



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: April 9, 2009

TIME: 6:00 p.m. – 11:18 p.m.

LOCATION: Valley County Courthouse

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

MINUTES: March 12, 2009

Commissioner Stathis moved to approve the March 12, 2009, minutes. Commissioner Garrison seconded the motion. Motion carried.

OLD BUSINESS:

1. **C.U.P. 07-05 Cascade Highlands – Extension Request:** The applicant is Alpine Idaho LLC. They are requesting approval of a one-year extension of the conditional use permit that expires on April 24, 2009. The 37.2 acre site is RP16N03E219990A, RP16N03E280005A, RP002860010010A (Wagon Wheel Ranch #1 Lot 1 Blk 1), & RP0028600100020A (Wagon Wheel Ranch #1 Subdivision Lot 2 Blk 1) located in Sections 21 & 28, T.16N, R.3E, B.M., Valley County, Idaho. [Not a public hearing.]

Joe Pachner, T-O Engineering, 9777 Chinden Blvd. Biggest issue was the upfront costs to provide facilities for water and sewer. They were hoping for teamwork with three other developments – since then several have fallen to the side. They want to move forward with project, but had to bring in additional funds. Next step is to negotiate with Northlake Sewer.

Commissioner Stathis believes one more year should be given. Commissioner Allen recognized it was not one of the older approvals. The Commission agreed that honest effort to complete needs to be made. Commissioner Garrison questioned whether a year was long enough.

Commissioner Stathis moved to approve the extension of C.U.P. 07-05 Cascade Highlands for

one year. Commissioner Allen seconded the motion. Motion carried.

2. C.U.P. 07-11 Gold Fork River Ranch – Extension: The applicant is Gold Fork River Ranch., LLC. They are requesting approval of a three-year extension of the conditional use permit that expires on May 10, 2009. The 162.32 acre site is located at the northeast corner of Davis Creek Lane and Koskella Road, in the SW ¼ Sec. 25, T.16N, R.3E, B.M., Valley County, Idaho. [Not a public hearing.]

Bob Fodrea, 105 N. Main, stated they have made progress on project. They are generating huge amounts of sand and gravel from the ponds. The product needs to move before project is complete. Would like to see some consistency from county. C.U.P. for Tamarack’s concrete plant is a longer phasing plan. Commissioner Olson wanted to know what problem was with a two year extension. Fodrea responded, time and money.

Commissioner Hatfield would support three years due to how far along the project is. Commissioner Garrison stated they probably have a plan. Commissioner Allen stated that it is a difficult decision on each extension. This subdivision is different due to the product production and the necessity of it being removed prior to completion.

Commissioner Garrison moved to approve the extension of C.U.P. 07-05 Gold Fork River Ranch for three years. Commissioner Olson seconded the motion. Motion carried.

A. NEW BUSINESS:

1. C.U.P. 09-01 Blackhawk Lake Estates Phases III & IV – Preliminary Plat: The applicant is L.B. Industries, INC. They are requesting approval of a single-family residential subdivision on 25.87 acres. Nine residential lots are proposed, ranging in size from 1.02 to 3.31 acres. One additional common area is proposed. The plat would also amend Open Space Parcels 3 & 4 of the Blackhawk Estates Phase II Plat in order to adjust the dedicated right-of-way to match the constructed Blackhawk Lake Drive. The subdivision would be served by individual wells and individual lot sanitary treatment with a community drainfield. Access would be provided via Blackhawk Lake Drive onto West Mountain Road. The property (RP17N02E022485A, RP0043800000AA, RP00438000030AA, & RP00438000040AA) is located in the N ½ of Sec. 2, T.17N, R.2E, B.M., Valley County, Idaho.

Chairman Hatfield announced the item and asked for any exparte contact or conflict of interest. There were none. He then asked for the Staff Report.

Staff presented the Staff Report with two additional letters. McCall Fire Dept. letter (exhibit 1) and Joe Kobucker, Blackhawk Lake Property Owner’s Association (exhibit 2).

Joe Pachner, 9777 Chinden, T-O Engineering, presented the application. These are the final lots for Blackhawk Lake Estates. Presented a large aerial site plan (exhibit 3):

- Will be 24’ paved area on 28’ surface.
- There will be sub-CCR’s to provide for new county regulations such as limiting number of wood burning devices.
- This was not processed earlier do to phosphorous loading – described possible variations in

septic treatment.

- Are working with Road Department on RDA.
- Phosphorous testing will be done this summer.
- Will put full culdesac at end of road.
- Will be built to a private road standard.

Commissioner Stathis asked for more information on community drain system. Pachner stated there are building envelopes. In main road there will be a 4" pressurized sewer line. There will be a central drainfield location. On individual lots there will be a septic tank. Commissioner Garrison clarified.

Commissioner Garrison questioned in-house sprinkler systems. Pachner stated that was part of the original Blackhawk Lake, but is not a requirement just a recommendation. There will be sub-surface fire tanks for fire suppression.

Commission Garrison commented that house number should be prominently displayed, not discreetly placed.

Commission Garrison questioned CCR requirement for approval on removal of trees. Pachner stated that the concern is clear cutting. The association would like it left natural landscaping. This is a remote subdivision – neighbor's will form committee that look for areas that need to be cleaned up of debris and fuel.

Chairman Hatfield asked for proponents. There were none.

Chairman Hatfield asked for uncommitted. There were none.

Chairman Hatfield asked for opponents. There were none.

Chairman Hatfield closed the public hearing for deliberations.

Discussion ensued. Community fire suppression should be put in place. Seem to meet our standards

Commissioner Stathis moved to approve C.U.P. 09-01 Blackhawk Lake Estates Phase III & IV – Preliminary Plat with the conditions of approval. Commissioner Allen seconded the motion. Motion carried.

Chairman Hatfield explained the ten day appeal period.

2. C.U.P. 09-02 SLRWSD Treatment Facility – The applicant is South Lake Recreational Water & Sewer District. They are requesting approval of a treatment facility on 5.5 acres. It would include a membrane bioreactor wastewater treatment plant, a biosolids-handling building, and office and shop facilities. Access would be provided via Cabarton Road. The property is a portion of RP13N03E139010 and is located in the SESE Sec 13, T.13N, R.3E., BM, Valley County, Idaho.

Chairman Hatfield announced the item and asked for any ex parte contact or conflict of interest. There were none. He then asked for the Staff Report.

Staff presented the Staff Report and letter from Givens-Pursely (exhibit 1).

Glen Holdren, Keller Engineering, presented the application (exhibit 2 & 4). Stated he is working for Valley County.

- 450' from Dave MacGregor's property.
- This project has been going on for 20 years.
- Looked at six different options.
- Developed technical review committee. – unanimously selected Cascade site with a membrane plant. In December of 2006, mayor of Cascade told Southlake that Cascade was not interested.
- City passed resolution that they would not supply sewer outside city limits. DEQ stated they could no longer work with City.
- Still have to do all engineering and environmental work for collection and treatment sites.
- Those in the District would have to connect to the site.

Commissioner Allen asked how far the site is from the Payette River? Holdren stated one mile.

Commissioner Allen asked if this was a preferred site. Holdren responded, a closer site would have to be obtained through eminent domain.

Commissioner Stathis asked how much it can be enlarged. Holdren stated it can be doubled.

Holdren said it can be built to look like a barn. Presented potential renderings of buildings (exhibit 3). Will try to maintain a rural character. It will take two years to move into construction.

Commission Garrison questioned sludge removal and how they will negotiate load limits.

Commissioner Garrison asked about hookup costs. There are no projected costs.

Commissioner Garrison asked if there was any chance of dealing with the City – Cascade is in a moratorium. Holdren said that was always the intent, the dilemma is starting over. State and federal money have been spent.

Commissioner Stathis asked what the road block is with Cascade? Holdren said the city walked away twice.

Jon Mabbutt, Chair of Southlake, stated they have been pursuing a resolution with the county. He worked with Dick Carter and Council – they had a cooperative agreement and a joint power Board. The mayor said he was not able to get approval of Council – offered plan for no cost except ground it sat on. Pressure to build is from DEQ, EPA, Forest Service, County, etc. Use could be expanded to accommodate Cascade. Northlake is five times bigger than this site. This was the alternative preferred site.

Commissioner Garrison asked if there was any thought to shooting water back to West Mountain for fire suppression? Holdren said there had been no thought to it – it can be done, but would cost money.

Chairman Hatfield asked when existing homeowners would have to convert? Mabbut said everyone with septic system in district would be required to hookup to system.

Chairman Hatfield asked for proponents.

Chairman Hatfield asked for uncommitted.

Michael Creamer, Givens Pursley, representing the Pancheri's. They have been assured that the irrigation facilities would not be interfered with. If property boundary is going to extend over ditches, they would like to have the ditches tiled. Would like 10' easement for access along ditches. Also concerned that water quality of discharge meets EPA standards.

Chairman Hatfield asked for opponents.

Andrea Higgins, 581 Cabarton, would like to see the use closer to the users. Concerned with condition of road. There is a large herd of elk and a lot of wildlife. (exhibit 7)

Becky Zurachenko, 577 Cabarton, concerned with wildlife and condition of road. Should be located in city limits. Questioned testing of site for DEQ and EPA. (exhibit 8)

Tim Zurachenko, 577 Cabarton, needs to be closer to town and people on West Mountain.

Troy Scott, 197 Pole Cat Ridge, questioned the following:

- If biometric septic systems are used would a sewer still be needed?
- There are empty houses.
- People out of jobs will not be able to pay for hooking up to sewer.
- People can't afford 15 to \$20K.
- If city won't work with sewer, why not force them.
- First phase of treatment will smell.
- Who is making money on this?

Adele Grefsrud, 231 Pole Cat Ridge Road, agreed with everyone.

- Would like to see them work with the City.

Dave MacGregor, Cabarton, Idaho, made the following comments:

- His understanding was that there was never a comprehensive business plan presented to the city – it was asked for both monetarily and how current employees would fit together with how the plant would be ran with their current tasks. ie. Snow removal.
- If sewer plant is built at current site it will pose a safety concern – there are a large number of accidents at this location in the road.
- It is a wet land – will need extra permitting and costs.
- Smell will encroach.

- There will be lawsuits.
- This was as far from Carol's structures as possible and still be on her property.
- Will devalue property – will have the same effect as building a sewage plant on Ann Morrison Park and the effect on Crescent Rim homeowners.
- This particular place is very picturesque – Google Earth has it highlighted.
- Need to find a drier, more accessible site.
- Should be at location more convenient to users, nearer to District and City.
- Need sewage solutions, not two or three plants – it is only immediately convenient due to ease of acquisition of site.
- City is in trouble and needs capacity.
- Need one good plant in Cascade.
- Nobody would object to putting plant in Cascade.
- It would make greenbelt area better.....it would decrease smell.
- It is the county, city, and south lakes fiduciary responsibility to work together and get out of the political quagmire – Cascade was chosen by public as best site.
- Issuing a permit now would make it possible for everyone to continue to be irresponsible.
- What is the cost difference to build separate plants to all involved?

Scott Worthen, 196 West Mountain Road, read letter into record. They are in opposition to the plant at this site. (exhibit 9)

Ken Postma, 27 Ponderosa Estates gave some history. This was proposed as a sewer and water district. He owns property where it is hard to get water. He voted for the district because he needs water -- what happened to the water side? Now, he would choose to opt out since water is not being proposed.

Bod Fodrea, Francis Cabin Subdivision on west side. His family combined their lots due to cost of hooking up.

Staff presented letters from public, as follows:

Darwin and Joan Pancheri, 572 Cabarton, were not in favor of location. They were concerned about traffic, quality of the road, and believe the plant should be closer to town (exhibit 5).

Brent Thompson, 201 Polecate Ridge Road, was in opposition to the facility. They believe there are other options that are more economically feasible, have less negative environmental and wildlife related impact, and less pollution potential (exhibit 6).

Jon Mabbutt rebutted. Described properties in District and said no matter where it is it will have to be piped. Glen Holdren said it will be more expensive to go to Northlake than build plant at this site. The county cannot seize property from the city.

Chairman Hatfield closed the public hearing for deliberations.

Discussion ensued. The Commission believes the district should work with the city – it is very upsetting that they don't work together. There needs to be more information. Highly recommend

the district work with the city. The Commission's job is to look out for the whole of Valley County and do long range planning. City is in trouble and EPA will probably shut them down. This is long term – this is forever. Upset Cascade would not work it out. Want to know the cost of hookups. This is similar to the Idaho Power substation originally not being proposed in right location. Concern is overall good for Valley County community. Concerned with placing sewer plants all over the county. There are a lot of issues not answered. Don't need two plants with twice the maintenance, etc.

Commission would like to have a comment from the City of Cascade, costs of hookups, deferred costs, and policy for who has to hook up and time frame for hooking up.

Commissioner Garrison moved to table the application to June 11, 2009 in order to obtain additional information from Cascade, cost estimates, agency input on split between Cascade and SouthLake. Commissioner Stathis seconded the motion. Motion carried.

B. OTHER ITEMS:

1. Correspondence:

• Hinson Power Sports – Compliance with Conditional Use Permit

On June 19, 2008, the Commission met with Jim Hinson. The Commission directed Jim to meet with staff to document all changes on a site plan. Shane Hinson, 301 Rio Vista, was present. Presented site plan. Will keep all product in the confined area as allowed in the original plan. Will meet with Staff to create a complete site plan to present to Commission. This needs to be brought to the meeting in June.

• Blackhawk on the River – Do activities require a conditional use permit?

Jill Wickander, Blackhawk representative, appeared to describe uses. Events are for homeowners and there is no charge. No conditional use permits needed. Commissioner Stathis made a motion that a conditional use permit will not be needed for these events. Commissioner Allen seconded the motion. Motion carried.

• Renaming of Settler's Mill No. 2: The Commission approved the name change from Settler's Mill No. 2 to Settler's Mill North.

• Appeal of Administrative Decision – C.U.P. 03-16 Hatfield Log Homes

Chairman Hatfield recused himself from the discussion.

Matt Falvey, 781 Stockton Drive, described his small landscaping business. He has one employee, four pieces of equipment, and presented a site plan. Will plant trees for nursery, mulch, etc. There will be no retail use. May go up to five employees. Equipment will be near shop and product will be in log yard.

Note on transfer, "if exceeds description will come back for conditional use permit."

Commissioner Allen moved to approve transfer of C.U.P. 03-16 to Falvey. Commissioner Garrison seconded the motion. Motion carried.

- **Is C.U.P. required to rent equipment at the Roadrunner Ready-Mix Site?**

Commissioner Olson recused himself from the discussion.

Wade Olson, 102 Bogie Drive, asked for permission to use property at Roadrunner Ready-Mix site to rent equipment. Commission determined that it was not a change in use or impact and that a sign permit could be issued. There will not be a franchise, but will be another independent operator who will rent office space and mostly offer internet based equipment. Commissioner Stathis moved that a conditional use permit was not needed for the rent and sale of equipment since this is not a change in use. Commissioner Garrison seconded the motion. Motion carried.

- **Appeal of Administrative Decision – proposed setback at 12980 Patty Drive (a corner lot)**

Staff explained the layout of the lot. Staff also stated that Section 2.03.02.g allows proposed principal use buildings to conform with the average setback of existing similar buildings on adjoining properties within the same block....but could not be less than 7.5 feet.

Commission Stathis moved to allow the 12' setback on the north property line. Commissioner Allen seconded the motion. Motion carried.

- **Impact Areas**

Staff explained that the City of McCall would like to renegotiate their Impact Area boundaries and the City of Donnelly would like to renegotiate their Impact Area boundaries and Impact Area agreement. The next step would be for the Valley County Planning and Zoning Commission to meet with both Commissions.

A special meeting will be set to discuss the impact areas.

2. Workshop -- 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. *Tabled from February 12, 2009 meeting.*

The following people were involved in the workshop: McCall Fire, Donnelly Fire, Forest Service, SITPA, Cabin Creek.

No decisions were made.

3. Impact Fees –

Discussion concerning whether or not to hear from Ray Moore at this time. The Commission decided it was not appropriate at this time.

The Commission requested a letter be written to Anne Wescott requesting the following:

- Insert Idaho Power population projections into study and use same projections to determine the fee.
- Update current asset tables with fire departments and sheriff.
- Verify CIPs are based on Idaho Power population projections.
- Request verbiage for Comprehensive Plan update.
- Request all steps to adopt fees are detailed in a list.

The letter will need to be brought back to the Commission to approve before sending.

Meeting adjourned 11:18 p.m.