



# Valley County Planning & Zoning Commission

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Todd Hatfield, Chairman  
Harry Stathis, Vice-Chairman

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

## VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

**DATE:** August 14, 2008

**TIME:** 6:00 p.m. to 8:00 p.m.

**LOCATION:** Valley County Courthouse

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

**MINUTES:** Chairman Hatfield asked if there were any changes or corrections to the July 10, 2008 minutes. There were none. Commissioner Garrison moved to approve minutes for July 10, 2008. Commissioner Stathis seconded the motion. The motion carried unanimously.

### A. OLD BUSINESS:

**1. PUD 04-01 The Meadows at West Mountain, Phases 4-6 – Final Plat:** The applicant is Jack Charters of Timberline Developments, LLC. He is requesting final plat approval for Phases 4-5 on approximately 58.97 acres. The Commission will review the final plat and Conditional Use Permit to determine conformance with the preliminary plat. Phase I was recorded November 23, 2004; Phase 2-3 on March 2, 2006. The site is located in NE ¼ Sec. 17, T.16N, R.3E, B.M., Valley County, Idaho. [Not a public hearing.] *Postponed to September 11, 2008.*

**2. C.U.P. 04-47 Boulder Lake Estates Phase 2 – Amended Final Plat:** The applicant is Rik Poston. He is requesting an amendment to the previously recorded final plat approved for one lot (lot 5) of a 5-lot single-family subdivision on approximately 29.77 acres. The site is located on Boulder Lake Road between Farm to Market Road and Morell Road, in the SWNE Sec. 25, T.18N, R.3E, B.M., Valley County, Idaho. [Not a public hearing.]

Chairman Hatfield announced the item and asked for Staff Report.

Staff presented the Staff Report. Staff stated the cartographer found an error in the certificate of owner's legal description which needs to be changed.

Commissioner Stathis moved to recommend approval for the Amended Final Plat for C.U.P. 04-47 Boulder Lake Estates Phase 2 and authorized the chairman to sign. Commissioner Patterson seconded the motion. The motion carried unanimously.

**B. NEW BUSINESS:**

**1. C.U.P. 08-13 Points Ranch – Multiple Residences:** The applicants are Michael & Arlene Griffiths. They are requesting approval for multiple residences on one parcel (RP16N03E247205A). There is currently one home plus additional ranch buildings. They are proposing two additional single-family homes with individual wells and septic systems. The site is 160 acres located at 12960 Farm-to-Market Road in the N ½ S ½ of Sec. 24, 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 was none. He then asked for the Staff Report.

Staff presented the Staff Report.

Chairman Hatfield asked if Central District Health needed to respond. Staff stated they will have to get a septic permit prior to the issuance of the building permit. That is covered under Condition of Approval No. 3.

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

Michael Griffiths, 1000 Los Luceros Drive, Eagle, Idaho, was here tonight with his wife Arlene. He stated the Points Ranch has been in their family for 119 years. They have 160 acre parcel, plus two other 160 acre parcels that make up the ranch. The ranch house is old and outdated and they are trying to keep the ranch traditional and still maintain their ranching lifestyle. They are asking for this C.U.P. so that they can have a place to stay when their family comes up. We are also asking for a second residence in the future because the ranch was left to his wife, her brother and her sister. Her sister at a future date would like to build a home also.

Commissioner Stathis asked if they were going to use the existing road for the other residences. Mr. Griffith's stated that they would be using the same road.

Chairman Hatfield said at this time they would hear from the proponents. There were none. Chairman Hatfield said at this time they would hear from the undecided. There were none. Chairman Hatfield said at this time they would hear from the opponents. There were none.

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

Commissioner Stathis commented that it could be years before they build that second home, so why not come back then for an additional residence.

Staff said that she did have a conversation with the applicants on the best way to go about this. Ultimately they wanted to keep the property whole and share a driveway. In the future they

could still break off a one acre piece because they do have so many original parcels. But they really don't want to split it off.

Staff said regarding the Road Development Agreement (RDA) if they split the property, like they are legally allowed to do without a subdivision plat, they wouldn't have to pay for a RDA. The RDA is for those offsite road improvements for the entire road network. The Planning and Zoning Commission cannot decide not to require that, but you can make a recommendation to the Board that they do not to have a RDA. With the 160 acre parcel they can have eight legal splits out of that.

The Commission decided to change the condition of approval to read "the Planning and Zoning Commission recommends that a Road Development Agreement not be required".

Commissioner Stathis moved to approve C.U.P. 08-13 Points Ranch – Multiple Residences on one parcel. Commissioner Patterson seconded the motion. Motion carried unanimously. Chairman Hatfield stated there was a ten day appeal period.

**2. C.U.P. 08-14 Campbell's Bend – Preliminary & Final Plat:** The applicants are Neil & Karen Campbell. They are requesting approval of a one-lot single-family residential subdivision on approximately 1.2 acres. An individual well and septic system would be used. The site would be accessed via Gold Fork Road. The parcel is RP16N04E19S205A, located near the junction of Gold Fork Road and Withers Lane. The site is in the SWNESW of Sec. 19, T.16N R.4E, B.M., Valley County, Idaho.

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

Staff presented the Staff Report. Additional correspondence has been received since the Staff Report had been completed.

Russell Surveying responded by letter dated August 8, 2008 (Exhibit 1). They stated the final plat appears to be in compliance with County and State ordinances. They did notice a typographical error on the second page which should be fixed.

Greg Martinez, Army Corps of Engineers, sent a letter to applicant dated August 12, 2008 (Exhibit 2). They have issued a permit to the applicants for their request to discharge 145 cubic yards of sand and gravel into 0.0015 acre of wetlands as referenced in their application.

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

Karen Campbell, PO Box 227, Donnelly came forward and stated this property has been in her husband's family for thirty years. His parents live there in the summers and they want to be closer to them when they are there. They have been working closely with Central District Health. She said their engineer and surveyor are both present to answer any questions. They are asking for this subdivision plat now because they didn't want to wait for the estate to create a split when that time came.

Chairman Hatfield said at this time they would hear from the proponents. There were none.  
Chairman Hatfield said at this time they would hear from the undecided. There were none.  
Chairman Hatfield said at this time they would hear from the opponents. There were none.

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

Discussion ensued amongst the Commission. Their biggest concern was the septic system. Staff stated the applicants are working with Central District Health regarding several different issues with the septic system. The final plat cannot be recorded without the sanitary restriction release from Central District Health.

Commissioner Stathis moved to approved preliminary and final plat with the variance for C.U.P. 08-14 Campbell's Bend and authorized the chairman to sign. Commissioner Patterson seconded the motion. Motion carried unanimously. Chairman Hatfield stated there was a ten day appeal period.

### **C. OTHER ITEMS:**

#### **1. Facts and Conclusions:** Approved as presented.

- C.U.P. 08-07 Lakeport Storage II
- C.U.P. 08-10 Morell Meadows Subdivision

#### **2. Correspondence:**

- **P.U.D. 07-02 East Lake Meadows** – Discussion regarding proposed construction of model units. Staff stated this was discussed at July's meeting and it was decided by the Commission not to allow the model units as proposed. The Commission said they would give the applicant's agent the opportunity to present their case if they wanted.

Jim Fodrea, Rennison Fodrea, came forward and distributed a letter to the Commission regarding the details for the construction of the two model units (Exhibit 1). The client would like to produce a reduced scaled development for the time being that would modify the construction plans for East Lake Meadows. At this time the client is not ready to go into the whole first phase. The concept is to build a couple of buildings, a duplex and 5-plex unit. Mr. Fodrea referred to the preliminary plat for East Lake Meadows (Exhibit 2). They are here to get positive feedback from the Commission for them to be able to come back at a later date with a more detailed proposal and plan to be reviewed for the construction of these model units. Details to be expanded on would be design documents, sewer and water plans, road plans, drainage plans and landscaping plans on a reduced scale. These units will be integrated into the first phase of the subdivision. The infrastructure to access these buildings will also be a part of the plan. The intent is to have show homes for displaying the eventual subdivision as it will develop. Mr. Fodrea said their client felt his buildings would be in the affordable category and it would be good to get the project out in the County sooner than later. The developer sees this as an opportunity to start the development without going into full swing, but this should develop an interest in this project.

Chairman Hatfield said now that he knew they would be providing water and temporary septic he could see no issues with allowing them to move forward and develop more detailed plans.

The Commission were in agreement. Staff suggested they should come back with a preliminary first phase plat with the roads platted in and plat the structures as condominiums, which would allow them to be able to sell them later. Mr. Fodrea said that would be the ideal situation to come back with a condominium plat. Mr. Fodrea said if he can tell his client that there was a willingness on the Commission's part to take a look at the modified portion of his development that was all they were asking for at this time. The Commission agreed that they would allow the applicant to come back with a more detailed plan of his modified development with the model units.

- **DeMar Burnett's** gravel operation with regard to directing complaints to the appropriate agencies with jurisdiction. Staff stated this was a letter received by DeMar Burnett's attorney regarding his gravel pit operation.

Commissioner Patterson wanted to know the appropriate thing to do when someone calls the Planning and Zoning Department and tells them they have a complaint with a particular person or agency. He thought that Planning and Zoning should tell the person complaining who to contact and let them complain to the appropriate agency themselves. If the complaint is legitimate this should not be an issue. Staff stated it was not always that easy. Staff stated she works with the State of Idaho and Corp of Engineers, and they have good communication. Staff has been told it is her job to relay complaints to the appropriate agencies. Commissioner Patterson did not agree that this should be up to Planning and Zoning for upholding the laws for those other agencies. Staff stated that those agencies do not have enforcers located locally. Commissioner Patterson didn't feel that becoming complicit with the complaint was a good place to be. Staff stated that there has only been one complaint regarding this procedure in twelve years. She was told by her predecessor that this was way she needed to do her job. She has been told by the Board of County Commissioners, that she needs to do her job. Chairman Hatfield agreed that if a complaint comes into Staff that they need to see if it is validated. Staff stated in order to do this she needs to contact the professional engineers to do this, like DEQ and the Corp of Engineers. Staff stated this is how it has been done for the last thirty years. She said that usually when you try to call a government agency you just get the run around to try to find the appropriate jurisdiction to deal with the particular complaint. Staff stated this is the first complaint that Planning and Zoning has received in the last twelve years about Staff being an informant. Staff stated this particular incident involved a flood plain permit issue, so Staff contacted the people who should go onsite to investigate.

Kristy Burnett-Dickerson, part owner of the gravel pit, stated the County does not have jurisdiction over their operation, because they were grandfathered. Their biggest issue with Staff calling the appropriate agencies was that they did not receive a phone call regarding the complaints against them. Staff stated she did try to call the number she had for them and continually received the fax line. Mrs. Dickerson stated the end result was that there were no violations going on and the letter from their attorney was to inform the County that they should be notified in the future of any complaints regarding their gravel pit operation. Chairman Hatfield said that for now everything has been resolved regarding the complaint and in the future there should be better communication.

- **Chairman Hatfield** brought up correspondence from Valley County's Prosecuting Attorney, Matt Williams, stating that Valley County does not enforce CCR's and/or deed

restrictions ever. Staff stated those issues are civil issues involving the landowner and the homeowner's association. Chairman Hatfield disagreed.

- **Impact Area Discussion** - Discussion ensued amongst the Commission on the two impact area meetings they had with the cities of Donnelly and Cascade the first week of August. The general consensus was that Staff would draft a letter to the cities with their concerns regarding: Trade Area; Geographic Factors; and determine the area that can reasonably be expected to be annexed to the city in the future.

The Commission was concerned why the Idaho Commerce of Labor hired a planner from out of state who did not seem to be aware of the logistics of Valley County and how to go about creating reasonable impact areas for these particular cities. Staff stated the first planner hired became ill, so they then went on to hire another planner for this project last fall. Chairman Hatfield stated Greg Siebert said they went with their second choice that was their favorite consultant.

Staff stated the city of Cascade and the city of Donnelly need impact area agreements with Valley County. The Planning and Zoning Commission has to participate. Staff stated this is a joint partnership between the cities of Cascade, Donnelly and Valley County. The city of McCall did not want to participate since they had just gone through their impact studies.

The general consensus amongst the Commission was for Staff to let the Board know that the Planning and Zoning Commission would like to be consulted before there are any future planning and zoning expenses are paid to outside consultants. Staff reiterated to the Commission that the Board still has the power to spend money, the power to initiate amendments and make changes without receiving Planning and Zoning's recommendations.

- **Industrial Use Area Discussion** – Commissioner Patterson gave a report for the Commission on what will be needed in the next 15 years for services to the south of the City of Cascade and Smith's Ferry area. He went over the map area south of Cascade and Smith's Ferry. His recommendation was to create a special commercial overlay for those two areas.
- **C.U.P. 06-31 Brundage Mountain Air** - Staff stated she received a building permit for a radio tower for a C.U.P. application that was set to expire four days later. Staff wanted to bring this in front of the Commission to see if anyone has a problem with signing off on the building permit. Staff will issue the building permit with the conditions that it will be established and in use within one year.

3. **Appendix A Amendment** It was agreed that this discussion will be postponed to September 11, 2008 and be discussed at the work session for Subdivision Regulations scheduled for 3:00 p.m at the Valley County Courthouse.

Meeting Adjourned.