



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: September 10, 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., and Ed Allen were present. Staff member present: Cynda Herrick, AICP, Planning and Zoning Administrator.

MINUTES:

Commissioner Allen moved to approve the minutes for August 13, and August 25, 2009. Commissioner Garrison seconded the motion. Motion carried.

A. OLD BUSINESS:

Chairman Hatfield informed those attending that the work sessions on the Subdivision Regulations and the Land Use and Development Ordinance would be postponed to the November 12, 2009, regularly scheduled meeting.

1. C.U.P. 05-31 Smylie Lane Subdivision -- Extension Request: Statewide Construction is requesting approval of an extension of the Conditional Use Permit which expires on September 30, 2009. The site is accessed from Smylie Lane and is located in Sec. 27, T.17N, R.3E, B.M., Valley County, Idaho. [Not a public hearing.]

Chairman Hatfield announced the item. Staff explained that the applicant was requesting a two year conditional use permit extension since the easement matter has been appealed to the Idaho Supreme Court.

Commissioner Garrison moved to approve a two-year conditional use permit extension on C.U.P. 05-31 Smylie Lane Subdivision. Commissioner Allen seconded the motion. Motion carried.

B. NEW BUSINESS:

1. C.U.P. 09-10 – Kelly’s Whitewater Park: The Friend’s of the Whitewater Park are requesting approval of a whitewater park on the North Fork of the Payette River between the Hwy 55 bridges at the north and south ends of the City of Cascade. A visitor center is also proposed. The park will be open free of charge to the public. The project is located on the abandoned Boise Cascade mill site and in the adjacent portions of the North Fork Payette River. The property is in a portion of the SE ¼ Section 25 and the NE ¼ Section 36, T.14N, R.3E, B.M., Valley County, Idaho.

Chairman Hatfield announced the item and asked if there had been any exparte contact or conflict of interest. There was none.

Chairman Hatfield asked for the Staff Report. Staff presented the staff report and stated the following items had been received after the report had been completed: exhibit 1 – Rennison-Fodrea dated September 9, 2009; exhibit 2 – Office Max dated September 9, 2009; exhibit 3 – Fred Ostler dated September 9, 2009; exhibit 4 – Mark Mason, DEQ dated September 9, 2009; exhibit 5 – Jay Mentzer dated September 9, 2009; exhibit 6 – Robert N. Carr dated September 8, 2009; exhibit 7 -- Bob and Alice Tracy dated September 9, 2009; exhibit 8 -- David O’Brien dated September 8, 2009; exhibit 9 – Karin Didisse dated September 7, 2009; exhibit 10 -- Eric Rothwell dated September 10, 2009; exhibit 11 – Pierson Dewitt, Valley County Engineer dated September 10, 2009; and, exhibit 12 – flyer mailed to “Postal Patron”. There were no questions for staff.

Dick Carter, President of Friends of Water Park, presented brief history of the Friends. He introduced Cameron Cordova, Shane Sigle, Mark and Kristina Pickard, Jim and Bob Fodrea, Steve Millemann, Jim Fronk, the Board of Directors of Whitewater Park and Larry Brown.

- Inception of CWP started in 2006 as a very casual conversation with kayakers and rafters.
- Spoke with REP and he and associates organized Friends of the Cascade Water Park (Friends).
- Idaho Power was the first donor – another \$5,000 was received from realtors’ and then they started on phase I of the design and became a non-profit.
- Idaho Power did bathometric study on river bottom features.
- In March of 2009, introduced to Mark and Kristina Pickard – at end of meeting introduced themselves. On 17th got call from Mark stating they had discussed project and would donate \$100,000.00 – that didn’t seem good enough and checked bank and there was another \$250,000.00. Next morning got another call and increased donation to \$500,000.00.
- Presently the Corps 404 Permit and State permits are submitted and being reviewed.
- Office Max property is being transferred to the Friends.
- The welcome center will be used by everyone – it is a tiered building – information center, restrooms, etc. This will be a world class visitor and welcome center.
- KWP and Cascade will be world class.
- Want to break ground this month.

Mark Pickard, 65 Council Court, Donnelly, welcomed everyone to meeting. This will be a legacy to Kelly who passed away 12 years ago. This will also be enormous stimulus plan for Cascade. Commitment to Friends is as follows:

- 1) 100% of cost of facility (both in-water and 2,600 sq. ft. visitor center)
- 2) want to make sure investment is left forever -- \$100,000 every year for ten years for maintenance and operation
- 3) will have a two day July 4 concert and agree to have the concert in Donnelly to continue extension of Kelly's Whitewater Park throughout the county – will continue concerts for fundraisers
- 4) two statutes – one of Kelly and one of American Vets
- 5) safe environment – Smokey the Bear (dawn to dusk) safety patroller along with rescue equipment
- 6) start program for kids on how to kayak.

→ Looking to create jobs, businesses, and create destination place to visit.

→ Long-term goal is to have a future Olympian emerge from Cascade.

→ There will be no commercial, recreational, residential activities in Cascade except KWP.

They are not developers – this is a free public park that they are paying for. Have no intentions on developing anything else.

(At this point Chairman Hatfield and Commissioner Allen asked that the public hold their applause so that they can listen to the speakers.)

→ What happens if Friends dissolve – rest assured they are not making this investment if they do not think it will be forever. If the Friends disband there will be a successor 501-C3.

Shane Sigle, REP, 485 Arapahoe, Boulder CO, 80304, made the following comments and used a record of survey for display (exhibit – 13):

- He is the design engineer on the project.
- There is 6 feet of drop in this area.
- Structure 1 – existing location of a rubble dam. Composed of 1-4 foot diameter boulders.
- Drop structures are created by pushing water over rocks into a drop.
- After first year there will be minor modifications – long term maintenance is next to zero. Very little maintenance due to lack of sediments in river.
- Described how structures work – dissipation of energies.
- Described random boulders along river.
- Described technical aspect of the remaining structures.
- Will split river. Will help train river and natural erosion patterns.
- Will increase fish habitat and passage in this area.
- Western channel will be a beginner, bypass structure.
- Wetlands located on island – structures are outside of wetlands.
- How will people get to river – will banks be destroyed? They have about 300 structures out there now – rock terracing associated with structures will provide access. Each rock will be placed in the best manner, will be chinked together and will be safe. The four structure connections on the west bank will provide for put-ins.
- A pool below each structure and boulder that will provide habitat for fish.
- Have worked with 3 different consultants (Fronk, Fodrea, REP), Corp of Engineer, Dept of Water Resources on issues below the ordinary high water mark.
- Permits should be out for public comment within two weeks.

- Will work closely with Parametrix on additional information needed.

Commissioner Garrison asked about random rocks – will they be any between structures 4 and 6? Sigle responded, there are about 50 planned random rocks clustered together, mostly between 1 and 4.

Commissioner Allen asked if rocks are connected to any roadbed? Sigle responded, there are no roads, but there are trails – kayakers will carry to put-ins. Will funnel people to 4 locations. Commissioner Allen asked if there had been any coordination with BOR for flow management? Sigle responded, we take what we can get – this is an incredible amenity – structures will operate at low and high water. Commissioner Allen asked if all structures would be different difficulty? Sigle responded, yes. Commissioner Allen questioned rise and consequential erosion – how can you put things in river without creating problems? Sigle stated there is an agreed and approved hydraulic modeling and accepted no-rise certification – they are dropping the river, will actually create pools.

Commissioner Olson asked if there were any easements for greenbelts to continue through the property? Sigle responded that Jim Fodrea could respond.

Chairman Hatfield asked what class of rapids will be crated – Sigle said class 2 and 3. Will crowns be proper – Sigle said yes. Chairman Hatfield asked how that will be mitigated? Sigle said it will depend on hydraulic design – if there is an issue they will be the first ones there to fix it. Geared to beginner and intermediate level.

Jim Fodrea, PO Box 188, Cascade, ID, made the following comments:

- Submitted new site plan (exhibit 14)
- Enter at railroad tracks and travel to old mill site – will grade and put top on for all weather surface.
- “The Landing” will be used for parking – over 200 parking places – may be modified to accommodate trailers.
- Access and parking are provided via easements.
- Easements will be along river to provide access to whitewater features – will connect easement from north and to south for a bridge to bridge access.
- City of Cascade sewer and water will be provided.
- Fire access lane only to the visitor center along with some handicap parking.
- Lighting will only be there for security and safety.
- There are existing BMPs and check dams and they do not want to disturb those.

Commissioner Olson asked if main entrance was on Mill Street or south. Fodrea stated at entrance to the south -- future access might be through Mill Street – certainly a possibility, but not part of this permit.

Commissioner Allen, asked if pathway will be public? Fodrea stated the intent is for a public pathway from bridge to bridge.

Commissioner Garrison asked if entrance road is a public easement for future use? Fodrea stated

that is the intent.

Commissioner Allen asked about gate? Fodrea stated the site is currently gated, long term is to be not gated, but there is currently a business operation that needs to be protected until all nursery materials are gone.

Chairman Hatfield asked about easements. Staff explained access easement being across property owned by Office Max. Easements are in favor of the Friends.

Steve Millemann, 1171 Elo Road, made the following comments:

- Entire property is currently owned by Office Max (north, center and southern parcels)
- This project is in southern parcel – under way are final negotiations where as nursery will take ownership and will transfer to the friends 3.4 acres
- The rest are non-exclusive easements to the friends -- there will also be an easement to center parcels.
- Friends say park will be open to public and are working to dedicate those easements to the public. Friends can allow them to be open to public.
- The recreation easement includes a pedestrian path along the river which will become an all weather path.
- Proposed conditions of approval, “#10 – friends will present confirmation of agreement with the donors for long term maintenance”; COA Friends will not deny public access on their easements; and, COA Friends will work towards securing an actual dedication to the public.

Larry Brown, 1014 Lapointe, Boise, ID 83706, introduced himself as the contract of the visitor center and made the following comments:

- Location of visitor center has a good advantage point to see all of the features that are built -- it is 180 degree panoramic view. Inside is tiered, with amphitheatre presentation. Materials are indigenous stone and stucco, windows are thermal break windows with energy efficiency – not designed for all-season use, but will be insulated.
- Will make provisions to add heating at a later date.
- Want to add artifacts and collectibles and looking for donations of display items.
- There will be seating and stage on east end of building that will be suitable for weddings, etc.
- There will be a fireplace for winter use if further review and approvals are obtained.

Chairman Hatfield asked for proponents:

Carolyn Plehal, PO Box 16, Cascade, Id., made the following comments:

- Has lived here 31 years and has loved every day.
- We need to protect our Gems – will this project support and protect the gems she holds dear – this is a perfect fit.
- ‘Be weary of a job for which you have to buy new clothes.’”

Jay Mentzer, City of Donnelly, 169 Halferty, Donnelly, ID, made the following comments and submitted a letter (exhibit 15):

- Donnelly supports.
- Exciting opportunity.
- Will yield direct benefit
- Will enhance businesses
- Applaud Friends.

Brad Baccus, Mayor, City of Donnelly, 240 State Street, is in favor. He is here to support this for his family and economic future.

Ginny Ernsberger, 443 Little Pearsol, Cascade, Id., made the following comments:

- We are in favor.
- Owned property for 23 years – could never believe we were not utilizing our natural resources.
- Commend PZ for doing due diligence.
- This is first project Cascade has gotten that moves tourism forward in Cascade.
- And, our community can utilize any stimulus.

Anne Seastrom, 24 Herrick Lane, made the following comments:

- KWP brings something for everyone.
- Confused by CUP requirement – understands concerns and requirement for input.
- Concerns with erosion, etc. seems comprehensive.
- Bald eagles actually nest on Warm Lake Road which is more noise, etc than KWP will generate.
- Will create more revenue to Cascade.

Tom Moody, PO Box 546, Cascade, made the following comments:

- Concurs with all comments.
- As part-time resident he was looking for friendly place and inexpensive areas.
- KWP will make it more what they want for summertime place to bring friends and family.

Sadie Cordova wants KWP for her birthday – her birthday is tomorrow.

Cameron Cordova, 342 Discovery Drive, Donnelly, made the following comments:

- Concurs with positive statements
- Sadie's birthday is tomorrow on 9/11
- Excited about commemoration to the vets.
- It is a privilege to be a part of this.

Steven Knight, Bear's Knight Inn, 403 Main Street, Cascade, made the following comments:

- KWP is the spark our community needs to re-spark business.

Kelvin Johnson, 439 Hartley Road, made the following comments:

- Only lived here 10 years.
- First came and worked at Landmark in 1958 – had to wait to get back here.

- Usually skeptical when people want to use a natural resource – this will make river much more than it is now.
- Will make river accessible.

Rachel Smith, PO Box 158, Cascade, made the following comments:

- Excited about pathway from north to south
- Will be safe to push stroller and ride bikes

Jay Mentzer, PO Box 1267 Donnelly, made the following comments:

- Timeframe in which this is being proposed needs to be adhered to
- Delay could stop project.

Bill Borg, PO Box 2198, McCall, made the following comments:

- On behalf of people he knows from the north, this is an amazing project.

Robin Miller, 413 Cabarton, Cascade, ID, made the following comments:

- Originally from Reno – where there is a whitewater park
- Not just for a select few
- Transformed down town Reno -- alive with all sorts of people
- Picnickers, swimmers, bikers, concerts, etc.

Mike Keithley, 23 Joshua Drive, Cascade, ID, made the following comments:

- Will dovetail into other improvements in city.
- Believes in property rights.
- Adjacent users need to be protected too.

Karen Balch, 514 Sawyer Street, Leisure Time, made the following comments:

- In full support of KWP
- Currently, in devastating economic time: but, regardless this is a good project
- Only concern is fish and water fowls and birds that nest and occupy this area
- Work with IFG and US Wildlife to mitigate nesting areas

Chairman Hatfield asked for Undecided:

Rorie Snapp, 422 S. Front Street, Cascade, made the following comments:

- Park is in back yard
- Loves white water
- Trail system is not explained well enough
- Concerned with kids walking up and down a path with continued industrial use.
- There are no garbage receptacles anywhere along the pathways.
- What about additional restrooms
- A park access by her house would be good – but if just a construction zone with a greenbelt down river she is concerned.

Phil Davis, 19 Warm Lake, Cascade, made the following comments:

- Undecided because we do not have all the information we need to understand what is proposed.
- They have been adjacent to the river for 40 years – this will change that.
- Understands engineers – believes they are doing a good job – but have seen engineers make mistakes - Teton dam is a good example
- Make certain that this is a good job
- His side of river is straight sand and is concerned with erosion.
- Increased velocity and creation of eddies will create erosion.
- Make certain regulatory agencies protect their property.
- Make certain Parametrix, DEQ, EPA, Water Resources, and Corps are thorough
- DEQ and Corps say they do not have complete applications
- Need to preserve river changes for a long time.
- Who will maintain structure for long term – rivers are dynamic and things change – if something happens to Friends, who will fix the damage?
- There is a dyke on east side of river – the dyke is fragile and will flood considerable ground
- Also concerned about his livestock – kayakers need to stay out of the cattle pastures – signage should inform kayakers that it is not a picnic area
- Cascade is landlocked and will eventually go across the river – be aware that the only place for a future bridge expansion would be across the narrowest part of the river
- Questioned no scour or erosion in staff's review letter?
- There should be long term master plan

Chairman Hatfield asked if east side ever floods? Davis does not know because of dyke – there is no maintenance because it was ripped.

Commissioner Allen asked about concern of erosion – what could be done to protect his property? Davis responded he hopes it is being addressed by State of Idaho.

Chairman Hatfield asked for Opponents: There were none.

Chairman Hatfield asked for applicant's rebuttal:

Shane Sigle, REP, made the following comments:

- Thanked Davis for well thought out questions and concerns
- Have had lengthy conversations with Davis's engineer.
- Prior to design they incorporated Davis's thoughts and potential erosion locations into the design.
- Technical aspects will be dealt with between Parametrix and REP – submitted over 200 pages of analysis to engineer.
- Have used standard techniques to analyze this
- Structures and modifications are designed to mitigate erosion problems.
- Should actually improve erosion problems.

Commissioner Allen asked about trespassing potential. Sigle said there is no reason he as a user

would go onto eastern portion of river with cows and sandy banks. Commissioner Allen stated there needs to be some assurance to the Davis that there will be some discouragement of entering his property. Sigle will work on signs with Mr. Davis.

Chairman Hatfield asked how they can ensure to Davis there will be no erosion on his bank. Sigle stated that the main area they are concerned with they are actually decreasing hydraulic drop which will improve current potential for erosion problems.

Commissioner Allen stated there has to be some level of responsibility. Cameron Cordova stated that there are several agencies making a review of the in stream revisions, COE, BOR, IDWR, who have all been involved since concept – Davis have been involved and invited to all agency meetings. Davis has been in contact with reviewing agencies. Millemann added that what is unique about this proposal is there is a 10 year maintenance promise -- 10 year commitment of funds – problems would be visible in early stages. Impacts to east side of river would be included in 10 year commitment for operation and maintenance if shown as causation. Pickard stated that to extent that erosion is caused by whitewater features. There will be additional revenues from activities – immeasurable ways to make this self sufficient.

Commissioner Olson asked if motorized boats would be allowed? Discussion ensued concerning motorized vehicles.

Commissioner Olson asked when will Hans be done? Millemann believes he has completed the cleanup, but there are still stock piles onsite. Millemann hopes no more than 5 years to remove the stockpiles.

Commissioner Allen asked why this is not part of Cascade? Millemann stated Boise Cascade resisted annexation into Cascade. Anticipates that as rest of plans come to fruition there will be annexation.

Commissioner Garrison asked if there had been talk between KWP and SVCRD on a master plan and how to go into the future? Carter stated that yes there are talks – an open communication channel. Recent focus has been on current improvements.

Chairman Hatfield wanted staff to verify that this area is not motorized.

Chairman Hatfield asked Sigle if there will be rescue equipment available? Sigle responded yes there will be funding to local fire department. Shane stated that it is important there not be motorized vehicles in area.

Chairman Hatfield asked about the variance of the structure. Staff explained, as follows:

- this use is a civic community service use
- this structure will not have human habitation
- this use should not be more restricted than a residential use and be located 100' from high water line
- would be pointless to have viewing area in location where you couldn't see activities
- spoke with Parametrix about storm water management

- spoke with Matt Williams concerning Chapter 3 and Chapter 4 of the LUDO – he believes P&Z can make their own decision based upon use
- building is not within the flood plain
- recommends making the variance approval part of the conditional use permit.

Chairman Hatfield closed the public hearing.

10 Minute Break

Commissioner Allen stated the following:

- Personally feels this is a good project
- Respects adjacent neighbors private property rights
- Need to address easement for access
- Would like to see City of Cascade annex this property.
- Appreciate boat access of put-ins – should be well marked for control so we do not inadvertently destroy banks
- Appreciates bridge to bridge pathway.
- Believes sewer and water use has been adequately addressed.
- Need to cover Mr. Davis’s concerns
- Appreciates project and effort -- it will be an asset for community and Valley County.

Commissioner Olson stated the following:

- Agrees with Commissioner Allen
- Need something in writing between Friends and Davis to protect Davis
- Needs to be a written access for public for future use
- Thinks this is a great job

Commissioner Garrison reiterated what has been said:

- Need to get these things in place and take care of Davis issue
- On completion of bridge to bridge pathway -- concerned with children running through industrial area – need signage along pathways warning about industrial uses.
- Motorized use on river needs to be prohibited by an ordinance or buoys placed with warnings.
- Would like to see more work between KWP and SVCRD – sees this property having great potential.

Chairman Hatfield concurred:

- Need rescue plan for river
- Need signage for Davis property
- Warning signs
- Variance will need to be approved by Board for building
- Davis should review signage

Conditions of approval:

- Friends shall work with Davis to create signage that protects his property from trespassers.
- Friends will be responsible for damage caused to Davis for any problems caused by whitewater park.
- Friends will put together a comprehensive sign plan that addresses safety of children wandering from paths to industrial areas and marks put-ins.
- #10 will be changed: will provide copy of agreement between KWP and Pickards for long term maintenance.
- Friends will not deny public access and will endeavor to secure public access from underlying property owner.
- A rescue plan will be created and put in place with the Fire Department.
- A reclamation plan must be in place prior to stockpiling.
- Remove stockpiling from 6 and 9
- Can issue building permit after issuance of conditional use permit.
- Can do construction outside of flood plain prior to issuance of a flood plain permit.
- Variance for building setback shall be approved by the Board of County Commissioners.

Commissioner Allen moved to approve CUP 09-10 Kelly's Whitewater Park with conditions as stated. Commissioner Garrison seconded motion. Commission Garrison moved to amend conditions of approval as discussed. Commissioner Olson seconded the motion. Motion carried unanimously to amend conditions. Motion carried to approve C.U.P. 09-10 Kelly's Whitewater Park.

C. OTHER ITEMS:

1. (Work Session Only) Amendments to the Valley County Subdivision Regulations

Ordinance: The Valley County Subdivision Regulations were originally adopted April 29, 1970 and have been amended five separate times. The Ordinance provides definitions, rules, and regulations for the approval of plats, subdivisions, dedications, and vacations of public right-of-way and easements; prescribes standards for the design, layout, and development thereof; requires improvements; provides standards for the approval or disapproval thereof; provides for the granting of variations and exceptions thereto; provides for a penalty of violations; and provides for appeal. The current amendment incorporates previous amendments into the text of the document; provides for administrative plats, short plats, and pathways; and adds an appendix that requires a Wildland Urban Interface Fire Protection Plan to be developed for all proposed subdivisions. The Wildfire Mitigation Plan is based upon a site-specific wildfire risk assessment and will address topography, aspect, flammable vegetation, climatic conditions, fire history, water supply, access, fire protection systems, defensible space, and vegetation management. The complete document may be viewed at:

www.co.valley.id.us/docs/PZ/Proposed_Sub_Regs.June.2009.pdf

Continued to November 12, 2009.

2. (Work Session Only) Amendment to the Valley County Land Use and Development

Ordinance: Valley County uses a Multiple Use Zoning concept. Land use proposals are

evaluated using a matrix to determine compatibility with current land uses. Changes to Appendix A are being considered. Other minor changes that clarify standards or process are also being proposed. The proposed LUDO may be viewed at:

[www.co.valley.id.us/docs/PZ/LUDO.1 to Commission.JulyProposed%207-1-09.pdf](http://www.co.valley.id.us/docs/PZ/LUDO.1%20to%20Commission.JulyProposed%207-1-09.pdf)

Continued to November 12, 2009.

3. Facts & Conclusions:

- Impact Fees

Commissioner Garrison moved to approve the Facts and Conclusions for the Impact Fees. Commissioner Allen seconded the motion. Motion carried.

4. Correspondence

- Transfer of C.U.P. 06-28

Staff explained that the Precision Granite Shop was now going to be a concrete wholesaler shop. The conditional use permit would be transferred and a sign permit issued. The Commission recommended that strict adherence to the original site plan and landscaping plan be adhered to.