

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
September 2, 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.

Claim was read by Commissioner Cruickshank:

Road and Bridge \$231.20 (Kimberly Ann Odell)

On motion of Commissioner Cruickshank and second by Commissioner Eld to approve this claim. (It had been omitted for approval on August 25, 2008.

Presentation by Senator Heinrich – concerned about salary levels, vacation accruals, and road and bridge medical insurance accrual. Need to file Title III claim. Comments on sustainable salaries at 3%.

Budget approval tabled until 9/9/08.

Public Hearing regarding Lakefork Storage, CUP 08-07

No Ex Parte or conflicts. Staff report by Cynda Herrick.

Appellant. Jim Egnew, Landscaping is inadequate. Property rights of neighbors (residential) are being ignored. Wants a comprehensive zoning plan. Reemphasizes that CUP's at Rogers and Highway 55 have not been complied with.

Marlene Flemmer. Haven't done landscaping. It's an eyesore, no lighting, it needs to be completed, just piles of dirt.

Bart Wharton. Buildings are large, need large trees to screen them.

Proponents. Jim Gerblich, Dan Worley. Partners in the erection of these buildings. Lists conditions of approval, including landscaping not later than September, 2007. All complied with except the landscaping. They decided to build additional buildings on an area planned for landscaping. Have to change landscaping plan. Have put in 40 trees so far, ten willows and 30 poplars.

Admit negligence; think they have now exceeded the requirements with 40 trees.

Chairman Winkle recalls he had involvement with the project as a Planning and Zoning Commissioner. No concern expressed for any conflict of interest by the Board or public.

Commissioner Eld questions why landscaping wasn't timely. Landscaping plan called for six foot tall trees. Comments that the landscaping doesn't screen the incompatible use from view. Our LUDO is weak.

Shane Hinson, boats were his. Won't happen in the future.

Jim Egnew adds that his property values are being affected by what is occurring in the neighborhood, both Hinsons's and Lakefork Storage

Chairman Winkle agrees with the appellant, the landscaping should be completed.

Commissioner Eld offers no opposition to the project, but wants mitigation for the unsightly parts of this by landscaping screens. It must be effective, not just minimal compliance.

Commissioner Cruickshank agrees the landscaping must be done. He then moved to approve the appeal and deny the CUP 08-07. Commissioner Eld seconded and the motion carried.

They must go back to Planning and Zoning if they want to change their landscaping plan.

Commence Public Hearing concerning Morell Meadows, CUP 08-10

No Conflicts of Interest or Ex-Parte Contacts.

Staff Report by Cynda Herrick.

Discussion regarding road standards.

Discussion about deed restrictions. Commissioner Eld moves to table this decision to split the property. Decision to hear from the public.

Mr. John SeEVERS, appellant. Provided analysis of deed, 22 acres Brown to Macomber. Chairman Winkle defers decision until legal counsel advises. Submitted outline of testimony. Interrupts testimony to introduce Mr. Crawford. Former Director of Homeowners Association.

Mr. Crawford explained Morrell Road is a private road, not maintained by Valley County.

Mrs. Susan Ross, 14073 Morell Road, Rural McCall. Bought in mid 90's. Likes the neighbors and neighborhood.

Mr. Bender. Read letter into the record.

Mary Land. Read letter about her stewardship of the land.

Jack Rost. Enjoys his neighbor and the neighborhood, and objects to approval.

Bobby Reeder. Objects to change, increased noise.

DeDe Bender. Stresses need for moral vs. legal decision.

Proponents.

Myron McCumber. Map and pictures provided. Explains his purpose is to sell lower piece and move to upper piece.

Mrs. Evangelo spoke that she has no objection to the split of the property.

Ellen Gantz, Realtor, speaks. Clients do not intend to leave the area, just next door. Sale of their property is contingent upon approval of the split.

Mr. J. Brindel who explained that costs accrue after the preliminary plat is approved and that McCumbers' have incurred expenses for this proposed split of their property.

Sue McCumber, sister of Myron McCumber. Have had problems with who owns what, neighbors have been using or accessing their property without their permission.

Margo Conus, 1475 Morell Road, Rural McCall. Opponent testifying out of order. Objects to increased population.

Lynn Frazier, 1449 Morrell Road, Rural McCall. She supports subdivision. No undue impact.

Rebuttal

Mr. Seever suggests this application can be denied in accordance with the LUDO. Presented a statement to be read.

Motion by Commissioner Eld to table this issue to September 22, 2008 at 2:00 p.m. Second by Commissioner Cruickshank and carried.

Acceptance of Final Plat for Pero Subdivision

Final Plat for Pero Subdivision. Motion by Commissioner Cruickshank to approve the final plat for Pero Subdivision, to accept the dedicated public right-of-way for Gold Fork Road; approve the Declaration of Roads; and authorize the chairman to sign the plat. Second by Commissioner Eld and carried to approve the final plat.

Amended Plat of Boulder Lake Estates Phase 2, CUP 04-47

Motion to approve the final plat of Boulder Lake Estates Phase 2 and authorize the Chairman to sign the plat made by Commissioner Cruickshank and seconded by Commissioner Eld, and carried.

The Board reviewed two position descriptions, one for Victim/Witness Coordinator and one for Legal Assistant/Secretary at the request of the Prosecuting Attorney.

Motion by Commissioner Eld, Second by Commissioner Cruickshank and carried to enter Executive Session per 67-2345(b).

Commissioner Cruickshank moved and Chairman Winkle seconded approval of the FY2009 budget with corrections as noted this morning, and carried.

Adjourned at 4:15 p.m.

GERALD WINKLE, CHAIRMAN

ATTEST:

ARCHIE N. BANBURY, CLERK