



Valley County Planning & Zoning Commission

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Todd Hatfield, Chairman
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Ed Allen, Commissioner
Gerald Patterson, Commissioner
Rob Garrison, Commissioner

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: September 11, 2008

TIME: 3:00 p.m. – 4:00 p.m. & 6:00 p.m. – 10:00 p.m.

LOCATION: Valley County Courthouse

A. WORK SESSION: 3:00 p.m. - Commissioners present: Gerald Patterson and Rob Garrison. Staff members present: Cynda Herrick, AICP, Planning and Zoning Administrator.

- Subdivision Wildfire Mitigation Plan - A “Subdivision Wildfire Mitigation Plan Requirements” draft was forwarded to the Board of County Commissioners. It outlines a proposed ordinance for a fire mitigation plan that would be submitted with the preliminary plat application to Planning and Zoning and the Fire District having jurisdiction, which was drafted by a group known as Valley County Wildfire Urban Interface (WUI). This was being introduced to the Planning and Zoning Commission which will be placed on the November agenda as a public hearing.
- Subdivision Regulations – The proposed amendment to the subdivision regulations has been a work in progress that began about four years ago. It inserts all the amendments to the Subdivision Regulations for Valley County since 1971 into one text. It has created a short plat and an administrative plat; bike path requirements; and changed the 20 acre exemption to a 40 acre exemption. It was agreed to postpone the work session until more of the Planning and Zoning Commission could be present.
- Appendix A Amendment – Postponed until more of the Planning and Zoning Commission could be present.

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

MINUTES: Chairman Stathis asked if there were any changes or corrections to the August 14,

2008 minutes. There were none. Commissioner Patterson moved to approve minutes for August 14, 2008. Commissioner Garrison seconded the motion. The motion carried unanimously.

B. OLD BUSINESS:

1. C.U.P. 05-31 Smylie Lane Subdivision – Extension Request: The applicant is Statewide Construction, INC. They are requesting approval of a one-year extension request of the Conditional Use Permit which expires September 30, 2008. 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 Stathis announced the item and stated it was not a public hearing.

Staff stated the applicant was requesting a one year extension for their conditional use permit. They have just received their vacation from the Board of County Commissioner's for the gravel pit easement attached to the property. They are currently working through the requirements with the Valley County Road Department.

Commissioner Garrison moved to approve a one year extension for C.U.P. 05-31 Smylie Lane Subdivision to September 30, 2009. Commissioner Patterson seconded the motion. The motion carried unanimously.

2. C.U.P. 05-48 Wild Wings Subdivision – Extension Request: The applicant is Loomis Homes, INC. They are requesting approval of a one-year extension request of the Conditional Use Permit which expires October 13, 2008. The site is located in NW ¼ Sec. 4, T.15N, R.3E, B.M., Valley County, Idaho. [Not a public hearing].

Commission Stathis announced the item and stated it was not a public hearing.

Staff stated the applicant was requesting a one year extension for their conditional use permit. The applicant's correspondence said at this time the project sewer mains are installed and roadways are nearly complete. Additional time is needed for the development of the water system with Northlake Water and Sewer District.

Commissioner Patterson moved to approve a one year extension for C.U.P. 05-48 Wild Wings Subdivision October 13, 2009. Commissioner Garrison seconded the motion. The motion carried unanimously.

3. C.U.P. 07-19 Settler's Mill, No. 2 – Extension Request: The applicant is Copper Canyon Development. They are requesting approval of a two-year extension request of the Conditional Use Permit which expires September 13, 2008. The site is located in N ½ SE ¼ Sec. 23, T.16N, R.3E, B.M., Valley County, Idaho. [Not a public hearing].

Commissioner Stathis announced the item and stated it was not a public hearing.

Staff stated the applicant has requested a two year extension for C.U.P. 07-19 Settler's Mill No. 2. The applicant came forward to explain their extension request.

David Sneddon, Copper Canyon Development, 950 N. Cole Road, Boise, came forward and

stated he is part owner of Settler's Mill No. 2. They are asking for a two year extension because by next year they will be 60% complete on C.U.P. 06-02 Settler's Mill No. 1. Then the second year will allow them to move into Settler's Mill No. 2 to build the clubhouse and swimming pool. If the Commissioner's would like him to come back next year for another year extension, that would be fine with him, but he requested two years because No. 2 will not begin until 2010.

Commissioner Patterson moved to approve the two year extension for C.U.P. 07-19 Settler's Mill No. 2 to September 13, 2010. Commissioner Garrison seconded the motion. The motion carried unanimously.

4. 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 from August 14, 2008.*

Staff stated the applicant has requested their review of the final plat be postponed.

5. C.U.P. 06-38 Fire House Subdivision – Final Plat: The applicant is Sandy McRae who is requesting final plat approval. The Commission will review the final plat and Conditional Use Permit to determine conformance with the preliminary plat. This application was formerly called Big Creek Subdivision and received approval for a five-lot single-family subdivision on 6.38 acres. The site is located in Sec. 35, T.21N, R.9E, B.M., Valley County, Idaho. [Not a public hearing.]

Commissioner Stathis announced the item and stated it was not a public hearing. Staff presented the Staff Report. Staff stated originally this was a five lot subdivision, but has been changed to four lots. Staff said she believed this subdivision was created to change an illegal split and then they added another lot.

Commissioner Garrison moved to recommend approval to the Board of County Commissioners for final plat for C.U.P. 06-38 and authorized the chairman to sign and to approve a one month extension for their conditional use permit to December 9, 2008 to record final plat. Commissioner Patterson seconded the motion. The motion carried unanimously.

C. NEW BUSINESS:

1. V-1-08 Chantrill – Variance to Relax Front Yard Setback: The applicant is Debra Chantrill. She is requesting a variance to relax the front yard setback 10', from the required 20' to 10', in order to build a garage/loft structure. The variance is due to topographic limitations of the site. The site is addressed as 435 and 437 Collier View Road. The site is located in Ponderosa Shores Subdivision No. 2, Lots 1 & 2, NWNENW Sec. 12, T.13N, R.3E, B.M., Valley County, Idaho.

Commissioner Stathis 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 Stathis stated at this time they would hear from the applicant.

Gene Chantrill, 5121 N. Blue Ash Avenue, Boise, he and his wife Debra have owned this property for 18 years. He drew a diagram to show how they are limited by the topography to build their garage on a flat surface (Exhibit 1) beyond the 20 foot setback required by Valley County from the property line. The bottom portion of the property is not buildable because of granite near the surface. He said if they can move their garage ten feet closer to the road then they would be able to avoid building a major retaining wall. They are unable to locate it to the southeast of the property because of their septic and drainfield which was installed 14 years ago.

Commissioner Patterson asked if there would be any impact on the road. Mr. Chantrill said even with the variance of ten feet from the property line, the structure would be 34 feet from the existing road. He said the road was an improved road with snow plowing and they couldn't see how the structure being placed ten feet from their property line would effect the road. They realize this might not constitute undue hardship but asked for the Commission's consideration.

Debra Chantrill came forward and stated she thought it was 27 feet from the eave of structure to the edge of the road. Also, if they move the garage to the south it will take up their parking area and will take away the only reasonable access they have to the lower portion of their property. The topography slopes in both directions away from the septic and drainfield. So if they have to move their garage to the south they would be driving over their drainfield to get to their lower property. At this time they do not have absolute plans but potentially the main structure will be built below the garage with a daylight basement.

Chairman Stathis asked to hear from the proponents. There were none.

Chairman Stathis asked to hear from the undecided. There were none.

Chairman Stathis asked to hear from the opponents. There were none.

Discussion ensued amongst the Commission. Commissioner Patterson believed the lot was a difficult lot to build on and there are extenuating circumstances. Commissioner Garrison stated he has been up in that subdivision and believed it would be an undue hardship to build a 14 foot retaining wall.

Patterson moved to recommend approval for Variance V-1-08 Chantrill to the Board of County Commissioners. Commissioner Garrison seconded the motion. The motion carried unanimously.

2. C.U.P. 08-15 Larkin House – Retail Shop: The applicant is Long Valley Preservation Society (LVPS). They are requesting approval to establish a retail business using an existing restored museum building. LVPS would make the "Cecelia Larkin House" available for lease for retail purposes. The site is accessed from Farm-to-Market Road. The site is parcel RP16N03E126290A located in the SWSW Sec. 12, T.16N, R.3E, B.M., Valley County, Idaho.

Commissioner Stathis 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.

Commissioner Patterson said he felt the condition of approval no. 6 was too restrictive for a business and was opposed to it. Commissioner Stathis believed they should not display in the setback because they have other areas on the property to display. Staff stated all commercial conditional use permits have been required to comply with the setbacks.

Commissioner Stathis stated at this time they would hear from the applicant.

Barry Johnson, 205 Titus, Donnelly, president for Long Valley Preservation Society. Mr. Johnson stated they have no issues with the 20 foot setbacks. He drew a sketch of the location of the Larkin House at Roseberry and Farm to Market. The existing antique business in Roseberry will be moving to this location from their current location behind the general store. The Larkin House is a very important part of the museum's exhibits, but because of the distance from the main museum exhibits, they were not able to open it up that much to the public. They thought by having the antique store there, that this would keep it open throughout the year so it can be enjoyed by more people.

Staff stated the conditional use permit was proposed as a retail shop because someday they might want to open a store that is not an antique shop. Mr. Johnson stated that the museum had discussed that if they did have other retail in the historical district it would be something related to the historical aspect of the community and the valley. Mr. Johnson stated that the building was built in 1905.

Chairman Stathis asked to hear from the undecided. There were none.
Chairman Stathis asked to hear from the proponents.

Gerry Wisdom, 12889 Dawn Drive, Donnelly, stated that the Larkin Family up to this point has done all the restorations along with volunteers. The parents are now unable to do anymore work on the place and all of their children are not living in the vicinity. The Larkin's are supporting this application because now the building will be taken care of.

Chairman Stathis asked to hear from the opponents. There were none.

Chairman Stathis closed the public hearing and brought it back to the table. Commissioner Patterson stated that he has no problem with the application but was still opposed to the condition of no displays within the setbacks. It was agreed that the Commission had no issues with the application.

Commissioner Patterson moved to approve C.U.P. 08-15 Larkin House – Retail Shop.
Commissioner Garrison seconded the motion. The motion carried unanimously. Chairman Stathis stated there was a ten day appeal period.

3. C.U.P. 08-16 Jughandle Well Facility Project: The applicant is Jughandle Corporation. They are requesting approval to establish a new well facility to serve Jughandle Estates. The facility will consist of a water supply well and well house building. A private gravel driveway will access the site from Sweet Iron Court. They are also requesting a variance to the building

setback requirements for a community service use. The site is parcel RP005770000230A, The Willows Subdivision Phase 2, Lot 23, located in the NWSWNE Sec. 12, T.17N, R.3E, B.M., Valley County, Idaho.

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

Staff presented the Staff Report. Since the staff report has been completed the following correspondence had been received:

Exhibit 1 – James Kuchera, Millenium Science & Engineering, 1555 Shoreline Drive, Boise, responded by letter received September 11, 2008. He had the following comments:

- Hired on behalf of JJS Southwest, LLC.
- The transfer of water rights allow for the removal of 122,792 gallons per day of ground water to supply 90 homes. If allowed this removal rate would considerably lower the water table, reducing the present and future ground water flows, negatively impacting Ashton Ridge Ranch and adjacent landowners.

Exhibit 2 – Richard Mollerup, Meuleman Mollerup, and Attorneys at Law, 755 West Front Street, Boise, responded by letter received September 11, 2008. He had the following comments:

- Their firm represents JJS Southwest, LLC the developer of Aspen Ridge Ranch, the subdivision directly across the road from the proposed site of the proposed well.
- JJS has significant concerns regarding the affect of the new Jughandle Well Facility on the existing aquifer and the ability of the residents of Aspen Ridge Ranch to obtain ground water.
- JJS respectfully asks that this application be denied until questions regarding the water in the aquifer and the effect on the aquifer resulting from the Jug Handle Well Facility can be answered with reasonable scientific certainty.

Exhibit 3 – Ken Hubbard, 59 N. Hemlock Street, Ventura, California responded by letter dated September 9, 2008. He had the following comments:

- Alan Pearson owns lots 19-23 of the Willows. He is 1/3 owner of lots 1-18 of the Willows with Alan Pearson and Bill Fairfield.
- Alan's proposal to allow Jughandle Estates to access water from this aquifer from his lot 23 is apparently motivated by his personal interest and a total lack of concern of how it will affect the remaining lots of the Willows and the neighboring properties.
- An approval would require a disclosure which would affect our ability to sell our remaining lots. It would affect the future water pressure of all the surrounding properties.

Exhibit 4 – John Zagara, JJS Southwest, 2041 San Elijo Avenue, Cardiff, California, responded by letter dated September 11, 2008. He had the following comments:

- Adamantly opposes the water right transfer for the applicant.
- If approved it would create an enormous negative impact not only for future water availability to their development but for other property owners in the immediate area like Jug Mountain Ranch, Rhoades Development, The Willows and so on.
- He wondered how Idaho Department of Water Resources could allow a water right

transfer to a property when the one who is doing the transferring doesn't even own the property that the right is being transferred to.

Exhibit 5, RoseAnn Reeder, Coldwell Banker McCall Real Estate Company, responded by letter received September 11, 2008. She had the following comments:

- She represents JJS Southwest and their Ashton Ridge Property.
- JJS Southwest was approached by Jughandle Estates last year and denied their request for water as they felt it would not be the right thing to do for all the surrounding area.
- Water to Ashton Ridge Ranch is a very valuable part of the property and she concluded that this would take away from the value.

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

Warren Drake, 11 Cottontail, Jughandle Estates, Homeowner's Association President and the water operator for their current water system. He commented as follows:

- Their subdivision was created in the early 70's.
- The water system installed then was insufficient and relied on surface water. The surface water sources failed. There are five other wells within the subdivision that have been abandoned due to failure or low output.
- In the early 80's a deep well was drilled high up on the mountainside which provides water to our subdivision.
- We currently are serving 70 homes and are producing 55 gallons a minute. Their storage tank holds 32,000 gallons of water and that serves their needs for most of the year except for July, August and September.
- We have run out of options to obtain water in our subdivision. We drilled a test well at the recommendation of SPF Water Engineering on the western most edge of our property, because we do know the water lies to the west of us. The test well was unsuccessful due to low water flow and abandoned it after we drilled for a long time through bed rock.
- They tried to work with Mr. Carey from Jug Mountain Ranch to become a part of their water system but were unable to come to an agreement.
- We talked to Mr. Gallucci about buying a lot in his subdivision where we might drill a successful well and we were unable to come to an agreement with him.
- Continuing west down Ashton Lane their next option was the Willows Subdivision. They negotiated with Mr. Pearson and they have drilled a well that is producing a lot of water. They hope to use this well to supply their subdivision for its peak use in the hot summer and early fall period and in the event their well was to fail.
- Their request is to allow them to use this lot to complete this well project to pump additional water into Jug Handle Estates.
- They hired SPF Water Engineering who is very familiar with the availability of water in their area to do a study to see what impact if any their use of that well will have on the surrounding properties.
- They have no intent to exceed the water right that they have been granted by the Idaho Department of Water Resources. They do have a right to the water on the mountain for the water they are currently using and they have combined that right so that they can pump only a maximum amount of water from both of those wells combined.
- SPF Engineering has said that the availability of water in that plan could be limitless. Meaning there is a huge amount of water there.

Chairman Stathis asked for clarification on the setback issue. Mr. Drake said the way the lot lays there is a natural grouping of trees and they were hoping to minimize the visual impact for the pump house by moving it as far into that grove of trees as they can. That should potentially help the Willows Subdivision with their future sales of property by hiding the pump house so that it is not a visual distraction. Mr. Rhoades who owns the lot to the west of them has no concerns with the pump house being moved in that direction. Mr. Drake said they have applied and have been permitted through the Army Corp of Engineers and DEQ and have complied with everything they have asked them to do. He said that where the pump house goes was more of a concern to the neighbors than to them. They do not want the pump house to have any visual impacts on the surrounding properties.

Commissioner Garrison wanted to clarify that the pump house was what they were talking about here. The Planning and Zoning Commission has no say to water rights. They can only decide where the building was going to be located. The Idaho Department of Water Resources was the agency to decide water rights.

Chairman Stathis asked where the building was located on the Google map he had of the area. The applicant came forward to mark the spot. (Exhibit 6)

Chairman Stathis asked where would the building be located if the variance was not approved. Mr. Drake stated they are limited by the wetlands so they can't move it to the east. If they moved it to the south they will not be screened by the natural vegetation already there and it would become a visual distraction for the neighboring residences.

Stuart Hurley, SPF Water Engineering, 300 E. Mallard Drive, Ste. 350, Boise, came forward and had the following comments:

- Obviously this isn't the place for the water right issues.
- The test wells that we drilled for Jug Mountain Ranch showed no evidence that there was going to be any negative impact associated with this well supplying water to Jug Mountain Estates.
- Ground water out there is seven feet.
- Regarding placement of the well house it was a request of Alan Pearson and Wes Rhoades to screen the well building. If they have to comply with the setback requirements and the wetlands it will be pushed out to the south in an open field. It will be lightly screened by the requirements of The Willows and visual to the neighboring properties.

Chairman Stathis asked to hear from the undecided. There were none.

Chairman Stathis asked to hear from the proponents. There were none.

Chairman Stathis asked to hear from the opponents.

Sal Gallucci, 2041 San Elijo, Cardiff, California, managing member for JJS Southwest which owns Ashton Ridge Ranch to the east of the proposed well facility, had the following comments:

- He has compassion for the neighbors at Jug Handle Estates and their challenge of not having adequate water. But he could not see why that should become his problem now or in the future.

- Our issues are going to be not having adequate water flows, negative impact to his property values and the ability not to sell the property because of a well going in, which is happening now.
- He would have never bought the property for Ashton Ridge Estates if he had known this was going to happen.
- He has a lot of money invested in this property. They did a lot of research and looked at a lot of property. This property was not only purchased for the location but also for the economics of the water availability that this land brought.
- He can see that this is going to be a disclosure issue that they will need to disclose to potential buyers that there is a well facility in the neighboring subdivision.
- When The Willows was proposed we did not oppose that 23 lot subdivision. By approving a well facility next to our property in effect it is like you are proposing a 123 lot subdivision.
- Mr. Carey's property to the north has twelve or fourteen wells with four in use right now for their subdivision. But when they have their full build out of 335 homes no one knows if there will be sufficient water.
- He has spent a lot of time and energy with this project, and believed this was a negative impact that he and the realtors have to disclose.
- He spoke with Mr. Chapman today and they agreed to disagree.
- Mr. Drake did not establish the amount of water they are allowed to extract from that property, if its going to be 24/7, 365 days a year, or as Mr. Chapman indicated that they just want to turn the pumps on in the height of the season in June and July to draw 20 gallons per minute, and for two weeks out that time they may have to pump it up to 40 to 50 gallons per minute.
- They had no idea that Jughandle Corp. had applied with Department of Water Resources to have their water rights transferred to Lot 23 in The Willows for their subdivision. Even Alan Pearson the owner of Lot 23 had no knowledge of their water right transfer.

James Kuchera, Millenium Science & Engineering, 1555 Shoreline Drive, Boise, stated he has reviewed the file that is on record. He was not here to contest the water right, but he was concerned with their due diligence of drilling only one test well. Typically you drill several wells to locate water. There must be viable water in that area since they do have a well that is producing water. Believed this type of extraction could injure water rights, lower water tables and people would have to deepen their wells. Asked that this judgment be deferred until a hydrogeologic study can be done for where they are putting their well to make sure it does not affect the local landowners. This is a production well it is not a single family well.

Chairman Stathis stated at this time would hear the applicant's rebuttal.

Mr. Drake stated they are drilling their well with the approval of Mr. Rhoades, Mr. Carey and Mr. Pearson, who are the property owners surrounding them. He said that Jug Mountain Ranch's water use far exceeds any impact that they would have on the water aquifer. They are currently operating on approximately 55 gallons of water an hour. They have installed water meters previous to this project and intend to regulate the water usage the property owners are using.

Chairman Stathis asked how they went about trying to find water at Jug Handle Estates. Mr. Drake said the first surface well eventually became illegal. There were five other wells within

the subdivision that had been drilled previously in the Homeowner Association's attempt to get find more water. Then another test well was drilled per SPF's recommendation at the most western point of their subdivision. They have spent a large quantity of time and money, and believe they have the advice of the best water engineering company in the State of Idaho. They know the hydrogeologic angles because they have done all of this for the Jug Mountain Ranch project.

Commissioner Patterson asked if it was correct that you have gone through and gotten all of your permits, and have been issued water rights to drill that well. Mr. Drake said there was a difference between permits for drilling wells and permits for extracting water. They have gotten permission for everything except for P & Z Commission's permission to allow us to use that lot for a pumping station site. They have done their due diligence with the help of SPF Water; they have done all the things that should be done and all the proper public notices were given.

Stuart Hurley came forward and stated they did apply for a transfer of the water rights with the Department of Water Resources and received approval. The transfer added this location as a point of diversion to their existing water right. The transfer includes that the water right for their development can be supplied by multiple points of diversion. They also received DEQ's approval to drill the well by going through their permitting process. They have done studies in this area since 2000 with Jug Mountain Ranch and this well is not going to negatively impact the water issues for the surrounding properties. Also, this well is going to be used in conjunction with their existing well.

Sal Gallucci said he wanted to understand how many gallons of water per minute they plan to pull out of the ground. Mr. Hurley stated the water right was for 85 gallons per minute. Mr. Gallucci stated that according to Alan Pearson that it was his understanding that it was supposed to be more like 30 to 50 gallons per minute. Mr. Gallucci also said that Mr. Chapman had indicated to himself and others that it was supposed to be only 20 gallons per minute from June and July, the only times they are going to need it, and for two weeks out of that time it could be up to 40 to 50 gallons per minute, not 85 gallons. They have changed it from their original agreement.

Chairman Stathis closed the public hearing. He said that this was definitely a water issue and he couldn't believe they were hearing this in Valley County because he thought there was more water here than there was in the world. He asked Staff was there anything in LUDO that gives them direction on water rights. Staff stated the only thing she could find was in Table 1A in the Land Use Ordinance it requires a conditional use permit for public utility supply, transfer or relay facilities including administration. Staff said what the Commission was reviewing was the compatibility of the facility to the surrounding land use.

Staff clarified the applicant is asking for two things; a conditional use permit to allow the use of that building for a civic community service use for the well facility. The second issue is the variance to relax the setback for the well facility. Their reasons for the variance are to put it into an existing stand of trees to screen it from existing uses and topographic reasons due to the wetlands

Discussion ensued amongst the Commissioner and they agreed that they did not hear any negative comments against the building or its placement. They also agreed as the P&Z

Commission they have no say about water rights. With regards to the variance it could be a hardship because of the wetlands, but if it was moved out into the open area, then there would be the requirements to do landscaping.

Commissioner Garrison moved to approve C.U.P. 08-16 Jughandle Well Facility Project and recommend approval for the variance by the Board of County Commissioners due to the hardship from the wetlands. Commissioner Patterson seconded the motion. Motion carried unanimously. Chairman Stathis stated there was a ten day appeal process.

4. C.U.P. 08-17 Redridge at Blackhawk Subdivision – Preliminary Plat: The applicant is Cranberry Ridge, LLC. They are requesting approval of a multi-phased 135 lot single-family residential subdivision on approximately 1614 acres. They are proposing 10 phases, with a phase recorded every 2 years. Individual wells and septic systems are proposed. Access would be provided via two locations on West Mountain Road onto private paved roads. They are also requesting a variance to the private road width. The site consists of parcels RP17N02E021535A, RP17N02E030006A, RP17N02E100006A, RP17N02E110605A, RP18N02E269005A, RP18N02E340006A, RP18N02E350006A, RP18N02E363520A, RP18N02E363520A, and is located in Sec. 2, 3, 10, & 11, T.17N, R.2E and Sec. 26, 34, 35, & 36, T.18N, R.2E, B.M., Valley County, Idaho.

Commissioner Stathis 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. Since the staff report had been completed the following additional correspondence had been received.

Exhibit 1 – Donnelly Rural Fire District received September 10, 2008. After meeting with the McCall Fire Department and the developers of Redridge at Blackhawk they will allow the following change to the water system from their comment letter dated September 3, 2008.

- In lieu of fire hydrants all buildings will have non-combustible roofing materials, defensible space and an approved automatic sprinkler system. The water storage tanks will be placed in a location to be determined by the McCall and Donnelly Fire Districts. All storage tanks shall be connected to a well and have automatic fill capability. Tank specifications must be submitted for review and approval prior to installation.

Exhibit 2 – McCall Fire District received September 11, 2008. The Fire District has met with the developer and they will require the following:

- All roads shall be built to Valley County Standards.
- All fire apparatus access roads shall be in compliance.
- All roads shall be inspected by McCall Fire District prior to issuance of building permits.
- Slash, dead timber, ladder fuels and debris must be removed throughout the subdivision.
- MFPD and the developer have met regarding fire protection and the inability of the development to offer a community water system. MFPD and Redridge at Blackhawk will continue to work on a safe and effective approach to fire suppression for the subdivision.
- MFPD and the developer are also in discussions about a substation for MFPD in the area.

Exhibit 3 – Mary & David Erbland received September 5, 2008. Are also strongly opposed to

the revised version for Redridge at Blackhawk. They do not believe it is in the best interests of the McCall residents to have another subdivision in a very pristine and natural part of Valley County. Being from Colorado they have seen what over building and too much inventory can do to a community. They believe the 135 lot adjacent to Blackhawk Lake community is not justifiable.

Chairman Stathis asked to hear from the applicant.

Jim Fronk, Secesh Engineering, PO Box 70, McCall, representing the applicant for Redridge came forward and displayed the following exhibits:

Exhibit 4– Redridge Property Master Plan – Redridge’s current plan

Exhibit 5– Redridge Property Conceptual Master Plan – Their previous plan and it was decided to cut the project in half.

Exhibit 6 – Redridge Layout

Mr. Fronk commented as follows:

- Land use plan is for 1614 acres with 135 lots
- Average lot size is 6.1 acres
- There are approximately 500+ acres of open space
- The initial application for Redridge included an additional 1,286 acres which now has been placed in a Conservation Easement to the Payette Land Trust.
- The simple approach to the revised plan is a loopy road back to West Mountain with pods of development that sit back into the trees.
- It is compatible to the adjacent neighborhood which is Blackhawk by the Lake which their density is 2.3 acres.
- The reason for the road width variance is they want their roads to be 20 foot paved with two foot shoulders. They want to keep the roadways tighter and hidden within the topography.
- Conducted a neighborhood meeting with all of the associated neighbors at Blackhawk on the River in July. There was a good turnout and they explained the plan and its approach.
- He spent the last two years with Central District Health investigating the property for septic systems and they have found approvable systems for most of the lots and they are still monitoring. Systems have been found for every lot except for ten lots.
- Conducted a temporary test well for potable water and found similar results as with the Blackhawk Estates and the other well and septic areas.
- The consultants felt that it preserved the character of the grounds.
- They will be keeping some of the existing logging roads for connectivity.
- As far as they know there are no designated snowmobile trails going through this project.
- The only public access that will be determined with Redridge is how to get to the conservation easement to the south.
- For phasing purposes Redridge Loop from the south and north off of West Mountain Road will be completed for it’s entirety for fire protection and infrastructure.
- There are ten phases and every two years we will be bringing on another pod for final plat.

Commissioner Patterson asked about the two out parcels mentioned in the Staff Report that

should come back for Conditional Use Permits. Mr. Fronk stated that there are two out parcels that the applicant was not sure what to do with at this time, so they will come back for C.U.P.'s at a later date. He also wanted to clarify that there will be no buffers of land between Redridge and Blackhawk Lake Estates. The intent will be to draw the lot lines all the way up to the back of Blackhawk Lake's property lines.

Mr. Fronk further said:

- They did collaborate with the McCall and Donnelly Fire Districts since this project will encompass both Districts.
- Firewise wildland urban interface landscaping requirements will be input into the CCR's.
- The firewise requirements will be on the plat and disclosed to the buyers, as well as in the CCR's.
- Will be doing some reclamation of the existing logging roads that will not be needed anymore and some more thinning out in Phase One too reduce fire hazard.
- Regarding the concerns of the Blackhawk Lake Estates that Redridge's land plan will affect the water quality of their lake, that shouldn't be the case at all; they are going to change the land use. All those sheep on the property will be gone and with leaving all that open space in the meadow, the creeks will be able to rebuild themselves.
- Believed the project was straightforward and compatible. It is privately owned vacant land and this was a good approach for this land.

Commissioner Garrison wondered if the right of ways would remain the same even if the road width was proposed to be narrower than specified in code for private roads. Mr. Fronk stated the rights of way were going to be to code because of all the land out there.

Commissioner Patterson asked about streetlights. Sima Murhoff stated there will be streetlights.

Mr. Fronk further stated he has done the wetland delineation himself and it has been accepted by the Army Corp of Engineers. Due to this land plan the impacts are very minimal to the wetlands.

Chairman Stathis asked to hear from the undecided. There were none.
Chairman Stathis asked to hear from the proponents.

Sima Murhoff, 112 N. 3rd Street, McCall, stated he like the project and was in favor of it. It started off as 2,800 acres and they have now protected 1,200 acres with the conservation easement.

Sal Gallucci, owner of Lot 38, Blackhawk Ranch Phase 3, said the design is very well done. He said from a developer's perspective he thought Jim had done an excellent job preserving the open space.

Chairman Stathis asked to hear from the opponents.

Troy Smith, 8 Loon Point Court, Blackhawk Lake, and he is representing the Blackhawk Lake Property Home Owners Association, made the following comments (Exhibit 7):

- Commended Cranberry Ridge LLC for modifying their plan from the previous one, but

- they are still opposed to project as currently defined.
- After reviewing the entire application package, they believed some things were incomplete and misleading.
 - They are opposed to fencing, because of the wildlife flow there.
 - Concerned that the larger lot owners are going to be allowed to have horses and they will have their own barbwire fence for enclosure. This is noncompatible with their use.
 - Very concerned about what those two out parcels are going to be used for in the future. Before those out parcels are approved they need to know their land use due to water issues and intrusion factors.
 - He is currently representing 61 lot owners and there are 19 more lots to go into Blackhawk Lake Estates. The water and security issues for that area have always been concerns of theirs.
 - They need to have final data reports for the water and septic before approved.
 - In their CCR's they talk about private amenities and leasing common areas, and how this can open it up to the public.
 - The CCR's talk about annexation of additional properties; no limit to the number of units they can have; reserved right to convert to condominiums, and they look at the reserved right to subdivide any unit in their terminology.
 - There is a whole section that talks about private water and a public water system.
 - The whole area out there is so full of phosphorus that they are going to get an algae bloom.
 - They are creating ten miles of roads out there and with the phosphorus; the overflow and the storm drains on those roads are going to cause a huge problem.
 - The increased traffic generated between them and the other two subdivisions and conservation easement are going to be extreme.
 - The trail system has not been identified as human or horse trails.
 - The pathogen study done on their lake shows that the sheep that came through twice a year have not caused an impact on their water quality. The applicant needs to have their own pathogen studies done because of the fractured basalt and the water issues.
 - Why are they suggesting per their application that they are going to use the land in the conservation easement for three gravel sites to build their roads from.
 - There is no hurry for them to move forward right now. This application needs to be evaluated further.
 - He asked the Commission not to put a trojan horse in their backyard.

Chairman Stathis said they would now hear the applicant's rebuttal.

Chairman Stathis asked about horses and fencing. Mr. Fronk deferred those items to Sima. Chairman Stathis asked if the lots could be split. Mr. Fronk answered no they cannot.

Mr. Fronk stated the gravel pit was mentioned in the application. The land to the south does have basalt and will be used for the roads. There are no homes within 1000 feet of it and the landscaping in the area was screened and will be reclaimed after the project is done.

Dave Powell, Rive Ridge Engineering, 3046 S. Bown Way, Boise, came forward and said they have received permission from the trust to have the gravel pits for their roads. There are no commercial purposes for the gravel pits.

Mr. Fronk said the Department of Environmental Quality's standard process does not require that a phosphorus/pathogen study be done if you do not have lots less than three acres in size. The phosphorus potential will probably go down when they reclaim the old logging roads and by having asphalted roads.

Dave Powell, came forward and stated regarding their concern for the developer's potential ability in the future to change the density of the project and bring in other boundaries into the development could not happen without coming back in front of the Planning and Zoning Commission. At this time there are no plans to expand the boundaries. What was shown on their Master Plan was the absolute limits of the ownership for this development. It was fairly customary to allow this type of wording to be placed in the CCR's to take advantage for changes that may occur in your own ordinances that might bring about opportunities that were not initially there. The wording about a public well was there to protect the developer if ordinances change. It was not in the plan today for a public well.

Sima Murhoff came forward and said regarding the horses they want to leave that open. They have protected 1,200 acres for wildlife and now they would like to allow 135 home sites on 1,600 acres to be allowed to have horses if they want. He said this is Idaho, if you are going to say no to horses why would you want to live in the State. The homeowner will submit their plans for their horses to the architectural design guideline committee and they will say yes or no. He clarified no livestock, it will be just horses.

Commissioner Patterson asked Troy Smith why they were objecting to horses in that area. Troy Smith said when they bought into Blackhawk on the Lake they were told they would not have intrusion from livestock. He said horses create flies and distracting issues from their waste. Commissioner Patterson asked isn't your area fenced. Mr. Smith answered yes, but just the idea they are on the other side of the fence.

Discussion ensued amongst the Commission. It was agreed the development had a good plan with the larger lots; they were going to thin the forests for better fire protection; and create the conservation easement to protect the 1,600 acres to the south. It was also agreed that the development had a well thought out plan and it being a twenty year project things could change, and if they do they will come back in front of the P & Z Commission with those changes.

Commissioner Patterson moved to approve the preliminary plat for C.U.P. 08-17 Redridge at Blackhawk and recommend approval to the Board of County Commissioners for the variance for the 20 foot hard surfaced road width. Commissioner Garrison seconded the motion. The motion carried unanimously. Chairman Stathis stated there was a ten day appeal period.

5. C.U.P. 08-18 Grose Office Space & Warehouse: The applicant is Gary Grose. He is requesting approval to establish office space, warehouse buildings, and equipment & material storage on 3.927 acres. Existing structures will be removed. Two new buildings are proposed: 14,000 sq ft and 17,500 sq ft. A new well will provide water while an existing septic tank effluent pumping chamber will provide septic service. Three phases are proposed. The site is addressed as 13175 State Hwy 55. It is parcel RP16N03E104855A, located in the NESW Sec. 10, T.16N, R.3E, B.M., Valley County, Idaho

Commissioner Stathis 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 commented that specific parameters need to be established. The County is not going to just zone the property commercial. You need parameters on what types of businesses are going to be there to determine compatibility with the area. Since the Staff Report had been completed additional correspondence has been received.

City of Donnelly, P.O. Box 725, Donnelly, responded by letter received September, 11, 2008 (Exhibit 1). They had comments regarding:

- Mitigation of the Fiscal Impacts of the Development,
- Annexation into the City of Donnelly,
- Water commitment and/or water service,
- Fire Protection,
- Sewer, and
- Bike Paths

Staff stated prior to the meeting Mr. Skiftun submitted a new site plan based upon the Staff Report. They have added additional landscaping, removed some of the parking and one of the buildings.

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

Gary Grose, 13213 Kokanee, Donnelly, came forward and apologized for the additional information given this evening. They just found out Monday evening at the City of Donnelly's meeting that they would be annexed into the City in the next four to six months. Because of this their plans have now changed for the front of the property. The rear of the property will be staying the same with a 9,800 sq. ft. building, with four bays, four separate offices and shop space. Mr. Grose stated his company will be using one of those spaces and he will lease out the other three. Right now he has verbal commitments from the electrical contractor and a mechanical contractor to use two of those spaces. The rear of the property will be used for water runoff and permanent materials storage which will be screened from the highway. For Phase One they will be using the Everest office trailer. The plan is to build the first building in the spring of next year and have it completed in the fall of next year. After we get annexed into the City of Donnelly we will decide what to do with the front portion of the property.

Commissioner Patterson asked Mr. Grose what type of business he called his project. Mr. Grose said he called it a business park. It will be light commercial, there will be no heavy commercial work going on there. Mr. Grose stated his business is commercial concrete, which consists of high-rise construction.

Commissioner Patterson asked if they had a problem with the agreement they made with the City of Donnelly. Mr. Grose stated they did not. Right now they have city sewer service to the property and with the new subdivision going in across the highway; they are going to put in new wells, so they will have city water.

Commissioner Garrison asked for clarification of the sewer system. Mr. Grose stated it is

connected to the city sewer system. Everest put it in when they built their office building and there is a lift station on this property that they will be tying into.

Chairman Stathis asked if the building was going to be hidden from the highway. Mr. Grose at this time submitted preliminary drawings for the design of the building from TRW Architecture. The drawings are marked as follows:

Exhibit 3 – Exterior Elevations

Exhibit 4 – Main Floor Plan

Exhibit 5 – Building Sections

Exhibit 6 – Roof Plan

Chairman Stathis asked about the landscaping plan. Mr. Grose stated at this time they do not have a landscaping plan. They were hoping at the time of the building permit submittal they would have the landscaping plan done.

Staff stated that an additional Condition of Approval would be that they would have to come back to Planning and Zoning for approval for their landscaping plan before the building permit would be issued.

Mr. Grose stated that the lighting will be minimal to conduct business and will be on timers and motion sensors at night. They will be using the existing driveway on their property with Everest Construction. The other driveway to the south they would like to maintain for fire access. They will apply with ITD when the time comes for that.

Staff asked if the reason for the change in the new submitted plans was because if they get annexed into Donnelly they will be have a lot more options with the second building. Mr. Grose stated that was correct. For the meeting tonight they just have two phases for their application to be approved.

Chairman Stathis asked to hear from the undecided. There were none.

Chairman Stathis asked to hear from the proponents. There were none.

Chairman Stathis asked to hear from the opponents. There were none.

Chairman Stathis closed the public hearing.

Discussion ensued amongst the Commission and it was agreed to change Condition of Approval No. 8 to read “The site must be kept in a neat and orderly manner and outside storage will be appropriately screened.”

Commissioner Patterson moved to approve C.U.P. 08-18 Grose Office Space and Warehouse with the additions and changes to the Condition of Approvals as mentioned above.

Commissioner Garrison seconded the motion. Motion carried unanimously. Chairman Stathis stated there was a ten day appeal period.

D. OTHER ITEMS:

1. Facts and Conclusions: Approved as presented.

- C.U.P. 08-13 Point's Ranch
- C.U.P. 08-14 Campbell's Bend

2. Correspondence:

- C.U.P. 08-03 Northwind Subdivision – Requesting a 60-day extension for their Final Plat approval from September 19, 2008 to November 19, 2008. It was approved for a 90- day extension to December 19, 2008.
- C.U.P. 05-17 White Cloud, Phase 2 – Requesting a 90-day extension for their Final Plat approval from September 19, 2008 to December 19, 2008. It was approved for a 90- day extension to December 19, 2008.
- C.U.P. 07-18 Idaho Power Operations Center – Revised Landscaping Plan received September 9, 2008
It was approved that the revised landscaping plan was not substantial enough to warrant an amendment to the existing Conditional Use Permit. One condition to this approval was that if the property to the west was ever developed Idaho Power will collaborate with the owner to landscape west property line.
- The Board of County Commissioner's have invited the Planning and Zoning Commission to a work shop on two large developments being proposed on October 6, 2008 at 1:30 p.m.
- Paul Proctor, Mountain Shadows Subdivision No. 2 – Regarding Bureau of Rec and the current property line after Bureau of Rec's property line changed. Mr. Proctor built a house years ago and everything was in compliance, now he wants to construct the family room and the BOR property line was moved onto his property and is 4 ½ feet from the eave of the addition. It was agreed to work with owner and let him be closer to the BOR property line than as stated in LUDO.