



# Valley County Planning & Zoning Commission

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Ed Allen, Chairman  
Rob Garrison, Vice-Chairman

Tom Olson, Jr., Commissioner  
Kathy Deinhardt Hill, Commissioner

## VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

**DATE:** March 11, 2010

**TIME:** 6:00 p.m. – 9:00 p.m.

**LOCATION:** Valley County Courthouse

**ATTENDANCE:** Commissioners present: Chairman Ed Allen, Rob Garrison, Tom Olson, and Kathy Deinhardt Hill were present. Staff member present: Cynda Herrick, AICP, Planning and Zoning Administrator.

**OPEN:** Call to Order

Chairman Allen recognized Harry Stathis and presented him with a plaque for his years of service.

### MINUTES:

Commissioner Garrison moved to approve the minutes as presented for February 11, and February 25, 2010. Commissioner Olson seconded the motion. Motion carried.

### OLD BUSINESS:

**1. C.U.P. 08-02 NDI Contracting INC – Business Office and Equipment Storage – Extension Request:** James R. & Lorraine G. Newcomb are requesting approval of a two-year extension of their conditional use permit that expires May 8, 2010. The site is 2.33 acres located at 13866 State Hwy 55, within parcel RP00204000004BA in Pleasant Acres Subdivision, SW ¼ Section 3, T.17N, R.3E, B.M. Valley County, Idaho [not a public hearing]

Chairman Allen introduced the item. Staff presented the letter from Jim Newcomb dated January 22, 2010, requesting an extension of the conditional use permit due to economics. Mr. Newcomb explained in the letter that he has completed landscaping, water hydrants, a well, and septic.

Jim Newcomb identified himself, PO Box 4670, McCall, ID.

Commissioner Olson asked if he would have something built within two years. Mr. Newcomb said he is not sure, but would like to. He then asked if he could remove the requirement for the building.

Commissioner Olson clarified he would like to pull his building requirement. Newcomb stated he has done everything except complete the building; it is hard to make ends meet now.

Staff recommended an extension rather than dropping the building from the plans so he would not have to return for a new permit.

Discussion ensued. Commissioner Hill stated that when he first applied she wrote a letter of opposition, but thinks she can make a fair decision. Commissioner Olson believes there should be an extension and building should be dropped. Commissioner Garrison agreed. Commissioner Hill questioned whether the building should be dropped – what if he won't get approval next time? Chairman Allen agreed. Staff was concerned with the appearance of the site if there was too much equipment and that there should be a limit to the number of pieces of equipment.

Commissioner Olson moved to allow removal of the building and allow a maximum of 20 pieces of equipment for C.U.P. 08-02. Commissioner Garrison seconded the motion. Motion carried.

#### **A. NEW BUSINESS:**

**1. VAC 10-01 Portion of Road in Abstein Subdivision:** The Keating Trust is requesting a vacation of an undeveloped road within Abstein Subdivision. The portion of road runs south from Orchard Street to the East Fork of the South Fork of the Salmon River and lies east of Tracts 2 and 3 of Block 10. Quartz Creek Road is currently used to access the area. The site is located within Yellow Pine in Section 21, T.19N, R.8E, B.M., Valley County, Idaho. Chairman Allen introduced the item and asked if there was any exparte contact or conflict of interest. There was none.

Chairman Allen introduced the item and asked if there was any exparte contact or conflict of interest. There was none.

Chairman Allen asked for the Staff Report. Staff presented the Staff Report and introduced exhibit 1 – a letter from Payette National Forest dated March 2, 2010. Staff clarified who would get which portion of the vacated property.

Chairman Allen asked for the applicant's presentation.

Richard Goodson, Hawley Troxell, PO Box 1617, 83701 identified himself. Originally, the application anticipated that unopened road between Kitchen and Sumner would be vacated and the portion between the Keating Trust property would also be vacated. Consents were submitted from Sumner and Kitchen – this past Monday Mr. Kitchen's attorney stated that he no longer agreed with the vacation and asked that portion be removed.

Commissioner Garrison asked about the driveway. Goodson confirmed that the driveway uses a

portion of the right-of-way. Chairman Allen questioned who would get the property. Staff explained it would go to the property on the west. Commissioner Olson asked if there was central water? Mr. Goodson stated no. Commissioner Hill asked if there was public access to the river. Staff confirmed. Commissioner Hill asked if there was other public access. Mr. Goodson confirmed.

Joel Droulard, PO Box 69, McCall, ID., surveyor, identified himself. He stated that the topography to the river is steep and there has been no historic use by the public. It would be difficult to traverse.

Discussion ensued concerning access.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for uncommitted. There were none.

Chairman Allen asked for opponents. There were none.

Chairman Allen closed the public hearing.

Discussion ensued concerning whether the county charges for vacating right-of-way. Commissioner Garrison recommends approval, because it will not inhibit future development. Commissioner Olson commented that it would be a road that goes no where. Commissioner Hill clarified that it would only be the southern portion.

Commissioner Garrison moved to recommend approval of VAC 10-01 A Portion of Road in Abstein Subdivision as modified at the public hearing to vacate only the portion south of Quartz Creek Road to the South Fork of the Salmon River. Commissioner Olson seconded the motion. Motion carried.

**2. C.U.P. 10-01 Kling Special Activities Area:** Jim & Carolyn Kling are requesting approval to use their property for community and civic events. The property is addressed as 9899 Spoor Road and includes parcels RP11N04E077207, RP11N04E077325, RP11N04E077770, and RP11N04E180004. The site is approximately 200 acres located in the SE Section 8 and NE Section 18, T.11N, R.4E, BM, Valley County, Idaho.

Chairman Allen introduced the item and asked if there was any exparte contact or conflict of interest. There was none.

Chairman Allen asked for the Staff Report. Staff presented the Staff Report.

Chairman Allen asked for the applicant's presentation.

Jim Kling, 9899 S. Spoor Road, Round Valley, Idaho. He explained how he got involved in requesting a conditional use permit due to the Blue Grass Festival which was canceled in Donnelly. He also requested that he be allowed to have a track meet.

Commissioner Garrison asked what kind of camp. Mr. Kling said, for family and friends.

Commissioner Olson asked about other uses such as motorbikes and snowmobiles. Mr. Kling said there would be no motocross races.

Discussion ensued concerning commercial use.

Chairman Allen asked for proponents. .

Don Kurlee, neighbor, stated it was an absolute joy to have Kling's activity in the area.

Chairman Allen asked for uncommitted. There were none.

Chairman Allen asked for opponents. There were none.

Chairman Allen closed the public hearing.

Discussion ensued: Commissioner Garrison has no problem with the uses, so long as the open ended ness is changed. Commissioner Hill stated that there should be no motorized racing. Commissioner Olson would like to specifically limit motorized uses, because the approval goes with the land and he is concerned about future owners.

Condition of approval: There will be no motorized racing or rallies onsite.

Condition of approval: Activities limited to concerts, horseback activities, youth track, and other like uses. Shall notify Staff who will make determination as to whether it fits parameters.

Commissioner Hill moved to approve C.U.P. 10-01 Kling Special Activity Area with conditions of approval as changed. Commissioner Olson seconded the motion. Motion carried.

Chairman Allen explained ten day appeal period.

**3. C.U.P. 10-02 ID2 Blackhawk Cell Tower:** Verizon Wireless is requesting approval of a cell tower facility. The facility would be located on a 60' x 60' leased area located in a portion of RP17N02E111805. It would include a 190-foot tower, antennas, and a 312-square foot equipment building. The area would be fenced with a six-foot high chain link fence topped with barbed wire. Access would be via West Mountain Road onto an existing private roadway and 0.78 miles of new access road. The site is located in a portion of RP17N02E111805 located in the S ½ NE Section 11, T.17N, R.2E, BM, Valley County, Idaho.

Chairman Allen introduced the item and asked if there was any exparte contact or conflict of interest. There was none.

Chairman Allen asked for the Staff Report. Staff presented the Staff Report.

Commissioner Garrison stated some things were left out of application, such as why this site was chosen.

Chairman Allen asked for the applicant's presentation.

Kim Goodpasture, 11340 Scottsdale Arizona, stated he is a consultant for Verizon Wireless

- Addressed size of parcel. Believes 100' x 100' is a good size, but does not want to make money off leasing to other potential users. (Drew a diagram showing site. Exhibit 1) Explained expansion of area.
- Requesting 190' because trees and hills in the area are high enough to prevent line of site. Need to be able to hit a tower in McCall, have a new tower going up in New Meadows and in Donnelly. Forest Service may be eliminating site on National Forest at No Business.
- Also need height to allow collocation, 150' meets our needs, but not others. There needs to be a 15' separation between antennae.
- There will be no lighting unless required by the FAA or FCC.
- Fire department will not monitor site – Verizon will have sensors in building. There is an automated system and a 3 hour fire wall.
- Will provide a site grading plan, which will include grading and graveling of road.
- Utilities will be overhead.
- Should not be able to see tower from road. Tower is treated with non-reflective materials.

Discussion ensued concerning visual impacts.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for uncommitted. There were none.

Chairman Allen asked for opponents. There were none.

Chairman Allen closed the public hearing.

Condition Of Approval – Will make CUP site 100' x 100' as agreeable with Soulen Livestock, owner, in writing.

Condition Of Approval – Shall submit written justification for site selection.

Condition Of Approval – Shall obtain a variance approval from the Board of County Commissioners for the height of the structure prior to any construction.

Condition Of Approval – There shall be no lights on the tower. If lighting is required by FAA, the approval will be null and void.

Commissioner Garrison does not believe the height is an issue – it will be virtually unnoticed. He is concerned with the lighting issue. Believes height is justified to facilitate coverage.

Commissioner Hill stated she does not want a light. When will we start requiring underground utilities? Still questions the 190' requirement.

Commissioner Olson would not have problem with light, but would like it researched.

Chairman Allen reopened the hearing.

Mr. Goodpasture stated that there will be no reflectivity.

Chairman Allen closed the public hearing.

Commissioner Garrison moved to approve C.U.P. 10-02 ID2 Blackhawk Cell Tower with conditions of approval and recommended approval of the variance to the Board of County Commissioners. Commissioner Olson seconded the motion. Motion carried. Commissioner Hill opposed.

## **B. OTHER ITEMS:**

### **1. Facts and Conclusions:**

- **C.U.P. 09-13 Water Song Plumbing:** Commissioner Garrison moved to approve the Facts and Conclusions as presented and authorized the Chairman to sign. Commissioner Olson seconded the motion. Motion carried.

### **2. Correspondence:**

- a. **Betts Landscaping:** The Commission agreed to allow an additional 90 days. Commissioner Garrison moved to allow an additional 90 days to remove equipment from the site. Commissioner Hill seconded the motion. Motion carried.
- b. **C.U.P. 09-06 Falvey Landscaping:** The Commission decided a new conditional use permit will be required for any changes from the approved plot plan and approved buildings.

Commission and Staff discussed Open Meeting Laws and State Statutes. Commission also requested that I asked the Prosecuting Attorney why the door has to remain open and ask Archie if we can flip the podium.

Meeting adjourned at 9:00 p.m.