



Valley County Planning & Zoning Commission

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Rob Garrison, Chairman
Kathy Deinhardt Hill, Vice Chair

Ed Allen, Commissioner
Ronda Sandmeyer, Commissioner

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: September 12, 2013

TIME: 6:00 p.m. – 7:58 p.m.

LOCATION: Valley County Courthouse

ATTENDANCE: Commissioners present - Commissioners Ed Allen, Kathy Deinhardt Hill, Dusty Hibbard, and Chairman Rob Garrison. Staff member present: Cynda Herrick, AICP, CFM, Planning and Zoning Administrator.

OPEN: Call to Order

Introduced Douglas A. Miller, Valley County Clerk.

Commissioner Allen moved to amend the agenda to allow for a discussion at the end of the agenda concerning ASAP Portables. Commissioner Hill seconded the motion. Motion carried.

MINUTES: August 8, 2013

Commissioner Hill moved to approve the minutes for August 8, 2013. Commissioner Allen moved to second the motion. Motion carried.

Chairman Garrison introduced the new Valley County P&Z Commissioner, Dusty Hibbard.

A. OLD BUSINESS:

1. **P.U.D. 13-01 Blackhawk Development [Tabled from August 8, 2013]:** Haden Tanner of McCall Associates, LLC is requesting approval of a planned unit development that would combine seven existing Conditional Use Permits into a consolidated development with one construction and phasing schedule. The application also includes a request to consolidate unsold lot groups in Blackhawk on the River into development bubbles and assign density ranges with a maximum of 22 additional lots; develop the former conservation easement on the southern half of the Red Ridge C.U.P.: modify some of the land uses within the existing Meadows at Blackhawk C.U.P. and convert the area into development bubbles with specific density ranges; and upgrade the existing

sewage treatment facility. The combined C.U.P.s consists of approximately 4,385 acres, of which 2,192.5 acres (50%) are dedicated open space. All proposed roads will be private paved roads maintained by the respective homeowners associations. Utilities will be underground. The Red Ridge lots will be served by individual wells and septic systems; all others will be provided with central water and sewer. The site is located in portions of Sections 1,2,3,10,11,12,14,15,22, & 23, T.17N, R.2E, and portions of sections 26, 34, 35, and 36, T.18N, R2E, B.M., Valley County, Idaho. It would consist of the following seven previously approved C.U.P.s:

1. C.U.P. 05-03 Blackhawk on the River
2. P.U.D. 06-01 The Bend
3. C.U.P. 07-06 The Meadows at Blackhawk
4. C.U.P. 07-29 Blackhawk Ridge
5. C.U.P. 08-17 Red Ridge at Blackhawk
6. C.U.P. 90-5 Payette River Subdivision # 2 Sewage Treatment Facility
7. C.U.P. 05-40 Blackhawk on the River Sewage Treatment Facility

Commissioner Allen moved to remove PUD 13-01 Blackhawk PUD from the table.
Commissioner Hill seconded the motion. Motion carried.

Chairman Garrison announced the item and asked if there had been any ex parte contact or conflict of interest. Commissioner Hill stated she inadvertently received an e-mail from the applicant and wanted to note it for the record.

Chairman Garrison asked for a staff report. Staff presented the staff report and stated the following was the specific motion to table, "Commissioner Allen moved to table PUD 13-01 Blackhawk to September 12, 2013, at 6:00 p.m. so recorded conditions of approval for all previously approved C.U.P.s can be reviewed along with the plats and trails. Staff should present one new C.U.P. for all. Commissioner Hill seconded the motion. Motion carried." Therefore, she compiled the list of conditions of approval from all of the subdivision and changed to what she thought better clarified the condition, went to the site and did a site visit with pictures (exhibit 1). Staff showed pictures and explained. Staff clarified that she wanted to purview the type and amount of maintenance needed as a base. Staff also presented additional correspondence (exhibit 2).

Chairman Garrison reopened public testimony.

Deborah Nelson, Givens Pursley, made the following comments:

- You tabled to combine conditions of approval.
- Recognize helping the county with the streamlining.
- Don't want to flood the market.
- Question why county would dictate who the property was conveyed too.
- Concerning handicapped access - does not know why county would want to dictate to a private owner.
- Other HOA don't oppose they just want the county to help enforce new portions of private agreements.
- Commented on lot locations. It is a PUD and deciding if density is reasonable, not specific lot location. It does not take any area away from open space, actually get more open space.

Chairman Garrison asked for proponents:

Dean Cromwell, 10 Bitterroot Court, Blackhawk Ranch, and represents the Ranch HOAs. We are in favor of the consolidation but feel there are not appropriate checks and balances. Questioned Conditions of Approval No. 20 and 21 (COA). There is no defined path along the river and there is no sharing the costs of maintaining the amenity. Wanted to note they did not attend the tour about trail and parking areas and concerned with fairness. He does not believe either Foundation would want the open space. P&Z cannot move forward without a better plan for compliance with 20 and 21.

Commissioner Allen asked about developer's not fulfilling agreements: are they between homeowner's associations or the original conditional use permits. Cromwell does not believe 20 and 21 have been complied with.

Jay Masterson, 2 Sawtooth Court, stated he thinks the PUD is a good thing for the documentation and administration of the application. Would like to add to the record more information for parking lots, they are in the middle of the trail systems. In the space where there is not enough vehicle parking is at the canoe put-in.

Chairman Garrison asked for uncommitted: None

Chairman Garrison asked for opponents: None

Chairman Garrison asked for rebuttal:

Deborah Nelson, rebutted and spoke on COA No. 20 and 21. No. 20 states recommend a defined pathway along river – there is a pathway. No. 21: Again a recommendation, the property does have access to open space. This condition came from Blackhawk on the River which is also subject to the conservation easement. These are the COA and it does not change their obligations. The fairness of the tour was described on the record. Comment on private open space and there are Foundations concerned with animal habitat. To the parking comment – they want more space at the put-in -- there is no county requirement for additional parking.

Commissioner Hill asked about No. 20 and defined pathway. Why does one group say it is not there and one says there is one. Tanner stated that on paper there is a defined pathway. In the settlement agreements it shows where the trail goes. There is a definitive trail 98% of the time – in winter it is a groomed trail.

Commissioner Allen asked what was supposed to be there and washing away of path. A 1997 developer stated there was some change in the agreements prior to the final agreements.

Chairman Garrison asked when trail would be finished. Tanner said more defined next year, but there are groomed trails in the winter.

Chairman Garrison closed the public hearing.

The Commission deliberated.

Commissioner Allen stated that it seems to him that our concerns are whether or not there is compliance with original CUPs and if it should be a PUD, which it should. Seems issues are between HOAs and developer. Doesn't think we have any reason not to endorse the PUD and resolve their own issues.

Commissioner Hill agrees that we can't mess around with HOAs. Questions why we can't have a defined path as a requirement. She is also concerned with the increased density.

Commissioner Hibbard stated that as he listened to some of the issues and read minutes from last meeting. He looks at 20 and 21 and parking, he can't find anything in the ordinance that specifies a recommendation or a pathway requirement. Third issue was the parking in the LUDO, but doesn't see where there are specifications for recreational uses. He doesn't see where Valley County is a part of the issues.

Chairman Garrison stated that on the whole this needs to be approved. Would like to see an annual staff review on the progress of the PUD and with P&Z periodically.

COA: There will be an annual review by staff of progress of the PUD progression with three year review by the P&Z Commission.

Chairman Garrison continued on pathways. This stems from the pathways. He is okay with it. It is in their development plan to complete. If others are asking for more they will have to agree with each other. Would hope they could get a little more parking in the River.

Commissioner Allen talked about the density and it being the only change. It would be his only issue. There is a change to that original CUP.

Chairman Garrison said that a PUD is a clustering of houses. Does comply with rules for CUP.

Discussion ensued concerning increased density.

COA: Applicant shall resolve ownership of land in conservation easement with the preservation of fish and wildlife habitat in the forefront prior to recordation of first final plat.

Commissioner Allen moved to recommend approval without increased density in the Blackhawk on the River with the 2 conditions of approval of P.U.D. 13-01 Blackhawk Development (CUP03-13) to the Board of County Commissioners. Commissioner Hibbard seconded the motion. Motion carried. Unanimously approved.

Commissioner Allen moved to decrease PUD fee \$500 for PUD 13-01. Commissioner Hill seconded. Motion carried.

B. NEW BUSINESS:

- 1. VAC 13-01 Vacation of Portions of Second North Street & Clark Street within Roseberry Townsite:** The Buchanan Family Trust is requesting that the road right-of-ways adjoining their properties within Roseberry Townsite be vacated. The roads have not been constructed. If vacated, the land would become the property of the applicant. No new

building sites would be created. The 0.35 acres are within Roseberry Townsite, adjacent to Block 8, and in the East ½ SW ¼ of Section 12, T.16N, R.3E., Valley County, Idaho.

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

Chairman Garrison asked for a staff report. Staff presented the staff report and presented a large exhibit (exhibit 1) with the townsite. Staff also read some questions from Commissioner Hibbard and her responses.

Chairman Garrison asked for a presentation from the applicant.

The applicant Dale Bollar, 12 Knob Hill, just wanted to vacate so they can sell without easement across the land. All the others are already vacated.

Commissioner Allen asked if it was occupied. Bollar said it belonged to the grandmother of his brother-in-law. Nobody has lived in the house for a long time. Fences are still on original property lines. Eld's property was vacated on north side, but the rights of way weren't vacated.

Chairman Garrison asked for proponents:

Vicki Eld, 2554 E. Roseberry, did not get a packet. Wanted to know why sign was put on incorrect property originally. Wants to make sure the fence line would not be moved. Bollar stated It would be 40' south of the fence line.

Callie Smith, Finlandia, has antique store next to this site. She just heard about it and would like to be notified. Water table is high. Her mailing address is Box 1150, Donnelly, Idaho.

Chairman Garrison asked for uncommitted: None

Chairman Garrison asked for opponents: None

Jim James is on west side of Farm to Market. Their tax notice is Lots 3 to 16, Block 18 in 3rd North Street. Just wanted to make sure they are not included.

Chairman Garrison asked for rebuttal: There was none.

Chairman Garrison closed the public hearing.

The Commission deliberated.

Commissioner Hill has no problem. Commissioner Allen is okay with it. Commissioner Hibbard said his questions were answered.

Commissioner Hill moved to recommend approval of Vac. 13-01 with the applicant providing the deeds and written permission from utility companies. Commissioner Allen seconded. Motion carried.

C. OTHER

1. Rodebaugh request for building permit - Long Valley Subd # 2 Lot 1C - 348-B Maki Lane. Commission said no – cannot break rules. He has right to appeal to Board. They already decided this a few years ago.

2. ASAP Portables: Commissioner Allen has been watching. Has never read the agreement. Board asked him to construct buildings – maybe before or after – metal shack is 2/3 done. It is a junk yard, a collection place for his personal property...camper boat, trucks, 8 or 9 units.

Directed staff to write letter and state the CUP will be revoked October 31 if not in compliance. They also need to remove the units north of Donnelly and not use as refuse site for personal garbage and used vehicles.

D. FACTS AND CONCLUSIONS:

1. C.U.P. 13-01 SonShine Preschool
2. V-2-13 Jensen Shared Driveway

Commissioner Allen moved to approve the Facts and Conclusions and authorize Chairman to sign. Commissioner Hill seconded the motion. Motion carried.

MEETING ADJOURNED: 7:58 p.m.