



Valley County Planning & Zoning Commission

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Todd Hatfield, Chairman
Harry Stathis, Vice-Chairman

Ed Allen, Commissioner
Rob Garrison, Commissioner
Tom Olson, Jr., Commissioner

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: October 8, 2009

TIME: 6:05 p.m. – 8:30 p.m.

LOCATION: American Legion Hall

ATTENDANCE: Commissioners present: Chairman Todd Hatfield, Rob Garrison, Tom Olson, Jr., Harry Stathis, and Ed Allen were present. Staff member present: Cynda Herrick, AICP, Planning and Zoning Administrator.

OPEN: Call to Order

MINUTES: Commissioner Stathis moved to table the minutes for September 10, 2009, to November 12, 2009. Commissioner Allen seconded the motion. Motion carried.

OLD BUSINESS:

1. C.U.P. 03-22 Pointes at Horsethief Shores # 2 & 3 Subdivisions -- Extension Request: Johnson & Alberg, LC is requesting approval of one-year extensions of the Conditional Use Permit and final plat approval that expire on October 9, 2009. Pointes at Horsethief Shores # 1 was recorded October 2006. The site consists of 10 lots on approximately 43 acres and is located in portions of Section 25 & 36, T.14N, R.4E, and Sections 30 & 31, T.14N, R.5E, B.M., Valley County, Idaho. [Not a public hearing.]

Chairman Hatfield announced the item. Staff explained that the applicant was requesting a one year final plat and conditional use permit extension. They are continuing to work with Central District Health Department and expect approval soon.

Commissioner Garrison moved to approve a one year extension for C.U.P. 03-22 Pointes at Horsethief Shores . Commissioner Stathis seconded the motion. Motion carried.

Commissioner Garrison moved to approve a one year extension on the final plat for C.U.P. Pointes at Horsethief Shores #2 Final Plat. Commissioner Stathis seconded the motion. Motion carried.

2. C.U.P. 08-20 Elk Meadows River Ranches – Phases 1 & 2 – Final Plat Extension

Request: Elk Meadows River Ranches LLC, is requesting approval of a 90-day final plat extension. The current expiration date is November 10, 2009. The property is currently addressed as 536 Gold Fork Road, and is located in the E ½ E ½ of Section 30, T.16N, R4E, BM, Valley County, Idaho. [Not a public hearing.]

Chairman Hatfield announced the item. Staff explained that the applicant was requesting another ninety day final plat extension due to unexpected issues.

Commissioner Allen moved to approve a one year extension for C.U.P. 08-20 Elk Meadows River Ranches – Phase 1 Final Plat. Commissioner Stathis seconded the motion. Motion carried.

3. PUD 09-01 Payette Landing – Tabled from the P&Z meeting on August 13, 2009.

Payette Landing Development LLC is requesting approval of a mixed-used development consisting of a private airport and a variety of aviation, light industrial, commercial, and residential land uses. Multiple phases are planned.

All roads within the PUD would be public roads. Potable water would be provided by a central water system consisting of a series of wells. Sewage treatment would be provided by the North Lake Recreational Sewer and Water District. Access would be via new roads onto Hwy 55, Spink Lane, Paddy Flat Road, and Nasi Lane.

The property is located east of Highway 55 and approximately 2 miles north of Donnelly, Idaho. The boundaries of the property are located south of Nasi Lane, north of Spink Lane, and between Highway 55 and Farm-to-Market Road. The proposal consists of approximately 1,108 acres located in sections 23, 26, 27, 34, & 35, T.17N, R.3E, and NW ¼ Section 2, T.16N, R.3E, B.M., Valley County, Idaho.

Contained within the application is a combination of permits, as follows:

- **Concept Approval and Planned Unit Development** in accordance with Chapter 8 of the Valley County Land Use and Development Ordinance, as published September 21, 2006.
- **C.U.P. 09-08 Payette Landing – Phase 1 Preliminary Plat:** Includes the private airport, the Fixed Base Operator, 159 aviation estate lots, 54 low-density residential lots, several future development parcels, and open space. This portion of the proposal contains 813.21 acres.
- **VAC 09-01 Payette Landing – Vacation of Public Right-of-Way on Portions of Spink Lane, Paddy Flat, and Nasi Lane:** Vacation of a portion of Paddy Flat Road, realignment of a portion of Nasi Lane, and relocation of the intersection of Spink Lane and Highway 55 approximately 1000 feet to the south.

Chairman Hatfield announced the item.

Commissioner Allen moved to remove PUD 09-01 Payette Landing from the table. Commissioner Olson seconded the motion. Motion carried.

Chairman Hatfield asked if there was any exparte or conflict of interest. There was none.

Staff stated the item was tabled for rebuttal.

Steve Millemann introduced himself and stated he submitted a “Rebuttal Submittal” dated October 8, 2009 (exhibit 1). Millemann described contents of the rebuttal and presented a power point (exhibit 2).

Ted Baldwin, Harris Miller Miller Hansen, Inc. introduced himself and stated he is in the field of airport noise compatibility analysis. He commented on the portion of the “Rebuttal Submittal” as it pertained to his information.

- Described Noise Exposure
- Stated the 65 dBA is 65, perimeter of property is between 50 and 55 dBA.
- Described Existing Surface Vehicle vs. Projected Aircraft Events
- Described Surface Vehicle vs. Projected Aircraft Events
- Commented on Review of Mr. Aizpitarte’s Testimony and Noise Study – when a public agency selects a site they do a site selection process, -- this does not apply to a private airport/developer.

Commissioner Allen asked about DNL – are these averages and how do they differ if you only use the day. Baldwin stated almost identical – because the airport will only be open one hour of nighttime.

Commissioner Stathis asked about the L90 measurements – if study was done then how come Farm to Market road isn’t close to that measurement. Baldwin stated that early in the morning the L90 could be very low.

Millemann clarified that all the reports are dated in October. Millemann made the following comments:

- Addressed DRFD letter – applicant is completely in agreement with DRFD.
- Met with Bonillo in June, laid out project, identified issues, etc. It was a preliminary collaborative meeting. On June 25 made written submittal from Waddell and on August 6 had follow-up meeting – advised by Bonillo that he had consulted with stated agencies and were in agreement. There would need to be a rapid intervention truck, trained volunteers, an agreed upon process including future trigger points wrapped into a written agreement.

Commissioner Stathis asked about fire protection for structural buildings. Millemann stated yes. Temporary facility is “temporary” so that it can move north along the runway in the future. Fire protection was discussed further.

Millemann addressed points made by Victor Villegas. Is a PUD more desirable? Millemann stated there are 1200 acres – you can only plan that many acres with a PUD in this county. A PUD is a tremendous planning mechanism. (Slide 5) PUD lays out a variety of land uses – described uses. Commented that they were careful in this plan to specify only commercial that would not conflict with Donnelly’s businesses.

(Slide7) This PUD is being phased very conservatively. Described phase 1. Development will move slowly which is appropriate for a 1200 acre parcel.

Millemann agreed with Villegas that the Comprehensive Plan must be considered. Comp Plan is not enforceable, but is to be used a guide.

What are impacts, what are mitigations, what is compatibility? The size and location of the site must be considered. Proposal borders Highway 55 that has 6,000+ vehicle trips per day, and Farm to Market that has over 1,000 trips per day. Other mitigations in place or offered will be that there will be no planes over 100,000 pounds or certain types of planes. Certain types of lighting will be prohibited. Addressed other conditions of approval offered such as fly friendly policies and use of batch plant use only during phase 1.

Millemann stated that although the airport is privately owned, it is also being constructed to become a public airport in the future if the public acquires the property. The Valley County Master Transportation Policy cites the Comprehensive Plan. At page 75 of Master Transportation Plan it specifically states there should be a regional airport with at least an 8,000 foot runway. The governor stated yesterday in McCall that there will not be a four lane highway – you need to figure out how to fly people into the county.

Millemann put it to the Commission “if not here where, if not now when – you are the planners for the county.”

Commission is not bound to the FAA guidelines and must determine compatibility. Commission is a quasi judicial body that should regard evidence and testimony and make a recommendation to the Board, who are elected by the people.

Millemann suggested that on fundamental points in order to assess compatibility the two experts did not disagree. Compatibility’s what is there now and what will this add to it?

- Existing noise is traffic and you have that data. Commissioner Stathis asked about current noise levels – properties on east side of Farm to Market cannot hear the traffic from Highway 55. Most of opponents in 3 mile area are proximate to one of the three roads. There is no dispute on amount of noise created by vehicles.
- To date, if people testified 3 times, and submitted a letter they were counted as 1.
- 160 people have opposed, 92 have written in favor of the project.
- He lives closer than most of the opponents and it does not impact his life.
- People who signed the petition did so under false information – even letter in paper today submitted by Swain was wrong.

Chairman Hatfield asked about different standards between private and public airports.

Millemann stated that it would be more stringent for a public airport – however, this one would comply with the requirements for a public airport. Hatfield asked about through the fence agreements – Millemann responded that FAAs critical concerns are that access is controlled and there is no comingling and access can be revoked if rules not followed.

Commissioner Stathis stated that he talked to someone who said this would never get FAA approval. Millemann stated that person should come testify, because all evidence presented to this body is to the contrary.

Commissioner Olson asked about financial stability and whether county would be stuck with some of the bills similar to Tamarack. Millemann stated taxing districts have been well compensated and Tamarack will live again. Millemann stated that as an application of turning dirt they have to demonstrate they have the ability to finish the project. There will be protection for the county against a partially built mess on the property and they are taking it in small pieces.

Millemann addressed Lojek's testimony. Will be open to public, weight restrictions, no lights, and it is needed.

Chairman Hatfield asked about a site feasibility study – understands it doesn't apply to a private strip, but should be required for a public strip. Millemann responded that his team has worked in this valley a long time – it is very difficult to imagine where a regional airport would go. Would be very difficult to find property that is big, flat, safe, and not in the flight plan of other airports. Commissioner Stathis commented that if this goes commercial, then number will double in the future and impacts will be huge. Millemann responded that it would go through a public process then and will not increase flights very significantly.

Commissioner Allen asked if this project could stand alone on the airport? The mixed type uses bothers him. Is there any flexibility to look at airport as only an airport? Millemann stated there is no way the airport stand alone would be feasible – if public taxed people for a public airport and subsidized it, it might. It is interesting that Donnelly wanted to annex this property as part of their community.

Millemann addressed compatibility rating. Dominant adjacent land use is agricultural. Staff's process weighted uses – this is not just one use. Idaho Supreme court did specifically find that the weighted system had merit (see Rebuttal Submittal). This is not incompatible or compatible based on what people say – it based upon what the process requires.

Commissioner Olson asked why this project is more compatible and so different than the application submitted ten years ago. Millemann stated this is entirely different project.

Commissioner Garrison asked about noise studies and traffic on roads – will vacation of Paddy Flat increase traffic on Farm to Market? Millemann stated preliminary discussion is that the focus of county will be to have a better improved cross road, Spink Lane. That discussion is a long way from over.

Commissioner Garrison asked about density of airpark homes – it seems pretty high density – concerned with height of commercial buildings. Millemann stated that the concept of PUD is to trade density for open space. Height in corridor is referred to only allow architectural diversity and not 4 floors – it is very comparable to The Glen which was approved by Donnelly.

Chairman Hatfield asked when Nasi and Spink would be altered. Millemann stated there is also a construction phasing plan.

Chairman Hatfield asked about common open space. Millemann addressed in comparison to Jug Mountain and Tamarack.

Chairman Hatfield asked about mitigation of houses. Baldwin stated that existing airports sometimes retrofit existing houses. Baldwin stated it will be built to code and existing houses are not within contour level requiring the retrofiting.

Millemann addressed slide 9. Displayed 3 mile radius around McCall airport, which contains Whitetail, Woodlands, River Ranch, Payette River, Blackhawk, Carefree, etc. – the most highly assessed properties in Valley County.

Chairman Hatfield asked if there were more questions. There were none.

Chairman Hatfield closed the public hearing for deliberations.

Commissioner Allen suggested that there was a lot of information presented and would like to digest and assimilate thoughts and would like to go into concept approval as a starter.

Commissioner Stathis stated his issue is noise. He asked other Commissioners if we make a positive decision would we be protecting property values. His understanding of noise is different than theirs. There were seven jets at McCall and his opinion is different on noise.

Commissioner Olson stated he is not comfortable with a vote, would like to go through information provided and the additional information.

Commissioner Garrison stated he agrees with Commissioner Olson. He would like a chance to read the rebuttal submittal, letters, notes, etc. This is a big issue that is important to the people that are here and that are not here.

Commissioner Allen moved to table decision to Oct. 22, 2009, at 6:00 p.m. at the Legion Hall in Cascade. Commissioner Olson seconded. Motion carried.

NEW BUSINESS: None

OTHER ITEMS:

1. Facts & Conclusions:

- C.U.P. 09-10 Kelly's Whitewater Park: Commissioner Allen moved to approve the Facts and Conclusions for C.U.P. 09-10 Kelly's Whitewater Park. Commissioner Olson seconded the motion. Motion carried.

2. Correspondence:

- Variance for a Children's Play Fort: The Commission determined that the children's fort that has been constructed by the Grobe's does not require a variance.
- Violation - C.U.P. 04-46 Betts Storage & Landscaping: Staff explained that she had been working with Janet Betts and they are trying to get the site cleaned up.
- C.U.P. 09-06 Falvey Landscaping – Engineer's Letter: Commission accepted the engineer's determination that the excavation done at the site met the requirements of the land use ordinance.

Meeting adjourned 8:30 p.m.