



Valley County Planning & Zoning Commission

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Todd Hatfield, Chairman
Harry Stathis, Vice-Chairman

Ed Allen, Commissioner
Gerald Patterson, Commissioner
Rob Garrison, Commissioner

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: November 13, 2008

TIME: 6:00 p.m. to 9:30 p.m.

LOCATION: Valley County Courthouse

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

MINUTES: Commissioner Stathis moved to approve the minutes for October 9, 2008. Commissioner Allen seconded the motion. The motion carried unanimously.

A. CORRESPONDENCE:

1. **Buckcamp Subdivision Lot 30** – Possible lot split using easement to access additional lot

Staff Report was given.

Chairman Hatfield will treat this as a public hearing and let all interested parties speak.

Jeff McCune, 150 North Arboleda Road, Santa Barbara, CA 93110, described the chronological history of his ownership of the property.

Greg Pittenger, MPMP Attorney at Law, McCall, ID, made comments and questioned where the notion that an easement can only access one building site. Also spoke on work that had been done.

Martin Thiede, 280 Buckcamp Lane, made comments. He owns Lot 29. The easement is more of a driveway than a road. Thinks he should have a say if the use of his land is expanded beyond the current easement.

Tom O'Connor, PO Box 1260, Hawaii, Lot 27 said he is impacted most. There is no easement across his property. He is only 40' off the road and he has to eat the dust. He does object to the

expanded use.

The Planning and Zoning Commissioners decided the lot can be split if Matt Williams, Prosecuting Attorney, determines they have proper access.

2. **C.U.P. Settler's Mill #1** –Request for extension of final plat approval; it expires November 13, 2008. Submitted letter to withdraw. Commissioner Allen moved to accept withdrawal of request for extension. Commissioner Garrison seconded. Motion carried.
3. **C.U.P. 06-38 Fire House Subdivision** – Request for extension of final plat approval; it expires December 11, 2008. Commissioner Patterson moved to extend one month. Commissioner Allen seconded. Motion carried.
4. **C.U.P. 06-27 Teufel Landscaping** – Verification of current site plan. Commissioner Allen moved to accept new site plan dated October 30, 2008. Commissioner Garrison seconded. Motion carried.

B. OLD BUSINESS:

1. **C.U.P. 04-13 Hayes Storage Units – Extension Request:** The applicant is Forrest Hayes. In 2004, a conditional use permit was granted for 418 storage units on 4.519 acres. Currently 182 units have been built. He is requesting approval of a two-year extension for the remaining 236 units. A two-year extension was granted in 2006. The site is addressed as 14051 Burr Drive, located in Pearson Park Subdivision, Lot 3, Section 28, T.18N, R.3E, B.M., Valley County, Idaho [*Not a public hearing*]

Commissioner Allen stated as long as plans don't change and there is no change in use, the plans will be extended indefinitely in order to build out to the proposal. Discussion ensued.

Forest Hayes stated that due to the economic downturn, they want to extend construction of the third phase.

Commissioner Stathis moved to extend the conditional use permit for two years. Died for lack of second.

Commissioner Allen moved to extend the conditional use permit for five years so long as there are no changes to the use or change in ownership. Commissioner Patterson seconded the motion. Motion carried.

C. NEW BUSINESS:

1. **Subdivision Wildfire Mitigation Plan Ordinance** – This proposed ordinance requires that a fire mitigation plan be submitted with all preliminary plat applications. The plans will be reviewed by the Planning & Zoning Commission and the applicable Fire District. Fire Mitigation Plans must include such things as: existing site description and maps to include topography, aspect, structures, roads, and distribution of fuel models (e.g. short grass, timber,

brush, and logging slash), fuel breaks, power lines, propane tanks, hydrants and emergency sources of water. The Plan must include features of the site that might aid in firefighting, map of perimeter and internal fuel breaks, strategies for defensible space around building sites, and maintenance schedule for vegetation near above-ground power lines. The plan must also include details on how the requirements will be conveyed to future owners.

Chairman Hatfield announced the item and opened the public hearing.

Staff Report was given.

John Lillehaug, Dept. of Lands, submitted (exhibit 1) – letter from Steve Kimball, Idaho State Fire Plan Coordinator. He then made the following comments:

- WUI is made up of landowners, agencies, fire district.
- Went through original fire plan to see what needed to be updated.
- Done with concern for homes against the heavily timbered areas.
- Proposing wildfire mitigation plan to be added to the Valley County Subdivision Ordinance.
- Requires all subdivision to have a fire mitigation plan submitted and be submitted with the preliminary plat.

Stephanie Johnson , 305 Titus Lane, Cabin Creek, submitted (exhibit 2) slide show. She is representing Valley County.

Discussion ensued. It was stated that the cost for implementation, if there is heavy clearing, would be approximately \$1,500 per acre. Cost of doing plan would be approximately \$600 to \$1,200.

Lillehaug commented on Oregon Trail Fire – and extreme conditions. It was the best of the best.

Discussion ensued concerning effects to stormwater management. There should be no effect, because it is the cleanup of fuels. Vegetation will remain.

Professional foresters are located around the area. They can do an assessment and vegetation and work with someone on the fire prevention side. The State Tax Commission uses the definition as someone who has graduated from a university with a forestry background.

Commissioner Patterson has done research and stated HUD said that 35% of cost of developed lot is excessive regulations. Questioned whether developer and property owner could do everything themselves, so as not to create additional costs to developer. Lillehaug stated that there is a lot that can be done by developers – larger parcels will need a professional.

Juan Bonilla, Donnelly Fire Chief, made the following comments. He commented on how the fire codes work with the Wildland Urban Interface. The fire departments have adopted the international fire codes. The current issue is going to developers and having them cooperate with the fire department, or is it beyond the scope of the fire chief. They do not have the “teeth” to enforce the codes without the county’s participation. It will create consistency throughout the

county. The hope is that the older subdivisions will become more of a firewise community when they see the new subdivisions.

Commissioner Allen questioned where do we go with this legislatively? One of the problems is subdivisions get developed and are firewise, but in five years there is no maintenance of the plans. Bonilla said that CCR's would require associations or individual lot owners to do maintenance.

Commissioner Stathis asked if large lots owners would need to maintain the entire lot and concerned with absentee owners. Bonilla stated the plan takes care of those issues. Fire departments do surveys on land and let absentee owners know when they become a hazard. Bonilla stated that only the residential sites will need to be cleared, not the entire large lots.

Lillehaug also made comments concerning education of property owners. There is a lot of information and printed materials available.

Discussion ensued concerning timing of improvements. Commissioner Allen pointed out that the timing would be determined by the plan. He questioned why it couldn't be required for existing lots also.

Chairman Hatfield questioned why everyone can't use the form. Bonilla said it is hard to enforce hiring a professional forester. It eventually just gets lost. Chairman Hatfield stated it could be part of the building inspection. It is just one more thing to get overlooked. He hates to see more money spent on another layer of bureaucracy. Bonilla responded that the professional forester puts together the plan.

Ken Postma, Cabin Creek, representing Valley County. He is a professional forester. A lot of time was spent deciding who should do the Plan. It is a forestry issue. "What do you do to protect a specific site from fire." Typically developers do not even know the species or the value of the timber – most things can be paid for with the sale of timber. Easier to get work done up front, then to try to go back and retrofit a plan in the future.

Elt Hasbrouck, 50 Hasbrouck Lane, Cascade, Idaho. Agrees that the county has made it too expensive to buy a lot. There will be a maintenance issue in the future. Maybe the county should give lots owners a tax break if they properly firewise their property. Use a carrot not a stick. Roads in new subdivisions create firebreaks.

Jim Hass, Cascade Rural Fire and Disaster Coordinator for Valley County. There are grants available. These fire plans do not wholly consist of just cutting down trees. It consists of roads, fire fuel breaks, location of water, etc. We need the teeth to enforce the plans.

Discussion about fees. Development of plan, fees to fire department, fees to implement plan, financial sureties for implementation.

Chairman Hatfield closed the public hearing.

Commissioner Allen believes the ordinance needs to be more refined. Who does what? What

does the developer do? What does the home owner do? Does the entire subdivision need to be done. Commissioner Stathis commented that it would be up to the forester.

Question is....what are the specific standards, height of tree trimming, spacing of trees, etc.

Commissioner Garrison commented that the home owner will not be able to do fire breaks and overall big pictures stuff – cutting roads, cleaning up slash from development, etc. Individual home owners can do individual site plans. A professional forester is a good idea – not much of an expense compared to cost of structures and lives.

Commissioner Allen said the developer comes up with the umbrella of how that piece of property will be defensible.

Chairman Hatfield recommended it be tabled so that we can see some examples of plans and projected costs.

Commissioner Patterson moved to table to February 12, 2009, so plans can be prepared for review. Commissioner Allen seconded. Motion carried.

2. Amendments to the Valley County Subdivision Regulations Ordinance: The Valley County Subdivision Regulation was originally adopted April 29, 1970 and has been amended previously. The Ordinance provides definitions, rules, and regulations for the approval of plats, subdivisions, dedications, and vacations of public right-of-way and easements; prescribes standards for the design, layout, and development thereof; requires improvements; provides standards for the approval or disapproval thereof; provides for the granting of variations and exceptions thereto; provides for a penalty of violations; and provides for appeal. The current amendment provides for administrative plats, short plats, and pathways, and increases the 20-acre exemption to 40 acres. The complete document may be viewed at: www.co.valley.id.us/docs/PZ/Proposed_AmendmentsToSubReg.pdf

Commissioner Allen made motion to table next two items to December 11, 2008. Commissioner Stathis seconded motion. Motion carried

3. Amendment to the Valley County Land Use and Development Ordinance – Appendix A – Compatibility Evaluation: Valley County uses a Multiple Use Zoning concept. Land use proposals are evaluated using a matrix to determine compatibility with current land uses. Changes to Appendix A are being considered. The current Appendix A was adopted in September 2006. It may be viewed at: www.co.valley.id.us/docs/PZ/LUDO_August29.2006.2.pdf

D. OTHER ITEMS:

1. Facts and Conclusions:

- **V-2-08 Loening/Brandt Shared Driveway**
- **P.U.D. 08-01 Mountain Prairie Subdivision**
- **C.U.P. 08-15 Larkin House – Retail Shop**

Commissioner Allen made motion to approve all facts and conclusions. Commissioner Garrison

seconded. Motion carried.

Meeting adjourned