



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: July 28, 2009

TIME: 6:00 p.m. – 10:00 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.

A. OPEN: Call to Order

B. OLD BUSINESS:

1. PUD 09-01 Payette Landing – 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 off 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 and asked for any exparte contact or conflict of interest. There were none. He stated that this item was tabled from June 25, 2009.

Commissioner Allen moved to remove Payette Landing from the table. Commissioner Garrison seconded the motion. Motion carried.

Chairman Hatfield explained to the people in attendance the following:

- 1) testimony would be taken from the City of Donnelly
- 2) the applicants would present their rebuttal with questions from the Commission
- 3) the Commission would determine if there was any new information presented
- 4) if there is new information additional testimony would be taken from the public on the new information only
- 5) then the public hearing would be closed for deliberation by the Commission

Chairman Hatfield went on to explain that outbursts, clapping or rude behavior would not be tolerated.

Commissioner Garrison moved to reopen the public hearing for the Payette Landing combined applications. Commissioner Stathis seconded the motion. Motion carried.

Chairman Hatfield asked for the Staff Report. Staff stated that she had received additional information from the applicant as follows: exhibit 1 - Technical Memorandum from Harris Miller Miller & Hanson, Inc. dated July 22, 2009, addressing noise; exhibit 2 – Wadell Engineering Corporation letter dated July 24, 2009 addressing FAA requirements; and, exhibit 3 – recommended additional conditions of approval dated July 24, 2009. She also stated that a Technical Memorandum had been received from Parametrix, Valley County Engineer, dated June 25, 2009 – exhibit 4. Staff also stated that minimal additional correspondence had been received, but nobody will get a copy unless the hearing is reopened.

Chairman Hatfield asked if the technical memo was new information. Neither Commissioner Olson nor Commissioner Garrison thought it was new information. Commissioner Allen also thought it was not new information.

Commissioner Allen asked Staff if this was the only new documentation presented. Staff confirmed.

Chairman Hatfield invited the City of Donnelly to present their comments.

Jay Mentzer, City Council President, made a presentation (exhibit 5). Mentzer read the letter. The letter addressed annexation, connectivity, water systems, flight patterns, airport board private airport, commercial square footage, mitigation of increased traffic to Roseberry Road, conflicts with existing city airport, and cooperative agreement.

Chairman Hatfield asked for rebuttal by the applicants. (power point - exhibit 6). Steve Millemann introduced the rebuttal, as follows:

- Commented on public hearing process.
- Commented on legitimate facts being applied to application.
- This application complies with the LUDO.
- Will address issues by reference to application, further analysis, and form of conditions of approval.

Ted Baldwin, HMMH, 32 years experience, 27 years of noise compatibility issues. Has worked on 150+ noise evaluations for airports. He discussed the noise analysis.

- They are an acoustical consulting firm.
- Specializes in airport noise analysis.
- Explained “noise” terminology.
- 65 dBA will interfere with comfortable speech outdoors.
- Explained day-night average sound level – night time noise is a huge penalty.
- Federal Land Use Compatibility Guidelines – uses compatible at 65 dBA and lower.
- EPA noise levels are recommended at less than 55 dBA as being compatible.
- Presented Single Event Noise Analysis
- Described site from technical memorandum where studies were done.
- Compared to tractor trucks, medium trucks, cars motorcycles, snowmobile.
- Summarized that they studied a much larger area than FAA would ever require.

Commissioner Garrison asked if an earthen berm on the eastern portion of the runway would affect numbers. Baldwin stated that simple answer is no. Barriers need to be either close to source or to receiver. Need a sharp break in sound pattern.

Commissioner Allen asked if there would be anything larger than what has been analyzed. Baldwin stated that there were not enough projected for analysis.

Chairman Hatfield asked if 65 dBA is where you would have to stop talking. Baldwin stated, no. At 65 dBA at 6 ft apart you would start raising your voice a tiny bit. It would have to be a level of 80 to 90 dBA....at 85 would be raising voices.

Chairman Hatfield asked if the study accounted for terrain. Baldwin stated that the mountains have no effect; it is the direct line of sight.

Chairman Hatfield questioned effect when planes veer off. Baldwin stated that if a plane takes off and goes right midfield it would simulate studies as presented on presentation maps. Maintaining runway heading is a common abatement.

Commissioner Stathis questioned noise deflection off mountains. Baldwin commented on site 7 which would be louder than properties further to the east.

Commissioner Olson asked about multiple planes at takeoff power. How would noise contours

be affected when planes have to circle? Baldwin stated that multiple sources do not double energy.

Commissioner Allen asked if there would be more frequency during certain times of year. Baldwin commented on “initial” scenario and “future” scenario slides.

Chairman Hatfield stated that he works about 2 miles to southeast of McCall airport. Most of aircraft you can hear each other talking at 20 ft.

Steve Millemann made further presentation. He commented that he was reading literature on noise. It surprised him that you can get 2 sources of noise and the increase is only 1 or 2 decibels greater.

- Why did applicant do additional analysis? It shows sensitivity of applicant and shows their commitment to demonstrating tangible evidence. P&Z is charged with sorting out the facts, this is not a vote. If it was we would vote on what you would do with your property.
- Presented recommended additional conditions of approval (exhibit 3).
- Explained “fly friendly” policies i.e. no turns if taking off to south until they cross over Highway 55.
- Through the fence agreement will not prevent future application for becoming a public airport.

Chairman Hatfield asked if county makes it a public airport in the future, will FAA regulations trump our rules in the future. Millemann stated that would be a new public dialogue between Board and the FAA.

Commissioner Stathis stated he had talked to a guy about through the fence agreements. Millemann stated if there were no aviation easements on property that would be the case. Waddell said if we start off with right documents in place with proper aviation easements then the property has already conceded to the noise and activities associated with the airport.

Millemann talked about what P&Z issues are; is the property large enough, doesn't interfere with other airports, and has no topographical constraints. This is the place for an airport from a planning point of view, provides industrial uses, and addresses scenic byway ordinance denial, a critical site for future.

Millemann addressed control towers. Not needed until there are a lot more flights. Neither Nampa nor Caldwell has control towers.

Millemann addressed compatibility issues. Commented on precedence of Jug Mountain Ranch compatibility and weighting uses within. Supreme Court said it was the way to do it in the 2002 case.

Commissioner Stathis questioned comparison with Jug Mountain. Millemann stated that precedence was application of your ordinance and not type of use. He agrees Jug Mountain is completely different.

Millemann stated the Commissions job is to address the facts.

Commissioner Garrison stated he has several questions:

- 0 setbacks – Millemann responded that 0 setbacks are limited to core area,
- Reduced R-O-W will affect snow removal – Millemann said will continue to talk about those roads that proposed the reduction.
- Is this a concrete or asphalt plan? – Millemann responded it was an asphalt plant.
- Questioned irrigation –how will irrigation for water be continued down stream and keep free of pollutants: Fronk stated that there are 2 water courses – both will be realigned to avoid the development and all rights will be maintained. Fronk also stated that there would have to be a regional water plan – will use holding ponds and separators, and spill control plan in accordance with FAA.
- Is 2 ½ feet fill over water tables will provide a good base in relation to frost heaves...Fronk stated they installed 80+ pyzometers over winter...yes with proper construction.
- Questioned height variance. Made comments that 60' for FBO and adjoining hangars is probably appropriate, but questioned height variance on sites to west. Millemann stated that the 45' height is limited to core multi-use area and how much of the mass of the building can go above 35' and # of floor s can not exceed 3. Purely to ascetic architectural adversity.
- What is the location of the barn in relation to the FBO? Response was the FBO is just north of the barn and same distance from highway.
- What kind of additional training will be needed for fire fighting? Who will pay for training and who will be in control of fire station on the PUD site? Why is it called temporary? Millemann responded that at full build out station, will move to the north a little bit. They are working with Donnelly. Additional equipment will be applicant's responsibility.
- Will fire equipment be able to support other areas of the community? Millemann said yes, there is a connection with the road system.
- Paddy Flat Road is just north of a little S curve on Highway 55 – how will danger at that site be mitigated? Millemann said the preliminary assessment of county and traffic engineers is that the current location will work. There will be a center turn lane and accel/decel lanes.
- Will green building techniques allow affordability – Millemann stated there will be 3 bedrooms, 2 bath, garage that have not historically been available.
- Do you plan to use any solar panels, wind mills, etc? Have not gotten that far in the process? Dave Peugh, Epikos, stated they are talking about using green processes.
- Will you implement noise reduction requirements in homes? Peugh stated that will be part of the design requirements.

Commissioner Allen asked following questions:

- Stated he had looked for information on 9000' runways for private airports and could not find any. Has applicant considered decreasing size to prevent larger airplanes from landing at site? Millemann said there has been lots of discussion – length is driven by need to accommodate medium size jets – applicant may go shorter but not at the expense of safety.

- Has there been an EIS done? Millemann stated that nobody volunteers for a NEPA process. Application addressed requirements of LUDO. The 404 permit with Corps will engage all other agencies as part of that permit. Baldwin stated that the noise analysis far exceeds FAA processes.
- We have not heard from McCall – what is the effect on McCall airport? Millemann stated that Waddell has engaged McCall airport throughout the process and had multiple meetings with the mayor. His speculation is that, yes jet traffic will prefer this site for safety. In McCall they have to use it with a half load of fuel.
- Would this runway be built to 100,000# standard when putting gravel down? M we can get Waddell to address.
- Asked about high densities along highway. Millemann said it is about 270' from highway, and allows for more open space.

Stathis said he is still hung up on compatibility and noise. He is looking at huge building in the middle of a field. When you go to the site now you don't hear anything. Millemann stated that Highway 55 throws off a lot of noise. Stated if you look at Baldwin's report it will be comparable to existing noises. Bettis does not have to run cattle on his property forever – our burden is to show you that this is compatible. Baldwin commented as follows: the physics of noise is very complicated. Noise will bounce up when it hits the mountain. Stathis stated if it goes south and goes over zone 4 you could hear jets. Reverberations and echoes occur in canyons, but only in extraordinary circumstances will it increase noise. Baldwin also stated that typically when he goes to retroactively mitigate noise at airports – one of first recommendations is to lengthen the runway.

Commissioner Olson asked if this takes in prevailing winds. Baldwin stated that the noise model is based upon assumption that aircraft take off into the wind. Model calculates in that noise will be blown back down to the ground. Olson asked about wind blowing sound from west to east. Model assumes direct head wind. Olson commented that he lives next to airport and it depends upon wind and temperature – seem to be more variables. Model takes in averages. Sound will reverberate in temperature inversions. Olson asked if noise contouring included helicopters. Baldwin stated that light helicopters are modeled as twin-engine prop. Olson stated that helicopters push noise down – Baldwin stated that greatest sound is at 45 degree angle.

Commissioner Olson asked Millemann to address letter presented by Donnelly earlier in the evening:

- Annexation – willing to talk to Donnelly but it is not adjacent at this time.
- Connectivity – makes sense – will work with Donnelly.
- Water Systems – only way to dedicate to Donnelly would to be annexed – anticipate working with NLRSD.
- The Glen (recent development annexed into Donnelly) is going to beef up the water.
- Cannot require all flights to go north – it is a safety factor. Will not let planes bank over Donnelly.
- Airport Board – open to suggestions.
- Commercial square footage is out there in terms of phasing – should not displace Donnelly commercial.

- Has made multiple requests to sit down with Donnelly.
- P&Z and Board made it loud and clear last year during review of Scenic Byway Ordinance that commercial and industrial uses will not be limited to cities.
- There is a traffic impact analysis and extensive improvements to Spink.
- Conflicts with existing airports are an FAA issue.

Commissioner Olson asked about water flow issues as required by Donnelly fire – is that doable – it is like 250,000 gallons. Fronk stated that wells and storage will allow for flows.

Commissioner Olson asked about fuel storage. Millemann said it will require a separate permit. Fronk added that there are EPA and FAA fuel storage containment area guidelines.

5 minute break

Millemann made follow up comments:

- Respect that everyone is grappling with technical information.
- Requested that Commission do site tour.

Commissioner Stathis state he understands that we are grappling with an airport being moved in on people – these people did not move in on airport. Millemann stated that this use has to demonstrate that it complies with LUDO and requires you comply with FAA requirements. Does LUDO say property has to remain pristine and silent – go to the site and get your own sense at the different points?

Chairman Hatfield asked the following:

- Were physical measurements were taken at the sites? Baldwin stated that they used the FAAs integrated noise model. Chairman Hatfield asked if the model is based on elevations? Baldwin stated yes, it takes in elevations, temperature, air density, terrain.
- Original concept showed subdivision on east side. M no property is not be purchased from owner.
- Have you addressed fog and inversions and how takeoffs will be affected? Millemann stated there will instrument approaches from north and south. Baldwin stated instrument landing is published -- FAA will certify approach. If they can't see or safely land they will have to do a go-around.
- What are the estimated taxes for an airport and also other taxes to other entities? Baldwin – only time taxes are paid to FAA is a ticket tax. Millemann stated that in appendix 8 of the application is a fiscal impact analysis for first phase.
- Asked Juan Bonillo, Donnelly Fire, if taxes would support satellite operations at this site? Juan stated they are still in beginning process of determining structures, equipment and manning is in effect. Juan asked if correspondence from Waddell can be distributed to P&Z? (exhibit 7) Millemann does not care.
- Does homeland security have any say? Baldwin stated that it will depend on operating certificate.
- Will there be pavement on Spink Lane to Farm to Market? Millemann stated that will be a discussion with Board of County Commissioners on mitigation efforts.
- Built houses on airport years ago – memory was hangars were large and houses were

small. What is typical wingspan of plane? Peugh stated that plan has 40x40, 50x50, and 60x65 – three sizes of hangars. Drawings are true to scale.

Commissioner Stathis stated that it is not written in stone. Justin Jenkins said the plan is that none of the jets in the hangar homes will be on as-built facility.

Chairman Hatfield asked how long on a 404 permit. Fronk stated probably by Christmas and/or late winter for all permits.

Chairman Hatfield commented about mitigation on Farm to Market. Commented that FAA states it is up to local ordinances to determine compatibility. Millemann responded that under 65 dBA all uses are considered compatible. Baldwin stated that is why he showed FAA and EPA compatibility models.

Commissioner Garrison asked if Patty Flat is moved and Spink Lane is moved and you only build 6000 feet of runway – how are we going to get Patty Flat back and the land reclaimed? Millemann stated there will be either reclamation sureties to reclaim site and/or financial assurance to complete project or else applicants will not commence a phase until Board is assured it can be completed. The core concept to remember is that these applicants will not start a new phase until they are assured the phase can be completed – the first phase is a stand alone phase.

Commissioner Garrison asked about fly friendly rules – what happens when Donnelly grows to east in 30 years? Millemann stated that Donnelly may grow but it will know about this land use. It will be reviewed on a regular basis with the public and the county. Questioned what happens in the future if we don't plan for this use?

Commissioner Garrison asked about limiting hours to the same time as allowed for industrial uses? Millemann said FAA recognizes night time as 10 p.m to 6 a.m. and in the summer some flights want to get off ground before 7 a.m..

Commissioner Stathis asked about landings to south only. Millemann said there will be 75% to the south due to wind and likely destination of planes. Millemann commented that no large commuter airplanes go to resort areas.

Commissioner Olson asked for explanation on through the fence agreement: Millemann stated it is giving adjoining some access to airport facilities – when it is a private airport FAA does not care – if it becomes public the existing homes have deeded rights. If rules are violated the right can be revoked if built into the deed up front.

Commissioner Olson asked if planes will be charged to take off and land. Justin stated that there will be charges for take offs and landings? Commissioner Olson asked if the county gets a fee? Millemann stated that he assumes no.

Commissioner Olson, what is holdup with meeting with Donnelly. Millemann stated they have made repeated offers. I think it is a time and logistics issue.

Chairman Hatfield asked about the job creation? History shows the jobs go to people from out of town. Will some of the work be union work? Tamarack did a preferred builder plan – would like to know there isn't a preferred builder program. Millemann stated Justin has committed to hire as many locals as possible. Chairman Hatfield asked if work on runway could be segregated so locals could build it. Commissioner Stathis stated that he did work out there and said he knew one mason and one electrician from Valley County. Millemann said he could rattle off a lot of local subcontractors. Justin stated that they are very committed to hire locals including engineering, design firms, etc.

Chairman Hatfield asked about dBA levels and charts and acceptability. Baldwin stated cumulative exposure over entire year is basis for How many times a day will aircraft fly? Millemann directed them to Appendix 3 which forecasts use of airport.

Discussion ensued concerning noise.

Commissioner Allen stated that what we are dealing with is an overlay. Can you compare it to McCall? Are you intensifying the overlay? Millemann responded that McCall operations significantly exceed the projections here. Forecast would suggest that approximately 8 operations would go to the north.

Chairman Hatfield asked about recommendation to retrofit homes to decrease noise. Baldwin states FAA assists in noise reduction after 65 dBA.

Dennis Durant, Meridian, ID, partner and contractor, for Payette Landing. The main focus is to develop the phases into small enough pods that locals can work on-site. Will try to cater to smaller contractors. Cannot hire a person that has a backhoe and dump truck – will fit into model for one home site. Goal is to bring companies in that will utilize airport. Envisions engineers, research and development type people with high wages are seeking quality of life.

Chairman Hatfield asked if people thought there was new testimony that would require further testimony. Commissioner Allen questioned addition of additional noise.

Commissioner Garrison felt that the newly proposed conditions of approval would be new information. Chairman Hatfield and Commissioner Allen thought they were just suggestions.

Commission deliberated on whether to reopen public hearing.

Discussion ensued concerning site visits.

Commissioner Stathis moved to table PUD 90-01 and associated applications to August 13, 2009 at 6:00 p.m. for additional testimony and will receive new correspondence until August 6, 2009. Commissioner Allen seconded. Motion carried.

Commissioner Allen moved to adjourn the meeting. Commissioner Garrison seconded. Motion carried.

Meeting adjourned 10:10 p.m.