

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS  
CASCADE, IDAHO  
Special Meeting  
Issues Limited to Planning and Zoning Meeting  
April 7, 2008**

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

**ARCHIE N. BANBURY, CLERK**

Chairman Winkle called the meeting to order at 9:00 a.m.

On motion of Commissioner Eld, second by Commissioner Cruickshank and carried to nominate County Clerk Archie Banbury for appointment to the Gem Plan board.

On motion of Commissioner Eld, second by Commissioner Cruickshank and carried, approved Resolution #08-09 to follow Homeland Security NIMS recordkeeping requirement at the request of the Cascade Rural Fire Department.

Chairman Winkle opened the public hearing on the Buffalo Basin P. U. D. and asked if there were any ex parte contacts or conflicts. None were noted.

The applicant, represented by Ashley Ford, presented the most recent proposal by Pinnacle Partners. The presentation addressed prior concerns and is supported by the proposal dated April 7, 2008. Ashley read her presentation and provided a copy for the record. **(Attachment #1)**

**Proponents**

Amy Loomis spoke in support of Buffalo Basin regarding the pathways. Requests County and pathways work to build a connector between the pathways of Buffalo Basin and those proposed by others on contiguous properties.

Cooperate with pathways and the county engineer to see to the connectivity issue. Suggests Condition #13, be locus of pathways connectivity.

In the vacating of the Old State Highway, there should be provisions for a pathway coming through.

Commissioner Eld referred to map and discussed location of pathway. The pathway should be moved to the Old State Highway. Agreed to work with ITD and others to locate the pathway and the developer agrees, as long as the County Engineer is part of this.

### **Undecided**

Crystal Kangas-Haynes, speaking on behalf of the City of Donnelly, wants to ban car lots and car washes. Buffalo Basin is not now contiguous to the City limits, but ultimately will have to be annexed. Wants them held to 15' height on the archway and no monument.

Commissioner Eld asks developer if he would agree with requests of the City of Donnelly. He points out that CC&R's require Valley County approval.

Kimberly Xanier, Donnelly. Expresses concern, again, that this development must be restricted as is the Coach Crossing development which is now in the city. She is okay with Buffalo Basin as long as they conform to existing requirements within the City.

Ashley Ford comments that they have no issue with the pathway, are in agreement as to CC&Rs. Requests 20' for the archway and the buffalo monument.

Can't include vacation at this point, rather, they can vacate after the infrastructure is complete.

Motion by Commissioner Cruickshank for concept approval planned unit development, conditional use permit/preliminary plat and vacation of old state highway of Buffalo Basin with Conditions of approval as amended, second by Commissioner Eld and carried.

Conditions of approval are **Attachment #2**.

Recessed for Lunch at 11:25 p.m.

Reconvened at 1:00 p.m.

CUP 07-025 Centennial Log & Timber Homes –

Staff Report by Cynda Herrick, presented facts/findings, she provided copies of letters that came after the staff report was completed from James and Gail Tucker opposed, Members from Alpha Grange who were in opposition as well.

Chairman Winkle asked for questions from Staff.

Commissioner Cruickshank asked Cynda Herrick for a Site Plan and letter.

Chairman Winkle asked for any further questions from staff, hearing none, any exparte or conflict of interest, asked to hear from appellant, Chairman Winkle states for the record he was on P&Z Commission 10 years ago when the former project was heard.

### **Proponents**

Harry Adams -10973 Hwy. 55, Cascade, Idaho – states this use sets a precedent for more commercial development, concerned about scenic destruction, no enforcement of eye-sores from the project.

Lynnette Adams – 10973 Hwy. 55, Cascade, Idaho – development does not fit with rural setting currently in place or current comp plan, staff had commented it does not fit comp plan either (makes quote from staff). Presents examples, Franklin Building Supply and indoor riding arena turned down. Is worried with the current economic state, i.e. foreclosures, etc and she does not feel it will succeed and the precedent will be set to allow intermittent industrial businesses to destroy the scenery, which is why recreation oriented visitors come to the area.

Lana Bear -119 Skidoo, Cascade, Idaho – feels there are industrial sites specifically made for these businesses, which will require fences etc. to make them more visually appealing. The commissioners are stewards of the land and make good decisions for the future.

Tim Shaw - 49 Corral Creek Rd., Cascade, Idaho – allowing this to go through, will cause a potential mess later on. The business owners say they will put a row of trees in to block the view of their business, but in that area, does not feel there is enough water to support the growth. He feels it does not fall under Timber or Agriculture, as the owners' state.

### **Other Proponents**

John Donaldson, 10885 Calendar Rd., Cascade, Idaho - worried about setting the precedent this sets.

Magdalena Donaldson, 10885 Calendar Rd., Cascade, Idaho - concerned about the change in the economy and not being able to support business.

## **Applicant**

Charles Magnum, 5363 Forbes, Boise, Idaho – compatibility scores were better than what was originally scored, no plans for permanent equipment and the same equip. used as landscaping company down the road, it is to their advantage to make their business look good to draw people in to look at their product. His equipment is mobile, could not see leaving the land in any disrepair. There are already businesses set here and there along the highway; he is not doing anything new. Compatibility, log homes fit well with the scenery, could be worse with brick/metal etc.

Adam Grad - 240 Pole Cat Ridge, Cascade, Idaho – does not want make their show room to look like a construction site, will keep it clean, has plans to keep scraps to the dump or made into mulch. Minimal noise not to carry more than 1000 feet, they will be leasing the land per the land owner (description of mobile). The trees were a suggestion of P&Z, they will comply, annual check-ups required. They have never worked with a homeowner on anything other than a cash basis, no loans yet. Business will be only during the day, nothing at night. They plan an underground storage pond for fire requirements.

Chairman Winkle asked of Adam, if they use sky cranes. Adam said they use a forklift, on occasion a large boom on a daily basis to set a main beam. They will be working all year. Clarification on post & rail fence, it is a 2 pole fence. Currently there is a barbed wire fence along the back and to enhance the view, a 2-pole on the front.

Commissioner Cruickshank asked of Adam, Conditions of Approval #9, review every fall for compliance. Adam responded he felt if those are the terms of P&Z they will follow and don't feel they will fail but will have a timeframe to correct any problems that are found.

Commissioner Eld asked if there would be a well on the land. Adam said they are being required by the fire dept. a 3500 gallon storage tank to be filled by a water truck. They do not want to put a lot of landscaping in, sticking with indigenous grasses/flowers.

Charles states the office will be small and then a showroom home. Provided pictures to P&Z of these buildings.

Adam clarifies the office will be at the back of the property and the showrooms up closer to the road.

Commissioner Cruickshank asks if two projects could be done at the same time. Adam states yes. Would the Kennedy's allow you to be on any other part of their property, farther to the East. Adam says access was an issue. They are willing to put their business back 250 ft from the road, at the request of P&Z.

Chairman Winkle asks if anyone else would like to speak. Mr. Adams, as an appellant you have the right to a rebuttal.

Harry Adams feels their approach to advertising is more costly in that it affects the neighboring properties.

Chairman Winkle closes the public hearing.

Commissioner Eld, to Cynda Herrick “Please read the definition of agriculture” (page 6 of Land Use Ordinance). She complied. He then asked if a furniture assembly plant would fit the definition or pellet producing plant. Cynda said approval of these types of businesses to use the timber and natural product. Frank says this comes down to compatibility of the area, +8. It does set a precedent. Cynda says this was proposed as industrial, not agriculture. P&Z said this would work better in this more open area, than closer to the city.

Commissioner Cruickshank says it would offer a light use of timber economy. The commissioners are in a tough situation to decide with the economy the way it is, torn on this one as to which way to go. Neutral.

Chairman Winkle – cons – will set a precedent the compatibility is wrong, feels the same as Commissioner Cruickshank with the economy but not at the expense of the neighbors. Grant the appeal. Cynda says this was a unanimous decision by the P&Z Board.

Commissioner Cruickshank would like to have seen something further away from the road in order to protect the scenery.

Commissioner Eld moves to uphold the appeal of this conditional use permit. Commissioner Cruickshank seconded, and the motion carried to uphold the decision of Planning and Zoning.

### **Whisper Creek:**

No ex parte or conflict of interest noted.

Staff report. This has been tabled, until today, to provide time for the applicant to respond. Those items previously agreed are noted.

### **Applicant**

Jim Fronk represents the applicant. First as to adjustments or changes recommended by Commissioner Cruickshank. Additional parking has been created for 28 vehicles by eliminating one unit and shifting other areas slightly. Current open space is 52%. They would like to retain units previously designated as affordable housing as employee housing or other need-based things. They now have 32% snow storage as well

as providing for snow removal as well as storage. Submits Exhibit 1, New Site Plan, Exhibit 2 Area Map, and Exhibit 3, CCR's for Hillhouse #1.

Staff reported issues 1 and 2 are agreed to. Will abide by 4 and 5 is irrelevant as affordable housing is no longer an issue. They agree with and understand road development and capital contribution agreements. Convenience will sell only necessities to those using the units. They agree to cooperate with Valley County engineer and the pathways organization. Concerning pathways

Landscaping will be incremented within phasing parameters and 60% will be in phase 1. They will comply with the final landscaping plan prior to final plat. Landscaping will be irrigated by the HOA. No signage or reference to a convenience store.

Reference to 40% completed changed to 40% developed as suggested by Commissioner Eld. Open space may be used for additional snow storage.

### **Opponents:**

Galia Kisler, Eagle, ID. Compatibility and density. Not in the city. County only. Wants the LUDO followed. It should be within the city limits of Donnelly. Too dense for the county. Questions height of buildings.

Tony Scharpf, 180 Tamarack Falls Road, Donnelly, Idaho - Cites p. 109. Asks if this is served by North Lakes sewer. Density appears to be six units per gross acre. High density, added parking, crunched others together. You are dealing with high density. It would just get worse. Cites comp plan p 5.

Kelly Anderson, 190 Tamarack Falls Road, Donnelly, Idaho. Project is a beautiful project. Should be in the foothills, but it's in a field. Meadows adjacent, but you can't see the meadows. No condos in the Hill House Loop.

### **Rebuttal:**

Ron Genenbacher. Density is 2.8 per acres. Subdivision could be in there at 3.10. This project brings a lot to the table. It is compatible with the neighborhood. Its all residential. Speaks favorably about fractional ownership.

Public Hearing is closed.

Commissioner Eld thinks we are right back where we started. Argues against it because of compatibility. There are too many duplexes and eight plexes. He is disappointed in that the developer didn't do anything.

Commissioner Cruickshank. They got rid of the commercial, added parking, accommodated snow removal. Not sure on the mix of duplexes and single family residences. Left in work force or community housing. An important consideration.

Chairman Winkle. He understands Commissioner Eld's position, but agrees with Commissioner Cruickshank. Biggest thing, they did conform to our request of removing the commercial establishment. He has a problem with the density, about 2.95. A standard subdivision, without amenities allows 2.5. There is a lot of open space around the pond.

Commissioner Eld. It becomes clear that if we support this development, we are supporting multi-family units in the area. It is not compatible with what is around it.

Cynda believes it complies with the ordinance.

Commissioner Cruickshank moved to approve the concept approval, P. U. D., C. U. P, preliminary plat (with the conditions of approval), and with the changes indicated to date. (Conditions of Approval are **Attachment #3.**)

Chairman Winkle seconds. All in favor, Winkle and Cruickshank, "aye", opposed - Commissioner Eld "Nay".

On motion of Commissioner Eld, second by Commissioner Cruickshank, and carried rescind the Memorandum of Understanding with South Lake Recreational Sewer and Water District dated July 23, 2007.

On motion of Commissioner Cruickshank, second by Commissioner Eld, approved First quarter STAG grant report for the South Lake Sewer District

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**GERALD WINKLE, CHAIRMAN**

**ATTEST:**

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**ARCHIE N. BANBURY, CLERK**