



Valley County Planning & Zoning Commission

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Todd Hatfield, Chairman
Harry Stathis, Vice-Chairman

Ed Allen, Commissioner
Mike Diem, Commissioner
Gerald Patterson, Commissioner

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: May 8, 2008

TIME: 3:00 P.M. to 4:15 P.M. and 6:00 P.M. to 9:00 P.M.

LOCATION: Valley County Courthouse

ATTENDANCE: Commissioner present: Chairman Todd Hatfield, Gerald Patterson, Mike Diem and Ed Allen. Harry Stathis was excused. Staff members present: Cynda Herrick, AICP, Planning and Zoning Administrator and Paula Amundson, Planning and Zoning Administrative Assistant.

A. WORK SESSION: 3:00 to 5:00 p.m.

- Matrix and Compatibility Rating Evaluation – *Not a Public Hearing*

Staff stated at the last work session the Planning and Zoning Commission had a general conversation about how they felt about the compatibility rating and what they thought needed to be done. The purpose of this work session would be to make the changes they wanted or decide the direction they wanted to go.

Commissioner Patterson wanted to go on record and said he didn't feel they needed the aid of Parametrix for the purpose of reevaluating and changing the matrix and compatibility evaluation form.

Commissioner Patterson said that he heard at the two public hearings held for the scenic byway corridor that people were in favor of the multiple use concepts and he heard that many times. So now we are here at this work session, because someone thinks it isn't working. We need to find out exactly which item or items are not working.

Staff suggested more line items need to be added to the matrix, covering additional uses we typically have not covered. Like a planned unit development line for commercial uses, and not the residential use line item we have been using. We could probably add a separate line for different lot sized subdivisions, the higher density versus the lower density.

Commissioner Diem agreed especially when you are looking at compatibility with agricultural uses when you are going from five to ten acre lots, the compatibility is much greater than like in Round Valley when you get a high density proposal, this is not very compatible with the uses going on around there.

Staff said you need to review the lines we currently have. One big issue for the public was when you compared industrial to the agriculture and you come up with a highly positive number. You need to look at why these numbers do apply.

Commissioner Patterson said the reason for that was because agricultural is a low residential area and we don't want put industrial close to residential areas, so the most logical is to put industrial where the area is classified as agricultural.

Commissioner Diem stated the difficult issues that we have seen have been when we have light industrial adjacent to those areas. It is not going to be any less of an issue that we will be facing in the coming years.

Commissioner Hatfield thought that industrial to agriculture should typically have a good positive rating. Each industrial application has to be looked at for its own merits on its effect with the agricultural area.

Staff stated besides the compatibility rating and the additional lines, we are also going to look at the form itself. We are going to make sure that all the things in Appendix A are addressed.

It was determined that the first three questions on the evaluation form gave you an idea on how compatible the application was with the adjacent uses. The other questions dealt with mitigation issues, so even with the first three questions if it was determined there was very little compatibility, you would still be able to mitigate the issues involved.

Commissioner Patterson said that we need to determine what the word compatible means so that everyone doesn't have their own idea of what it means.

Commissioner Allen said we cannot base our final decision right now or in the future solely on compatibility. For instance if you have an area that is agricultural almost anything you put in there will be non compatible.

Discussion ensued amongst the Commission with the compatibility questions in relation to the mitigation questions. There is no point having the compatibility questions if you are not going to use them. Regarding the evaluation form you can have proponents go through it and it will be positive, then you have the opponents go through it and it is totally negative. Then you have the Commission go through it and they come up with something else. The reason for this is that the form is subjective and can be manipulated to what side you are on. Each application needs to be decided on its own merits between compatibility and mitigation.

Staff said she sees three different categories in the evaluation form as being compatibility, impact and mitigation.

It was discussed on how to make the evaluation form more understandable and user friendly. There could be an explanation on how the form is used and what the outcome of the form is. It should be explained that this is just a tool and does not decide the outcome of the application. The form could be used as a checklist for the applicant to show how their project applies to those questions.

Staff said she can change the form by breaking it out into sections to make it more readable, and highlight the specific issues that are listed in Appendix A. Then she can write a narrative on how the evaluation form works and put that in Appendix A.

Discussion ensued regarding adding two new lines to the matrix regarding single family subdivisions in regard to the lot size of the subdivision. Also question No. 5 would be reworded to read ...size of proposed lots and/or structures.... At this time it was decided to keep the planned unit development line the same and not go into the commercial aspect of it.

Staff stated she would prepare the proposed changes with Appendix A, Matrix and Compatibility Questions and Evaluations, and get those to the Commission and they will go over it at the next regular Planning and Zoning Commission's meeting in June.

The Work Session ended at 3:30 p.m.

The meeting was called to order by Chairman Hatfield at 6:00 p.m.

MINUTES: Chairman Hatfield asked if there were any changes or corrections to the April 3rd or April 10, 2008 minutes. Chairman Hatfield noted that on page 6 under C.U.P. 05-20 it should read Chairman Hatfield. Commissioner Diem moved to approve minutes for April 3rd and April 10, 2008 as amended. Commissioner Allen seconded the motion. The motion carried unanimously.

B. OLD BUSINESS:

1. C.U.P. 06-12 Bella Reve Water & Wastewater - Extension Request: The applicant is The Reserve at Lake Cascade. They are requesting approval of a two-year extension request of their Conditional Use Permit which expires on June 8, 2008. The site is located in Sections 3 & 10, T.15N, R.3E, B.M., Valley County, Idaho. [Not a public hearing.]

Chairman Hatfield announced the item and stated it was not a public hearing.

Staff stated a letter was received from the applicant's engineer requesting a two year extension because the process of obtaining approvals from DEQ took longer than they anticipated.

Chairman Hatfield asked what has been accomplished with the project. Staff stated the file shows no activity with the project. The applicant and/or representative for applicant were not present to answer the Commission's questions.

Commissioner Patterson moved to table the two year extension request for C.U.P. 06-12 Bella Reve Water and Wastewater to June 8, 2008 at which time the applicant and/or representative

can be present to answer questions from the Commission.

2. PUD 07-01 Wild Wing Townhomes - Extension Request: The applicant is Loomis Homes LLC. They are requesting approval of an extension of their Conditional Use Permit which expires on June 11, 2008. The site is approximately 2.09 acres located in the SENE of Section 4, T.15N, R.3E, B.M., Valley County, Idaho. [Not a public hearing.]

Chairman Hatfield announced the item and stated it was not a public hearing.

Staff stated the developer is waiting for will serve letters for both water and sewer. The delay of the project has been with the NLWSD community water system for the Day Star area. Commissioner Patterson asked how long would it be before that project was to be completed.

Jim Fodrea, Rennison Fodrea, Cascade, said they are planning on going with the construction of sewer and water this summer. They were hoping to come back in October for final plat approval.

Commissioner Patterson moved to approve a one year extension for P.U.D. 07-01 Wild Wings Townhomes to June 11, 2009. Commissioner Diem seconded the motion. The motion carried unanimously.

3. C.U.P. 07-06 Meadows at Blackhawk, Phases 1 – 3 -- Extension Request: The applicant is Blackhawk Partners LLC. They are requesting approval of an extension of their Conditional Use Permit; Phase 1 expires on May 18, 2008. The site is approximately 532.74 acres located in Section 1, 12, and SE ¼ of 11, T.17N, R.2E, B.M., Valley County, Idaho. [Not a public hearing.]

Chairman Hatfield announced the item and stated it was not a public hearing.

Staff stated they are looking for a two year extension and have been actively working towards completion of the project.

Jim Fronk, Secesh Engineering, explained that water resources are what they are trying to finalize. To get potable water rights is taking 12 to 18 months for approval.

Commissioner Allen moved to approve a two year extension for C.U.P. 07-06 The Meadows at Blackhawk to May 18, 2010. Commissioner Patterson seconded the motion. Motion carried unanimously.

4. C.U.P. 07-09 Songbird Subdivision -- Extension Request: The applicant is Songbird Development LLC. They are requesting approval for an extension for their Conditional Use Permit which expires on June 14, 2008. The site is approximately 37.81 acres located in the NWNW Sec. 2, T.15N, R3E, B.M., Valley County, Idaho. [Not a public hearing.]

Chairman Hatfield announced the item and stated it was not a public hearing.

Staff stated this application was also located in the Day Star area that will be on the same community water system with Northlake Water and Sewer District. Their infrastructure needs

are coming from NLWSD and Idaho Power. They are asking for a one year extension.

Robert Glasscock, 73 West 4 Lane, Donnelly, stated at this point his subdivision cannot be serviced with the sewer district and that there was not adequate power out there. Idaho Power is currently working on the engineering for his subdivision as well as the other projects going on in that area. Mr. Glasscock said if he could get a two year extension that would be more practical when dealing with Idaho Power and NLSWD.

Commissioner Diem moved to approve a two year extension for C.U.P. 07-09 Songbird Subdivision. Commissioner Allen seconded the motion. Motion carried unanimously.

5. Correspondence: Approved as presented.

- P.U.D. 98-01 Tamarack Resort, Phase 4.1 Final Plat – Requesting a six month extension of the final plat approval expiring on May 14, 2008 to November 14, 2008. Staff stated that there is an issue with a forest service road and that will be taken care of prior to going in front of the County Commissioners.
- Tamarack Resort, First Amended Lake Wing Condominium Final Plat – Requesting a six month extension of the final plat approval expiring on June 13, 2008 to December 13, 2008.

6. C.U.P. 98-6 Camp Cascade – 5 Year Review: The Commission will review the provisions of Conditional Use Permit 98-6 and determine whether the Camp is in compliance. This C.U.P. is reviewed every 5 years. The owner is Columbia River Conference of Free Methodist Church of North America, INC. The camp is located at 1719 W. Roseberry Road in Section 16, T.16N, R.3E, B.M., Valley County, Idaho.

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

Staff presented the Staff Report. Staff stated there was one neighbor who had a concern with the obstacle course that is in the southwest corner of the property.

Chairman Hatfield stated at this time they would hear from the applicant.

Dale Voris, 3790 Cayuga Place, Boise, on the Board of Directors for Camp Cascade spoke for Camp Cascade. He addressed the obstacle course mentioned in the Staff Report as being a team building activity area. It is a series of logs laying on the ground and some ropes and overhead devices that the campers as a team move through the course. The purpose is to build comradity and promote activity within the groups. They did not apply for a building permit because there were no permanent structures involved. Ann Guarino from Valley County Building Department did come by last summer and told us that our activity area was a non issue and would report back to Planning and Zoning as such.

Staff passed out a series of pictures marked as Exhibit 1 thru 8, showing the camp and challenge course. Staff stated that this was the only complaint she had received in the last five years.

Mr. Voris said the hours of operation for that camp area is from 10:00 a.m. to 5:00 p.m. No one

is permitted in that area outside of that time frame, which is strictly complied with.

Staff stated the nature of the complaint was that the neighbor does not want the camp and this was one thing that was not specifically approved in the original application.

Commissioner Patterson thought the camp looked orderly and maintained.

Chairman Hatfield asked for proponents. There were none.

Chairman Hatfield asked for undecided. There were none.

Chairman Hatfield asked for opponents. There were none.

Chairman Hatfield closed the public hearing and brought it back to the table. Discussion ensued amongst the Commission and they agreed the applicant was in compliance with their Conditional Use Permit.

Commissioner Allen moved to approve continued operation until the next five year review for C.U.P. 98-6 Camp Cascade and to approve their request to add two additional power outlets for their RV area. Commissioner Patterson seconded the motion. Motion carried unanimously.

5. C.U.P. 08-02 NDI Contracting INC – Business Office and Equipment Storage: The applicants are James R. & Lorraine G. Newcomb. They are requesting approval to store excavation equipment and to build a 75' x 60' 2-story building. The second story would be used as a residence. The existing well and septic system would be used. 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. *Tabled from April 10, 2008*

Chairman Hatfield announced the item and asked if there was any conflict of interest or exparte contact. There were none. Commissioner Allen moved to reopen the public hearing. Commissioner Diem seconded the motion. Motion carried unanimously.

Staff stated that the Commission wanted to see a larger site plan with more specifics, a landscaping plan and a rendering of what the project was going to look like before a final decision was made. We have not received anything prior to this meeting, but the applicant has indicated he has brought in the requested material.

Staff stated additional correspondence was received from Kathy Deinhardt Hill dated May 4, 2008 (exhibit 1). She is opposed to the proposed application because it interferes with the property rights of those who purchased property in Pleasant Acres Subdivision with the assumption that this was a residential area.

Chairman Hatfield stated at this time they would hear from the applicant.

Jim Newcomb, 31 Pleasants Acres Drive, Lake Fork, came forward with exhibits marked as follows:

- Site Plan – Exhibit 2
- Landscaping Plan – Exhibit 3
- Rendering of structure – Exhibit 4

Discussion ensued amongst the Commission and Staff as they went over the exhibits. Commissioner Diem asked about the two gravel drives into the property. Mr. Newcomb stated they were existing driveways and both were permitted by Idaho Transportation Department. They do share their north access with Robertson Supply.

Staff asked about the landscaping plan and the straight line of trees. Mr. Newcomb stated that was the south property line and thought that was a requirement to put the trees there for screening purposes. He was willing to plant the trees in any fashion that was requested of him. The Commission requested the trees be clustered.

It was requested of the applicant that another condition of approval would be to add landscaping in the 100 foot setback from Highway 55 so that parking would be discouraged there.

Mr. Newcomb requested approval for a two year phasing plan. Staff stated Conditional Use Permits are good for a year unless you have a specific phasing plan. Staff asked if there was going to be any fencing. Mr. Newcomb replied no.

Mr. Newcomb said in the first phase he plans to install the rest of the hydrants on the south side of the property and then do that portion of the landscaping there and in front.

Chairman Hatfield asked for proponents. There were none.

Chairman Hatfield asked for undecided. There were none.

Chairman Hatfield asked for opponents. There were none.

Chairman Hatfield closed the public hearing and brought it back to the table.

Commissioner Allen thought the two year phasing plan should be more specific. Mr. Newcomb stated that for the first year his plan is to complete the foundation, get the building erected and dried in, get the siding on and painted, install the irrigation hydrants on the south side of the property, plant trees on the south side of the property, install the utilities into the building and make improvements to the parking area and driveways. For the second year he would complete everything on the inside of the building, complete any of the items that he wasn't able to get to for the interior and exterior, and complete any additional landscaping and improvements with the parking area.

Commissioner Patterson moved to approve the two year phasing plan for C.U.P. 08-02 NDI Contracting, Inc., with the conditions of approval as discussed. Commissioner Allen seconded the motion. Motion carried unanimously.

E. NEW BUSINESS:

1. C.U.P. 08-04 Dwyer Storage: The applicants are Don & Stefani Dwyer. They are requesting approval to establish and maintain storage facilities on 13.5 acres. The property would be secured with chain link fence and include an automatic entrance gate and automated lighting. An office and living space would be adjacent to the gate. Two phases of construction are proposed. Access would be from Rogers Lane. The site is RP00555000030A, Hinson

Acres Subdivision Lot 3, in the NWNW Section 3, T.17N, R.3 E, B.M., Valley County, Idaho.

Chairman Hatfield announced item and asked for any exparte contact or conflict of interest. He then asked for the Staff Report. Staff noted that another issue was the phasing plan needed to be more specific other than the second phase will be started when the first phase has 70% occupancy. Since the Staff Report had been completed the following correspondence had been received (exhibit 1):

McCall Fire & EMS, responded by fax dated May 6, 2008.

- After reviewing the application they would like to meet with the developers. They have lots of questions for this proposed facility.
- They are concerned with the size of the facility and the lack of a municipal water system.

Ruben and Myrlean Flemmer, PO Box 2144, McCall responded by letter dated May 1, 2008.

- They strongly oppose this application for storage units on Rogers Lane.
- The area is residential/agricultural.
- Safety concern with increased traffic and the highway intersection.
- Landscaping plan is inadequate.
- McCall Rentals was denied, if this application was approved it would be hypocritical.

John and Suzanne Gebhards, PO Box 4391, McCall responded by letter dated May 3, 2008.

- They are landowners off of Rogers Lane and are opposed to this application.
- The overall size of project is rather extreme.
- Rogers Lane is an inadequate access road for such a large project.
- Doesn't matter what type of lighting proposed it will still add to light pollution.
- The proposed fencing is not necessary and the landscaping inadequate.
- The road information provided does not discuss how storm water runoff or snow removal runoff will be handled.

Amy Guardia, 56 Rogers Lane, McCall responded by letter dated May 5, 2008.

- Opposed to this structure being built in their community.
- Lives in this community for the peace and quiet.
- Feels safe now when she and her son go bike riding, which will not be the case if this project is allowed. There will be more speeding cars and peoples unwanted belongings left on the side of the road.
- There are plenty of other areas to put a storage facility that will not affect the communities' way of living.

Larry and Monica Shake, McCall, responded by e-mail dated May 4, 2008.

- It is obvious that this is not compatible with the surrounding land uses.
- As defined in LUDO he and his wife are "Affected Persons"
- Opposed to the approval of the conditional use permit.
- Request the commission to consider implementing a conventional and normal county wide zoning code.

Ana Egnew, 73 Rogers Lane, McCall responded by letter dated May 8, 2008. She has three main concerns for:

- The incompatibility of the proposed project with the surrounding private homes.
- The subsequent effects to property values, health, and safety in the area.
- That the first two concerns are problems for the County's failure to enact zoning ordinances that would guarantee the rights of existing and future land owners.

Jim Egnew, 73 Rogers Lane, McCall responded by letter dated May 8, 2008.

- It is obviously not compatible with the dominant surrounding area uses.
- We live out of town because they enjoy the rural nature and the dark skies, not because they want to live in a business or industrial park.
- The intersection of Rogers Lane and Highway 55 has more traffic accidents than any other in Valley County.
- Planning and Zoning gave this proposal a +4 compatibility rating. I challenge the commission to rate this proposal themselves.
- Request that Valley County consider implementing a conventional, user-friendly and comprehensive county-wide zoning code before it is too late.

Heather Friedrichs, 44 Rogers Lane, McCall responded by e-mail dated May 8, 2008.

- Opposed to the application because the storage unit market is saturated and the project will become run down when it is not a money maker for the developers.
- Rogers Lane is not an appropriate access for this use. Rogers Lane is a narrow road and in the winter is not wide enough for two cars to pass at normal speed.
- No landscaping is shown at the perimeter of the rest of the property which is just as visible as the Rogers Lane property line.
- The county does not have an effective method for the enforcement of landscaping.
- The county needs to begin the process for a county zoning code. The current adjacent uses method of approval does not allow the Planning and Zoning Commission to say no to developers without it being considered a "taking".

John Humphries, P.O. Box 1087, McCall responded by e-mail dated May 8, 2008.

- Opposed to the C.U.P. because it is not compatible with the dominant adjacent land use.
- Highway 55 and Rogers Lane intersection is too hazardous to accommodate the increase in traffic.
- The approval of this proposal will allow for commercial "to creep" farther into either agricultural or low density residential land uses.

Ana Egnew, 73 Rogers Lane, McCall, responded again by e-mail received May 8, 2008.

- The property in question has already been designated ("zoned") residential.
- A major irrigation ditch runs through the property.

Barr and Ginger Quarton, 71 Rogers Lane, McCall, responded by e-mail received May 8, 2008.

- They are property owners on Rogers Lane and strongly oppose this application for storage units.

- The proposed development is inconsistent with the rural residential nature of the area ie. chain link fence, automated entrance gate and light pollution.
- Hinson Sports has already constructed 2 large boat storage units and allowing additional commercial buildings of this size is inappropriate and unacceptable for this residential area.
- Increased traffic would make the intersection of Highway 55 and Rogers Lane even more dangerous than it already is.

Staff gave a brief history of Hinson Acres Subdivision property. A few years ago they applied for a conditional use permit to create a four lot subdivision on which Hinson Sports was located. There would be two businesses on two of the lots and lot 3 would be used for residential purposes. That is where it stands now.

Chairman Hatfield stated at this time they would hear from applicant.

Stefani Dwyer, P.O. Box 2072, McCall came forward and stated the following:

- She is an Idaho native and moved to Valley County several years ago.
- At that time they were unable to find any storage facilities for rent.
- Last fall they were unable to find storage for their boat.
- They picked this property because of the established commercial businesses to the south and to the west.
- Typically storage facilities are placed on smaller pieces of land, but they thought having it on a larger area they would be able to make it less visible by setting it further back.
- Storage units usually have lower traffic flow than many other businesses. Usually there are 6.5 car trips per day for every 100 units at the facility.

Commissioner Allen asked how many units were planned. Mrs. Dwyer stated the first phase would be 156 units. The second phase would consist of the unit size that was most in demand at that time. She stated they could begin the work on Phase 2 two or three years after the completion of Phase 1.

Commissioner Allen stated there were no architectural drawings to look at. Mrs. Dwyer said they were waiting until the snow had melted for their engineer to do the drainage plan. It would depend on the outcome of the drainage plans on how the buildings would be laid out.

Commissioner Allen stated looking at the site plan it looked like a lot of storage buildings. Mrs. Dwyer agreed and said if needed to they could change it to be longer single buildings instead of so many smaller ones. Mrs. Dwyer said there would be several acres in the back to accommodate drainage and snow removal. There would also be open space in front around the office space and residence.

Commissioner Patterson asked about the drainage ditch through the property. Mrs. Dwyer stated they have only seen the property snow covered and they were not aware of that.

Commissioner Diem said that looking at the soil maps that those soils are not compatible with the small structures proposed in that area. Mrs. Dwyer responded that their engineer has been

unable to do any soil testing due to the snow coverage.

Chairman Hatfield asked for proponents. There were none.

Chairman Hatfield asked for undecided. There were none.

Chairman Hatfield asked for opponents.

Ruben Flemmer, 43 Rogers Lane, McCall had previously submitted a letter in opposition to this application. He is afraid that the drainage will come onto his place and he doesn't want that.

Doug MacNichol, 36 Rogers Lane, McCall said he counted 295 units as drawn. He has lived on Rogers Lane for 15 years. When Carefree Subdivision was going in the County Engineer met with our community to talk about improvements for Rogers Lane. We told them then that we wanted the road to stay narrow to keep the traffic down and to keep it a neighborhood road. Rogers Lane is 22 feet wide with no shoulder to pull off of. In the winter time it is a one lane road. Also, the intersection of Rogers Lane and Highway 55 is a dangerous intersection with car accidents. Lakeport Storage which you approved two years ago has not done any landscaping per their conditional use permit. He said their area is a residential area and he is opposed to this application.

Barr Quarton, 71 Rogers Lane, McCall, stated he was opposed to this application. He brought photos taken from his home overlooking Ruben's pasture (exhibits 2 and 3). You can see the roofline for Lakeport Storage and then there will be more roofline from this proposed storage facility. The photos show his neighbors residences and that this area is very rural residential. Of course traffic is an issue but where do you stop with the storage units. He thought this was unnecessary and there is plenty of storage available already. It seems like all the other storage units are on the highway already, so he felt it was not compatible with this area and dangerous for the road.

Jim Egnew, 73 Rogers Lane, McCall submitted an aerial photo of the proposed location (exhibit 4). This photo gives you a good idea of the area where these buildings are going to be occupied in relation to the homes in the area. He said they didn't move there and build their home to live in an industrial park. You approved Lakeport Storage and we were opposed to that as well. If you keep on approving them you won't be able to be stop. It is not right to destroy a residential community. You have to put them in the right place and this is not it.

Ana Egnew, 73 Rogers Lane, McCall, stated that this is a very emotional issue. Rogers Lane has homes immediately adjacent to it because it was a farming community at one time. She is afraid for the kids and pets on Rogers Lane that they are going to be hit and killed some day. We love what Ruben has done with his large parcel of land. She said when those big buildings went in next to Hinson's she cried and continues to cry every day. There are plenty of storage units available. Mrs. Dwyer mentioned boat storage and that is a whole different issue. Those storages units are big and ugly. Also the property was already designated for residential use and they were hoping the Hinson's would have come out there some day and build their home and have the same love of that landscape that they do.

Richard Chavis, 72 Rogers Lane, said the place has changed in nature recently. He was wondering where it was going to stop. It is creeping away from the highway corridor into residential areas. He said the highway intersection is horrendous for accidents. He wondered what the lighting was going to be like at night. He said it is hard to grasp what 100,000 square feet of storage is going to look like on Rogers Lane.

Chairman Hatfield asked for the rebuttal from the Applicant.

Stefani Dwyer said they are not trying to destroy anybody's property values. They thought that the traffic would stop where their facility was and would not go any further east. They would also landscape the sides and front to help camouflage the area.

Commissioner Patterson asked if they had talked with any of their neighbors about this project. Were they aware that there would be this much opposition to this. Mrs. Dwyer responded they were not. They were not going to purchase the property unless this application was approved.

Chairman Hatfield closed the public hearing and brought it back to the table for discussion. Discussion ensued amongst the Commission regarding the size and layout of the project. It was agreed that it was not appealing for that area. They seem to be ahead of themselves with not having dealt with the soil issues and BMP's for the area. Regarding compatibility you have Hinson's there along the highway but it didn't seem compatible with the rural and residential nature further from the highway. A landscaping plan should have been submitted showing consideration for the neighbors. Also the lack of access on and off of Rogers Lane and Highway 55 creates a major safety issue.

Commissioner Allen moved to deny C.U.P. 08-04 Dwyer Storage. Commissioner Diem seconded the motion. Motion carried unanimously.

Chairman Hatfield stated there was a ten day appeal period.

2. C.U.P. 08-05 Corral Country Estates – Preliminary Plat: The applicants are Tim & Tina Shaw. They are requesting approval of a 9 lot single-family residential subdivision on 52.82 acres. The subdivision would be served by individual wells and septic systems. The lots would be accessed via a new paved public road onto Corral Creek Road. The property is a portion of RP13N04E217206A. The site is located in SE ¼ Section 21, T.13N, R.4E, 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.

Chairman Hatfield asked about Parametrix's comment to make sure that the Lot 1 has other access other than the county road. Staff stated there is a policy that if you are building internal roads that you access from the internal roads, but it is not a standard.

Chairman Hatfield said at this time they would hear from the applicant.

Jim Fodrea, Rennison Fodrea, 105 Main Street, Cascade, came forward and displayed preliminary plat (Exhibit 1). They did ask that access to Lot 1 be allowed off of Corral Creek Road. He said they would like to address the landscaping plans through the CCR's and implement LUDO requirements into those. He said these are large lots that will enable the homeowner flexibility to determine where they choose to build. Another consideration to making this the homeowner's responsibility is that there is no water out there. He asked for a two year conditional use permit because they are currently monitoring the ground water and they may have some issues to deal with there. They haven't met on site with Central District Health and felt that after they do meet with them they will have to do another season of ground water monitoring to show that the sites are usable as proposed.

Commissioner Diem asked about the elevation difference from the highest spot to the lowest. Mr. Fodrea said the general slope runs from three to five percent, with just a few steeper areas.

Commissioner Patterson asked if their intention for access for Lot 1 would be off of Corral Creek Road. Mr. Fodrea said that was correct and right now there is an access to the lot in the northeast corner, but they would like the homeowner to be able to determine where they wanted their access to be.

Chairman Hatfield asked for proponents. There were none.
Chairman Hatfield asked for undecided. There were none.
Chairman Hatfield asked for opponents. There were none.

Chairman Hatfield closed the public hearing and brought it back to the table for discussion. Commissioner Allen asked about the drainage. Staff stated it was dry pasture land up on a rolling hill. Parametrix has given their approval for their preliminary site and drainage plans.

Staff stated changes for the Conditions of Approval (COA) are as follows:

- COA No. 3 shall read "The final plat shall be recorded within two years of the date of approval or this permit shall be null and void".
- COA No. 12 shall read "The landscaping needs to comply with the requirements in Chapter 3 of the Valley County Land Use and Development Ordinance and will be required as part of the CCR's".
- COA No. 13 shall read "Lot 1 will be allowed to have access off of Corral Creek Road."

Commissioner Patterson moved to approve preliminary plat for C.U.P. 08-05 Corral Country Estates with the Conditions of Approval as amended. Commissioner Allen seconded the motion. Motion carried unanimously.

Chairman Hatfield stated there was a ten day appeal period.

3. C.U.P. 08-06 West Ridge Ranch Estates – Preliminary Plat: The applicant is Cary Marin. He is requesting approval of a 4 lot single-family residential subdivision on 10.43 acres. The subdivision would be served by individual wells and septic systems. The lots would be accessed via a private gravel road onto East Lake Fork Road. The property is RP17N03E027525A

currently addressed as 170 East Fork Road. The site is located in SE ¼ Section 2, T.17N, R.3E, 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. Staff thought the applicant has contacted the neighbors and is trying to work through the lack of access issue. But the road that goes out to East Lake Fork Road will actually be part of this subdivision and will longer be owned by those private landowners.

Chairman Hatfield addressed the Commission and told them he had asked the applicant if they wanted to go forward with this or table it, and they asked that we hear this application and make it a condition of approval with them getting an easement to access this property. Right now they are platting this road across somebody else's private property and they do not have permission to do that. This particular piece of property has already been in front of us before regarding the access issues for when it was subdivided previously.

Staff stated if they choose to approve this there is also the issue of the length of the cul-de-sac and they will need a variance.

Commissioner Patterson thought the Commission should go ahead and hear it and make it a condition of approval to resolve access issue. If they don't resolve it then it is done.

The Commission decided to move forward with the application. Chairman Hatfield said at this time they would hear from the applicant.

Jim Fodrea, Rennison Fodrea, 105 N. Main Street, Cascade, came forward and displayed preliminary plat (exhibit 1). He explained that this application would improve the current situation right now with the 1600 foot easement to maintain the canal. This proposal is to develop the three one acre lots and to improve the undersized driveway. After Cary Marin saw the letter from Mr. Boyce he contacted him and Mr. Boyce is now interested in working with the Marin's to improve the driveway up to private road standards for the county. Another neighbor, Dave Ivy, indicated that he is interested in making improvements to that driveway also. Access has always been one of the major issues here since the Marin's do not own the property between them and East Lake Fork Road. They do have an easement to access their property and that is what they have used since they built their home. One advantage was that by adding three more land owners they can share the cost to use the road after it is built. Widening the road will be an improvement for the irrigation district. The Marin's are willing to fund the improvements and in exchange they need the Boyce's and the Ivy's to sign the final plat under Certificate of Owners. Also a long term road maintenance agreement will need to be created to ensure that the future owners of the lots keep the road maintained. He asked that the Commission consider a two year period of time to give the Marin's, Boyce's and Ivy's time to work out this access issue and with the ground water monitoring.

Commissioner Patterson asked how many people did they need to get approval from and if it would be possible to get their approval. Mr. Fodrea said it was the Boyce's and the Ivy's and he

thought the chance of getting their approval was very high.

Bob Fodrea, Rennison Fodrea, said he spoke with Mr. Marin about this last summer and told him that this is not all of his land and he wouldn't be able to do this without getting the access taken care of first. Mr. Marin is anxious to get go aheads for his project so he can develop relationships with his neighbors. Bob said he needs the Commissions help and encouragement to move forward with this project.

Staff said a question to be asked was if they had access would the Commission approve this subdivision.

Chairman Hatfield asked for proponents. There were none.

Chairman Hatfield asked for undecided. There were none.

Chairman Hatfield asked for opponents. There were none.

Chairman Hatfield said at this time they would close the public hearing and bring it back to the table.

Discussion ensued amongst the Commission. Commissioner Patterson thought if they can get the access there is no problem. It sounded like the improvements would be good for everybody including the irrigation district.

Commissioner Allen and Commissioner Diem thought that if approval can be gotten, that there is no problem. The Marin's already have an easement access to their property, even if the adjacent land owners do not want to give their approval for change to that access.

Chairman Hatfield disagreed with all; he didn't think the improvements are going to help the irrigation district since they already have the access that they need. Regarding Mr. Boyce we have to go by the letter he submitted stating his opposition to this application and not what the applicant is telling us. Mr. Boyce could be counting on us to take care of this issue for him officially. When this issue came up a couple of years ago we knew there were access issues then and that this back lot could not be part of a subdivision. He also had a concern for the size of the one acre lots in relation to other lots in the area.

It was decided to table this application for up to six months to give the applicant time to create negotiations with his neighbors. If at that time they are still not ready they can come back and ask for an extension of the application.

Commissioner Diem moved to table preliminary plat for C.U.P. 08-06 West Ridge Ranch Estates for a period not to exceed six months. Commissioner Patterson seconded the motion.

Chairman Hatfield asked for discussion regarding the one acre lot sizes in relation to the larger lot sizes in the adjacent area. Commissioner Patterson thought the smaller lots were practical for the affordable standpoint. It was discussed that the applicant needs to reconsider the size of the proposed one acre lots.

Commissioner Allen moved to have the applicant reconsider the size of the lots. Chairman

Hatfield seconded the motion. All in favor were Commissioner Allen, Chairman Hatfield and Commissioner Diem. All opposed was Commissioner Patterson.

Chairman Hatfield asked all in favor of the motion to table C.U.P. 08-06 West Ridge Ranch Estates for up to six months. All were favor and motion carried unanimously.

F. OTHER ITEMS:

1. Facts and Conclusions: Approved as presented.

- C.U.P. 08-03 Northwind Subdivision
- Amendment to LUDO – Scenic Byway

Meeting Adjourned