

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
Special Meeting
March 3, 2008**

**PRESENT: GERALD "JERRY" WINKLE) CHAIRMAN
FRANK W. ELD) COMMISSIONER
GORDON L. CRUICKSHANK) COMMISSIONER**

ARCHIE N. BANBURY, CLERK

Meeting was called to order by Chairman Jerry Winkle at 9:07 a.m.

Chairman Winkle convened public hearing. Concerning Whisper Creek, PUD 07-04. No ex parte contacts or conflicts of interest.

Description overview provided by Cynda Herrick, P & Z Administrator.

On December 13, 2007, P&Z recommended approval. No comments since P&Z public hearing.

Chapters 3 and 8 of LUDO need to be considered, concept approval for (2) and (3).

Commissioner Eld questioned regarding background, fractional ownership of 24 duplex townhomes with each being a building. Total units to be 24 town homes, 8 buildings, four plexes to a single family residence for a total of 59 separate units.

Jim Fronk, representative for Whisper Creek and applicant. The plan, 59 units complete, 50% plus open space with connecting trails. Recirculating pond, water and sewer are available from North Lake Sewer District. Commissioner Eld asks clarification regarding trails, not shown on map.

Commissioner Cruickshank concerned about drainage.

Commissioner Eld asks that drainage be engineered and described in the application.

Fronk provides a map showing drainage plan.

Irrigation to property is a moot point as it won't flow to the property. Water will come from a well. The pond will be 15 feet deep at maximum, lined and to include a pump which will recirculate to prevent stagnation.

Commissioner Eld inquires about set backs from property lines and from road, 40 feet on west, 30 feet elsewhere. Trail passes through set backs 10-12 feet wide, planned to be asphalt. Correction, to be crushed granite, aka road mix. Set back is 20' from the private interior roads.

Amenities include club house with gym, tennis courts, shuffleboard, two maintenance and storage buildings, and laundry facility.

24 luxury townhomes, 750 sq. ft.

28 cottages, over 1400 sq. ft.

7 lots for custom homes

Total 59

Luxury at 1/8th ownership

Cottages are 1/10th ownership

Lots are 1/4th ownership

Also add 8 more units for affordable housing.

Lots will have to be built to plans of designs of Whisper Creek. Lots will be .45 acres. Commissioner Eld states Appendix D, needs to be stated as a Condition of Approval.

Chairman Winkle asks of Jim, what areas are available for children.

Ron says there will be a child's pool, adult's pool, playground and pond.

Jim explains there may be a way of adding trout to the pond for fly fishing.

Commissioner Cruickshank concerned about snowmobile trailer parking, since there is only a one car garage. Also, accommodating guest parking, with one car garage. Snow storage is a concern as to where it will go.

Ron states he will look into making some additional spaces.

Commissioner Cruickshank may need up to extra 25 spaces, with some longer areas for the trailers.

Jim states when the affordable housing is addressed, may offer additional parking in that area, where the employee housing might be. This may require a density adjustment.

Ron explains he would be willing to put money into an affordable housing pot, but does not think that the affordable housing would go over well within this area.

Commissioner Eld, if the affordable housing were not required, would you still put some in?

Jim says this application includes employee housing, at time of final plat they would be willing to pay out money in lieu of the housing.

Commissioner Eld asks of Jim why landscaping requests had not been completed before now.

Jim says he was not avoiding Planning and Zoning Commissioner Hatfield's suggestions; they will make necessary adjustments to landscaping

Commissioner Eld felt barriers were needed outside and between housing, without losing interior landscaping as well.

Jim feels that by the time we get to final plat, these things will be addressed in landscaping.

Commissioner Eld to Jim, you understand by accepting today, we are not approving this landscaping plan.

Commissioner Cruickshank asks, who will be maintaining landscaping?

Jim states one entity, Homeowner's Association taking care of maintenance.

Commissioner Cruickshank would like to see a condition of approval that grass is maintained, irrigated and reseeded in fall. Concern of #16, reseeding within a year, he would like to see it does not extend the year and is regularly maintained. He also addresses the community housing fees.

Ron explains the individuals paying community housing fees are doing so, in order to have use of the pool and clubhouse.

Commissioner Eld asks for clarification on convenience store.

Ron says it would only offer simple items, not a profit center.

Commissioner Eld asks if walkways would be open for the public.

Ron says the one across the front is open but the intention was for private access only within the facility.

Chairman Winkle says this is a public hearing, and then calls for opponents.

Gallia Kistler, 614 N. Sierra View Way, Eagle, Idaho. Concerns for convenience store being too big (maybe vending machines instead), wishing landscape to be a condition of approval, on the record for 67 units and clarification of fractional ownership does it include land around the building or structure only. Commissioner Eld states building only.

Robert Renn, 186 Tamarack Falls Rd., Donnelly, Idaho. He is worried about water supply to owners around the development; he has experienced problems with his water as a result of 'The Meadows' behind his home. Requests the commissioners consider water supply demand, as a result of this development and future development demands. He would like to see ½ acre home ownership, instead of commercial, does not want to see any stores (no commercial whatsoever). He does not want low income or employment housing and is concerned about drainage issues. Would like to see percolation tests this year and next.

Kelly Anderson, 190 Tamarack Falls Rd., Donnelly, Idaho. Concept looks good, concerned about drainage as well, around her home there are ponds that form around her home. She is concerned about her well and it being drained out because of the pond/sprinkler usage.

Chairman Winkle asks of Kelly, has she filed for well rights. This gives water rights if she were to lose water supply.

Kelly states she was not aware of this right. She is concerned about tall buildings, is this setting a precedent in the future for potential development in Valley County.

Anthony Sharpf, 180 Tamarack Falls Rd., Donnelly, Idaho. Read letter from Jeff Lapin with Central District Health, who states he has not received a letter of application as of yet. Further states concern for storm water with a high water table in this area and addresses potential for flooding. Anthony is concerned over landscaping plans not being completed. Sewer District stated they do not want the community housing in this development.

Points out (in his opinion), it is the Commissioner's responsibility to protect the surrounding community.

Chairman Winkle asks for proponents, hearing none, he then asks for undecided.

Amy Loomis, Valley County Pathways representative, P. O. Box 455 Donnelly, Idaho addressed the need for correct drainage so as not to impact pathways and also for the developer to cooperate with the Valley County Engineer in all matters regarding access, egress and ingress.

Commissioner Eld questions whether or not the phasing suggested to planning and zoning is in fact the phasing plan of the development. If not, any changes will have to be brought before the Board of County Commissioners. He then inquires about the cost of project? (\$50 Million)

Ron has no plans to sell this to a developer once approved.

Chairman Winkle closes public hearing at 10:55 a.m.

Five minute recess.

Reconvened at 11:00 a.m. for deliberation.

Commissioner Eld comments on compatibility rating number of 2. Existing land uses single family residential. This is multi-family. Would concede to giving it a zero, at best. Number 5, size and scale, slight larger, would give it a zero. Number 7, the same pollution thing. He would give it a zero as well. Numbers 2, 8 and 9 should be zero.

Commissioner Eld would give it an overall negative.

Cynda explained the process of the Planning and Zoning analysis. The Commission reviews the application for compatibility based upon proposed mitigation. They are charged with question 1, 2, 3, 4, 5, 6 and 7. Chapter 8.C states the Commission shall determine the compatibility meets a positive score, not the Board.

Commissioner Cruickshank points out these 508 families could use this development of 67 units. It works towards preventing sprawl and waste of open areas.

Commissioner Eld says that is not relevant. Goes back to a compatibility issue.

Discussion of fractional ownership as 'multi-family' units and precedent setting.

Because this is so different, Commissioner Eld doesn't think it meets the compatibility test.

Commissioner Cruickshank argues that this is similar to the Meadows at West Mountain. The point is whether or not this P. U. D. is for single family residential or multi-family residential.

Cynda suggests conditions of approval as follows:

LUDO says planning and zoning commission must have a positive score and they do.

Conditions - additional parking spaces, without reducing any open space trailers, final landscaping must be approved, grass irrigated, #15 regarding pathways, be done, front trail must be asphalt.

Commissioner Eld adds, #11 must comply with proposed landscaping plan which will be approved with final plat, #12 prior to “any” construction or excavation.

#17 – they will implement Valley County and state Best Management Practices.

18 – they will implement Valley County Soil Conservation District recommendations.

Build bond or provide surety for amenities.

“24” rule for foundations (concerning ground water).

Phasing plan, no “right” to modify.

Remove commercial.

Drainage plan to be approved by Valley County Engineer. Pre-development inflows must be maintained.

Pond – guarantee of pond’s functionality by developer for several years.

Prior to turning it over to HOA, maintained by developers.

On site snow storage management must be accommodated

Motion by Commissioner Eld to table until Board of County Commissioners May meeting for Planning and Zoning matters. Second by Commissioner Cruickshank and carried to table until May 5, 2008.

Adjourned for lunch

Reconvened at 1:00 p.m.

Commissioner Eld agreed to amend his motion that, accepted by the Board and carried to set the date of the Whisper Creek decision be tabled until April 7, 2008 instead of May 5th, 2008.

Comfort Woods Appeal – Extension applied for 1 year in January, 2007. Now seek an additional year, on December 13, 2007. Appeal was timely, December 24th, 2007.

Letter read by Cynda stating applicant needs to re-apply.

Public hearing. Appellant's representative Larry Simonson, Riggins, Idaho testifies on behalf of Jerry McManus. Could not proceed last year, as Central District Health had all of the papers, program changed with respect for affordable housing. Couldn't afford to donate one lot.

Comfort Woods has 12 acres of common area on Lake Fork Creek; lots will run plus or minus \$200,000.

Joel Droulard, Cascade, Idaho surveyor works for Dr. McManus. Gives an explanation of what has been done to date. Plats are completed, ready for submission and the work is done.

No other witnesses.

Closed the public hearing at 1:25 p.m.

Chairman Winkle suggests a common sense approach – make the decision.

Commissioner Cruickshank suggests P & Z decision was correct based upon what was submitted to them, recommends 6-7 months. Commissioner Eld agrees, but they need to be close to final plat at that time. Motion by Commissioner Cruickshank to grant extension but as a condition to require Comfort Woods to establish to staff satisfaction that there has been significant progress within six months. The final plat must be submitted to the Board of County Commissioners within one year, specifically not later than March 3, 2009.

The Chairman convened the public hearing. No conflicts of interest. Staff report. Concerns interpretation of LUDO. P & Z found that an ADU permit could not be issued before a second building permit was issued. Since that time, as per letter from Bill Eddy, North Lake Sewer will require their permission granted prior to issuance of the permit.

Steve Loomis, 101 Crestview Drive, Horseshoe Bend, Idaho. Recounts difficulty in obtaining a permit for ADU prior to building a full sized home. If you build a 1000 square foot ADU, you must later build a 2000 square foot home (the 50% rule)

In the end, P & Z decided one must apply for a building for the full sized home and an ADU at the same time. Presents three scenarios demonstrating inequities.

Kristin Holland, 101 Crestview, Horseshoe Bend, Idaho, a realtor. Supports appeal. There is a market (rental) for ADU's.

Anthony Scharpf, 180 Tamarack Falls Road, Donnelly, Idaho, favors change.

John Rennison, Cascade, Idaho, favors change, would like to be able to build ADU first as a speculative home, and later building a full sized home. He doesn't feel the present interpretation allows for good planning. Would like to see a site plan or plot required. Does not consider a time frame for completion of both homes necessary.

Opponents: Jim Rowland, P.O. Box 189, McCall, Idaho. Speaks in opposition to appeal, and in favor of present interpretation. He believes that ADU ordinances are passed to provide additional rental homes to be available in the community, which in turn shifts the burden from government to the Home Owner's Associations.

Amy Loomis, P. O. Box 189, McCall, Idaho. Speaks of research done nationwide. Ordinance in Valley County requires that owner must live on the same property as the ADU. She thinks the ordinance is correct as it stands. To interpret it otherwise would be incorrect, and a different language is required to change the interpretation.

Other agencies involved include either Septic Approval and Central District Health or North Lake Sewer for regular sewer. Central District Health can't guarantee approval of drain fields in the future. North Lake Sewer can't guarantee future availability of sewer either. This makes it an awkward situation.

Steve Loomis in rebuttal. A problem does exist with respect to future sanitary problems. Eventually, they will either build a house or sell the property.

Chairman Winkle closes public hearing. Board will deliberate.

Commissioner Eld recalls that the ADU ordinance was passed to provide additional housing, not to get two houses on everybody's property. One unit must be owner occupied as a primary residence and the other as secondary. Accessory requires the existence of a primary. Residents are left to object to an accessory unit, that is why there is a notification rule. The intent of the law is to provide additional housing.

Commissioner Cruickshank questions what is an additional unit? Is there any need to change the ordinance. Thinks we should work with what we have today, not to try to guarantee the future.

Commissioner Eld moves to deny the appeal, second by Commissioner Cruickshank. Chairman Winkle supports P & Z as well. Carried to deny the appeal.

The Woods at Norwood Final Plat was submitted by Cynda Herrick. She discussed completion of all conditions for approval. Application predates North Lake Sewer and VARHA.

Motion by Commissioner Cruickshank to approve the final plat for “The Woods at Norwood”: accept the financial guarantees from Syringa Bank in the amount of \$91,300 as adequate to insure the completion of the roads and fire tanks as described in the Owner’s Declaration of Installation of Utilities and Completion of Public Roads; accept the dedicated public right-of-way along Norwood Road; and authorize the chairman to sign the final plat. This motion is made with the understanding the maintenance of Norwood Place by the county will be set at a later date, and that the owner will revise the Covenants, to limit each lot to one (1) wood burning device per lot. Carried.

The Brewster Mill Final Plat was presented by Cynda Herrick as a simple division of the parcels between family members.

Commissioner Eld moved to approve the final plat for Brewster Mill Subdivision; approve the Road Development Agreement in the amount of \$3,824; accept the VARHA recommendation and sign the road development agreement and authorize the chairman to sign the plat after receipt of the road development check.

Adjourned at 3:12. p.m.

GERALD WINKLE, CHAIRMAN

ATTEST:

ARCHIE N. BANBURY, CLERK