



Valley County Planning & Zoning Commission

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Ed Allen, Chairman
Rob Garrison, Vice-Chair

Tom Olson, Jr, Commissioner
Kathy Deinhardt Hill, Commissioner
Ronda Sandmeyer, Commissioner

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: October 7, 2010

TIME: 6:00 p.m. – 10:15 p.m.

LOCATION: Valley County Courthouse

ATTENDANCE: Commissioners present: Chairman Ed Allen, Rob Garrison, Tom Olson, Jr., and Ronda Sandmeyer. Staff member present: Cynda Herrick, AICP, Planning and Zoning Administrator.

OPEN: Call to Order

MINUTES:

Commissioner Sandmeyer moved to approve the minutes as presented for September 9, 2010. Commissioner Olson seconded the motion. Motion carried.

A. OLD BUSINESS:

1. C.U.P. 06-44 Whitehawk Subdivision- Extension Request: Whitehawk Land Development Corporation is requesting approval of a two-year extension of Phase 1 and additional one year for each Phase 2 – 6. Currently, Phase 1 expires on November 8, 2010. The site is accessed from Smiths Ferry Drive, Packer John Road, and Upper Murray Creek Road. It is located in the Sections S ½ 11, 14, and N ½ 23, T.11N, R.3E, B.M., Valley County, Idaho. [Testimony will be limited to issues specific to the extension.]

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

Chairman Allen opened the public hearing. Staff presented staff report. Discussion ensued concerning additional conditions of approval and the changes to extensions.

Sal Galucci, Whitehawk, 2043 San Elijo Ave, Cardiff, CA, made the following comments:

- Requested an average of two years extension.
- Application letter dated August 16, 2010, explains accomplishments made thus far.
- Had challenges with EPA, which slowed them down – finally conceded and paid a fine.

Commissioner Garrison asked if there was any construction of roads. Galucci said, no. Commissioner Garrison asked about wells. Galucci said that was an error.

Commissioner Olson asked if the benchmarks were understood. Galucci said, yes.

Commissioner Olson asked about agreement to fix the road in the third phase. Galucci confirmed that it will be in the third phase.

Commissioner Sandmeyer asked about other agency approvals. Galucci said that they have paid for all the holes to be tested, but still need 100% approval – tests, data, and applications are in place.

Commissioner Sandmeyer asked about community water system. Galucci said it is still just an option.

Questions focused on the roads.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for uncommitted. There were none.

Chairman Allen asked for opponents.

Chuck Smith, 9608 Packer John Road, made the following comments:

- Does not want extension to be status quo.
- Would like a condition added that Whitehawk pave the remainder of Packer John Road.

Sal Galucci, gave the following rebuttal:

- Galucci stated that they have every intention to improve that road in Phase 3. That was the agreement.
- It makes more sense to move from the north to the south.

Chairman Allen closed the public hearing.

Discussion ensued concerning request for extension.

Commissioner Garrison stated he does not have any problem with current timetable, but would like to see more detailed timetable.

Discussion ensued concerning the condition of the road. The Commission recommended staff approach the Board of County Commissioners about the road.

Commissioner Sandmeyer would also like to see timetables specific to construction. Questioned whether they could move up road improvements.

Commissioner Olson commented that if he understands this there is only one little piece used prior to phase 3.

Chairman Allen stated that the road was a problem long before these people bought the land. Hard to ask applicant to fix something he hasn't used.

Chairman Allen would like to confine discussion to phasing. Commissioner Garrison agreed – phases 1 and 2 should be more specific with a timeline of when improvements would occur.

Commissioner Olson moved to approve with conditions of benchmark approval as an agenda item by the P&Z Commission within 2 months, benchmarks will be his accomplishments with the two extension. Commissioner Sandmeyer seconded the motion. Motion did not carry.

Chairman Allen reopened the public hearing.

Galucci stated they have the best private roads on any private property. Roads are wider and safer than most other roads. Have cleaned up slash in area.

Chairman Allen addressed appendix in Subdivision Regulations concerning Wildfire Mitigation Plan. Gallucci stated he would comply.

Smith stated that the Board stated that Packer John Road was approved for limited maintenance.

Chairman Allen closed public hearing.

Commissioner Garrison moved to approve the extension of C.U.P. 06-44 Whitehawk as currently laid phasing plan with phase 1 ending in 2012, etc. with the conditions that for phase 1 and 2 there will be a detailed construction plan with benchmarks for road construction utilities, etc. and with submittal of a Wildfire mitigation plan and they should be submitted within 3 months, such items being brought to Commission as agenda approval, and further phase construction plans will be submitted prior to recordation of phase 1, phase 5 and 6 prior to recordation of phase 3. Commissioner Olson seconded the motion. Motion carried.

Chairman Allen stated there is a 10 day appeal period.

2. C.U.P. 07-06 The Meadows at Blackhawk - Extension Request: Blackhawk Partners, LLC, is requesting approval of a two-year extension request of their Conditional Use Permit which expires on May 18, 2010. The site is approximately 532.74 acres located in Sections 1, 12, and the SE ¼ of 11, T.17N, R.2E, B.M., Valley County, Idaho. [Tabled from the 6-10-2010 meeting. Testimony will be limited to issues specific to the extension.]

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

Chairman Allen opened the public hearing. Staff presented staff report.

Sima Muroff made a presentation (on CD in file – exhibit 2) and submitted a letter (exhibit 1).

- Asking for extension of 07-29, 07-06, and 08-17.

Chairman Allen asked for proponents.

Sal Galucci stated he is an proponent of the master plan process.

Chairman Allen asked for uncommitted. There were none.

Chairman Allen asked for opponents. There were none.

Chairman Allen closed the public hearing.

Discussion ensued concerning request for extension. The Commission would like to see more details, would like to see a Wildfire Mitigation Plan, and would like Sima to work with staff on how to move applications forward in unison. The Commission agreed it was a vibrant community with much work being done.

Commissioner Garrison moved to table to table to December 9 at 6:00 p.m. Commissioner Sandmyer seconded the motion. Motion carried.

3. C.U.P.08-17 Redridge at Blackhawk – Extension Request: Cranberry Ridge, LLC is requesting approval of an one-year extension of the conditional use permit that currently expires on September 23, 2010. The site is located in Sections 2,3,10, & 11, T.17N, R.2E and Sections 26, 34, 35, & 36, T.18N, R.2E, B.M., Valley County, Idaho. [Testimony will be limited to issues specific to the extension.] *POSTPONED FROM MEETING ON September 9, 2010.*
[see above hearing for C.U.P. 07-06 The Meadows at Blackhawk – tabled to December 9, 2010.]

4. V-2-10 Amos Variance to Relax Setback from High Water Line: Scott Amos is requesting a variance for the building setback from the high-water line. The minimum distance for residential buildings in Valley County is 30 feet. The buildings are currently 15 feet from the high-water line. The site is addressed as 4970 East Fork Road and is Lot 19 within the Riverside Addition to Yellow Pine Subdivision. It is approximately 0.1477 acres located in the SW ¼ Section 21, T.21N, R.8E, B.M., Valley County, Idaho. [**Tabled from the 8-9-2010 meeting.**]

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

Chairman Allen opened the public hearing. Staff presented staff report and presented exhibit 1 a letter from Vernie Kushlan . Staff also presented slide show.

Scott Amos, 9194 W. Alderberry Dr., Boise, 83709, , made the following comments:

- How do ordinances work for plats that pre-date ordinances.
- Agrees point of setback is to make sure building does not get flooded.
- Set building 4' up on pile-ons – cabin 14' above river.
- Structure weighs about 30,000 pounds – would be concerned with moving the structure.
- Have problems finding a place to park as it stands.
- Has prior building experience, DEQ and working with other agencies – only thing on downhill side are stones.
- Stones are from a homestead.
- I care about environment – he uses solar panels.
- Will build an incinerator in the future – holding tank on trailer will hold 2-3 weeks.
- Has placed video cameras on-site due to trespassers.

Commissioner Olson asked about historic crossing. Amos said he is investigating, but a guy who was there in 1939 said it looks like there was a crossing to the Town of Morrison.

Commissioner Olson asked about size of cabin. Amos stated he went to Home Depot and that he was told by them a permit was not needed.

Chairman Allen asked if he called Valley County about setbacks. He spoke with Dave McClintock, ex-deputy, who works as local contractor. McClintock told him that if he stayed under 120' he would not need a permit.

Chairman Allen asked for proponents.

Kathryn Amos, PO Box 1, Yellow Pine, Id, made the following comments:

- Of the three trees, one of them is a bearing tree that cannot be cut.

Chairman Allen asked for uncommitted.

Bill Sifford, made the following comments:

- Owns cabin with Karen.
- Loves the Amos boys.
- Believes that people have the right to speak out. Was concerned with restraining order on Karen Johnson.
- Was in loss control department for Idaho Counties risk management program.
- County could be sued if they grant a variance and the cabin is flooded.

Chairman Allen asked for opponents.

Karen Johnson, 221 Pole Cat Ridge, Cascade, ID, made the following comments:

- Concerned about this dot on this planet.
- Feels partly like an environmental stewardship.
- Understand private property rights.
- Original letter said it was 15' from high water line – has to ask, what is process.
- She teaches school, teaches kids to color inside the lines – variances are like coloring outside the lines.
- Called health department about septic system requirements – concerned about sewer disposal in the winter. Health department said they could check it within 24 hours if a complaint is made.
- When Mike Johnson tried to buy this he found out it was .14777 acres, this piece of property was not meant to have structures on it. Should be a buffer.
- This brings up consumer awareness – we need to be aware of what we are doing?
- This is like a nightmare. Do structures meet building codes? Structures need to follow setbacks.
- Maybe property is not large enough for two buildings.
- Back to same point – urge you as planning and zoning to follow new ordinance.
- What is the right thing to do?

Scott Amos gave rebuttal:

- He is current safety inspector.
- Has a hard time looking at a falling down porch across the river – get beam out of your eye before you try to pull splinter out of your buddies.
- Everyone in this room has violated a legality and may not have even been aware of it. 99% out of the time in his job people are not aware that they are out of compliance.
- It would be a safety issue to move the structure.
- Variances are allowed for a reason.
- If this was something he regulated he would strive to not cause further health and safety issues.

Chairman Allen closed the public hearing.

Discussion ensued concerning request.

Commissioner Garrison has given this a lot of thought. He does not condone violating the rules. He has thought what it would have taken to move this. They should have contacted the building department. Thinks they have tried to maximize the use of this lot. It is done, is 6' that big of an issue? Under today's rules that lot would not exist – variances are allowed for a reason.

Commissioner Sandmeyer stated that she went to the property. Her concern is the small lot and the buildings and how many more buildings will be allowed. Did they put a building here so we could put in a picnic table and trailer. Amos should have known as a code enforcer that he needed to go to the county rather than hide under the umbrella. What precedent are we setting? If I am an auto specialist I know I need to go to a specialist.

Commissioner Olson stated he thinks it is ironic that the difference in footage varies so greatly – everyone will get a different measurement depending upon where the high water line is interpreted to be. The high water line is not a scientific line. Does not believe this was intentional. Close enough to him to comply with the setbacks. In favor of a variance – it will never be the same measurement.

Commissioner Garrison stated our concern is whether to allow a variance. We are not permit enforcers. Believes this was an honest mistake.

Commissioner Allen stated this seems like a small issue, it is according to size and potential for damage. 30' was decided as a reasonable distance – what problem will 6' distance make. People need to show responsibility. Site is not good for a house, but is good for a 10' x 12' building. Building inspector has said they need a building permit.

Commissioner Garrison stated the undue hardship (did build building – had to pay fees -- small lot)

Much discussion ensued.

Chairman Allen stated possible conditions could be:

- That there will be no other permanent structures, unless log structure is removed.
- Must obtain proper building permits from Valley County.

Commissioner Olson moved to recommend approval of V-2-10 with conditions of approval. Commissioner Garrison seconded the motion. Motion carried 3-1. Sandmeyer – nay.

B. NEW BUSINESS:

1. VAC 10-03 Vacation of a Portion of Arnold Alley within the School Addition to Yellow Pine Subdivision. Jenniffer Rossman-Duplisea is requesting a vacation of a 15' x 83.35' portion of Arnold Alley. The vacated land would be transferred to the adjoining landowner (Lot 4B). The site is located in the SW ¼ Section 21, T.19N, R.8E, B.M., Valley County, Idaho.

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

Chairman Allen opened the public hearing. Staff presented staff report and exhibit 1 a letter from Yellow Pine Water Users Association.

Chairman Allen asked for comments from the applicant.

David Rossman, identified himself as the applicant.

- He gets tired of people driving onto his property to turn around.
- Arnold Alley dead ends at a private property that is built on.
- The only two people who adjoin this vacation are he and the people to the north.
- Does not adjoin anybody else's property.
- This property is never used – he needs privacy.

Ben Wellington, Box 713, Cascade, ID explained maps.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for uncommitted. There were none.

Chairman Allen asked for opponents. There were none.

Chairman Allen closed the public hearing.

Discussion ensued.

Commissioner Garrison stated it is odd easement stops right there.

Discussion ensued. Commission requested that additional information be obtained from the water association and Jerry Robinson.

Commissioner Sandmeyer moved to table VAC 10-03 Vacation of a Portion of Arnold Alley within the School Addition to Yellow Pine Subdivision to December 9, at 6:00 p.m. .

Commissioner Garrison seconded the motion. Motion carried.

2. C.U.P. 10-05 Bryant Ranch – Multiple Residences: Teri Norell is requesting approval for multiple residences on one parcel (RP18N08E094806). There are currently two single-family

residences on approximately 145 acres, addressed as 2073 and 2075 Johnson Creek Road. She would like to add an additional residence plus a shop building. Access would be via the bridge to the Johnson Creek Airstrip. The property location is in the E ½ SW Section 9 and N ½ NW Section 16, T.18N, R.8E, B.M., Valley County, Idaho.

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

Chairman Allen opened the public hearing. Staff presented staff report.

Chairman Allen asked for comments from the applicant.

Teri Norell thanked the Commission for this opportunity. The site is five miles south and the property has been in the family for 88 years. Property is in a family corporation. Explained history of property. Would like to know how many homes can be built before it is considered a subdivision. Original shareholders numbered 4.

Commissioner Olson asked if it would be rented. She said no.

Commissioner Garrison asked how far this would be from the other house. She said not exact – they want to find out where the well would be located. Commissioner Garrison recommended they site septic first.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for uncommitted. There were none.

Chairman Allen asked for opponents. There were none.

Chairman Allen closed the public hearing.

Discussion ensued.

Commissioner Garrison moved to approve C.U.P. 10-05 Bryant Ranch – Multiple Residences. Commissioner Sandmeyer seconded the motion. Motion carried.

ADJOURNED: 10:15 p.m.