following comments:

- She lives directly south of this proposed subdivision.
- Concerned about the impact on existing infrastructure, the impact on water, and the impact on wildlife and the environment.
- Questioned whether another subdivision was needed, due to the number of available lots for sale in the county.

Forest Hayes, 13380 Vili Road, Donnelly, responded by letter dated January 9, 2007. He had the following comments:

- Our subdivisions should not look like Boise subdivisions.
- Concerned about the impact on water.
- Concerned about the impact on the roads. Paddy Flat Road is a rural dirt road. Who will end up paying for this road to be built to county standards? Will it be the developer or the tax payer?
- Wonders why another subdivision was needed when there are so many lots for sale in other subdivisions. Too many properties for sale on the market at one time hurt property values.

Commissioner Diem asked if two access points were required for this area. Staff stated no they

were not. Paddy Flat Road is an existing public road going out into the back country. They do have more than one access point into their subdivision. It's just that there is only one road going out into this area.

Commissioner Hatfield asked about COA #7 that a fuel break must be provided along public lands and why it was required. Staff stated it can be removed, that it was there for discussion.

Chairman Allen stated at this time they would hear from the applicant.

Jim Fronk, Secesh Engineering, 335 Dienhard Land, McCall, representing Boulder Peaks Ranch.

Commissioner Stathis asked how close the project was to the bald eagle's nesting area. Jim Fronk answered that it was less than 1000 feet but more than the 500 feet described in the guidelines. Commissioner Stathis asked if this was the same issue that was involved with the gravel pit application. Staff stated yes it was the same bald eagle's nest located on the State's gravel pit site.

Jim Fronk displayed Boulder Peak Ranch's overall site plan marked as Exhibit #5. He clarified the location of this project as off of Paddy Flat Road east of Farm to Market just past the State gravel pit. Secesh Engineering and Epikos Design have been working on this plan for the last three years to deal with the issues of this site. Central District Health has been observing the soil investigations. The lot configuration that has been established with the 43 lots is centered around the soils investigation to come up with adequate septic sites. There are still five or six lots that still need verification of the ground water. The other lots have data that the CDH will accept.

Mr. Fronk further stated the minimum lot size is 3 acres and the maximum lot size is 10 acres. A wetland delineation has been conducted on site. The report has been submitted to the Army Corps of Engineers. They agree with the conditions of staff. We just received the letter from the Valley County Engineer and we will need to get together with him to clarify his requirements. We have been in contact with the U.S. Fish and Wildlife Service and we have their guidelines for implementation. We have also been communicating with the Valley County Road Department to come up with figures for the RDA and the improvements needed for Paddy Flat Road.

Commissioner Stathis asked about their discussions for improvements to Paddy Flat Road. Mr. Fronk says they are willing to pay their identified share and take this money and work with Valley County to improve this road. Phase One is 19 lots and Phase two is 44 lots. Phase One is set to be completed December 2010 and Phase Two is set to be completed December 2012. We have every intention helping with the improvements made to Paddy Flat Road. This will be more planned out at time of final plat.

Commissioner Hatfield stated he sees a problem with lots 1 through 5 that they all have driveways off of Paddy Flat Road. This is a lot of driveways for Paddy Flat Road with all the logging trucks that go through there. This is a very big safety issue. Another safety issue will be with all the ATV traffic and that there should be warning signs before you drive on to Paddy Flat Road regarding potential traffic ahead.

Mr. Fronk agreed that was a good point. Regarding the driveways he believed they could combine at least two or three of the driveways. Staff stated they would have to show the shared driveways on the final plat. Mr. Fronk stated lots 2 and 3 could be combined. Between lots 4 and 5 there is a ridge across the top and it would be difficult to combine there. Regarding lot 1 the driveway is directly across from the entrance and should not be an issue.

Chairman Allen asked about fire proofing issues. Mr. Fronk stated there has been quite a bit of logging done in the last couple of years for thinning and for profit. The developers and myself do recognize that there is a potential for fire issues in this area. We will be putting language in the CCR's allowing the property owners to create fire defenses for their property.

Chairman Allen and Commissioner Patterson agreed that the wildlife urban interface was very important.

Commissioner Diem questioned that the roads appeared to have steep grades. Thought that they should consider using biosol to help reestablish vegetation. Mr. Fronk stated they have made recommendations to the client and have a geotechnical study going on to help decide on the type of retaining walls they should implement in certain areas. Mr. Fronk said that they are lowering the grades the best they can to get up the hill. Their plan is to be very aggressive for stabilization.

Commissioner Diem stated that he only saw culverts at the stream crossings. He felt that more relief culverts would be more beneficial for spring runoffs and erosion. Mr. Fronk stated that he agreed. The purpose of preliminary plat is to allow you to do preliminary drawings to show the intent. The next step was the final plat that would have the final drawings which then they will size the culverts and do the storm analysis. Commissioner Stathis also agreed this is important with all the cut and fill on the road.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for undecided. There were none.

Chairman Allen asked for opponents. There were none.

Chairman Allen brought it back to the table for deliberations.

Commissioner Hatfield wanted to see the access points to lots 1 through 5 down to two entrances off of Paddy Flat Road. Discussion ensued amongst Commissioners regarding the possibilities of that being able to happen.

Staff stated the condition of approval would read:

- Will reduce number of access points to two points for lots 1 through 5.

Commissioner Hatfield stated condition of approval No. 7 should be removed.

Chairman Allen thought the CCR's should include the wildland urban interface for fire protection for the property owners.

Commissioner Diem stated the single access into the subdivision for fire protection purposes was a concern.

Staff stated that the Idaho Department of Lands wants to meet with the developers and discuss the possibility for a second access into the subdivision.

Staff stated another condition of approval would read:

- Must try to negotiate with the State to see if a second emergency egress can be established for emergency purposes or establish a second egress road that meets fire department requirements.

Commissioner Hatfield moved to approve preliminary plat for C.U.P. 07-30 Boulder Peak Ranch with the additional conditions of approval. Commissioner Stathis seconded the motion. Motion carried unanimously.

Chairman Allen stated there was a ten day appeal period.

C. OTHER ITEMS:

1. Facts and Conclusions: Approved as presented.

- C.U.P. 07-23 Crystal Meadows Subdivision
- C.U.P. 07-28 Helberg Log Yard
- C.U.P. 07-29 Blackhawk Ridge
- P.U.D. 07-04 Whisper Creek

2. Correspondence:

- C.U.P. 06-51 The Highlands Subdivision – One year extension to February 6, 2009. Waiting for Northlake Sewer. Approved as presented.
- C.U.P. 06-43 Concrete Processing Plant – One year extension to January 11, 2009. They intend to come back with a more complete phasing plan in the next few months. Approved as presented.
- Affirmation of administrative decision of no C.U.P. required. Tom Olson, Jr. has agreed to allow a local business owner to park his tow truck on his property, so as to establish a yard so he can go out on county rotation. I told them they do not need a conditional use permit because there would be very little additional trips per day or impacts. Commissioners affirmed decision of the administrator.
- Election of Officers: Chairmanship needed to be changed so Commissioner Hatfield was elected to be chairman. Commissioner Stathis was re-elected for vice-chair. Cynda Herrick was re-elected as secretary.

Meeting adjourned.