



Valley County Planning & Zoning Commission

PO Box 1350
219 North Main Street
Cascade, ID 83611-1350

Phone: 208-382-7115
Fax: 208-382-7119
Email: cherrick@co.valley.id.us
Website: www.co.valley.id.us

Rob Garrison, Chairman
Ronda Sandmeyer, Vice-Chairman

Tom Olson, Jr, Commissioner
Kathy Deinhardt Hill, Commissioner
Ed Allen, Commissioner

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: February 9, 2012

TIME: 6:00 p.m. – 7:30 p.m.

LOCATION: Valley County Courthouse

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

OPEN: Call to Order

MINUTES:

Commissioner Sandmeyer moved to approve the minutes as presented for January 12, 2012. Commissioner Allen seconded the motion. Motion carried.

A. OLD BUSINESS:

(Chairman Garrison rearranged order of agenda to accommodate the applicants who had not yet arrived.)

1. C.U.P. 03-22 Pointes at Horsethief Shores No. 3 – Extension Request: Johnson & Alberg LLC is requesting an extension of the conditional use permit that expires March 9, 2012. Phase 3 would be a replat of Common Area No. 1 within the Pointes of Horsethief Shores No. 2 into four lots. The 16.27-acre site is located in SE ¼ Sec 25 T.14N, R.4E, & SW ¼ Section 30, T.14N, R.5E, B.M., Valley County, Idaho.

Chairman Garrison announced the item.

Chairman Garrison asked for the Staff Report. Staff stated the following:

- Request two year extension to March 9, 2014, to record the final plat for Phase 3.
- Phase 3 is already part of a plat previously recorded as common area – this is a replat as per the phasing plan.

- Staff recommends approval of the two year extension.

Chairman Garrison asked if there had been any ex parte contact or conflict of interest.

No one was present to represent the applicant.

Discussion ensued.

Commissioner Allen moved to approve the two year extension for C.U.P. 03-22 Pointes at Horsethief Shores No. 3, to expire on March 9, 2014. Commissioner Hill seconded the motion. Motion carried.

Chairman Garrison explained the ten day appeal period.

2. C.U.P. 11-09 ASAP Portables: ASAP Portables Company is requesting approval of a conditional use permit for an office building and storage area. Portable toilets would be stored on the site. The applicant is to provide an updated site plan detailing additional landscaping, proposed screening, and storage of toilets. The 0.44 acre site is addressed as 13831 Highway 55 (Lake Fork area) and is located in the NWNW Section 10, T.17N, R.3E, B.M., Valley County, Idaho. (*Tabled from December 8, 2011.*)

Chairman Garrison announced the item.

Commissioner Allen moved to remove C.U.P. 11-09 ASAP Portables from the table. Commissioner Sandmeyer seconded the motion. Motion carried.

Chairman Garrison asked for the Staff Report. Staff stated the following:

- Letter dated December 21, 2011, to the applicant requested an updated site plan, additional landscaping, proposed screening, location of storage units, and a response from Central District Health. No response was received by the deadline date of January 31, 2012.
- Received a letter from the Payette River Scenic Byway dated January 30, 2012.
- Received a letter dated January 11, 2012, from Idaho Transportation Department.
- Staff recommended denial until such time that the application is complete and it is shown that the application is in compliance with the landscaping and screening requirements of the Land Use Ordinance. Staff also recommends that they be directed to remove all commercial equipment and porta potties from the site within 30 days unless they are in a structure until such time that a conditional use permit is issued or it will be sent to the Valley County Prosecuting Attorney.

Discussion ensued concerning lack of response, lack of an access permit, failure to provide a site plan with landscaping and screening, Commissioner Sandmeyer's discussion with the applicant, etc.

The Commission determined that it is their responsibility to educate themselves concerning what a site plan requires, that we want to give them a chance, but it is up to them to follow through.

Commissioner Hill moved to deny the application, and give the applicants 30 days to remove all associated equipment or send it to the Prosecuting Attorney. Commissioner Sandmeyer

seconded the motion. Motion carried.

B. NEW BUSINESS:

1. Idaho Power Cloud Seeding – Appeal: Idaho Power is appealing an Administrative Decision that a conditional use permit is required for cloud-seeding activities within Valley County.

Chairman Garrison announced the item and stated this is not a public hearing.

Chairman Garrison asked for the Staff Report. Staff stated the following:

- Previously Idaho Power had been informed that a conditional use permit was required for cloud seeding in Valley County.
- This determination was made based upon the administrator’s conclusion that it was a change in land use and may be incompatible with some existing uses. For example, the current sites are in the forest....what if the sites were located next to a residential use?

Blake Watson introduced himself as Community liaison. They are here to talk about water management.

Idaho Power presented video (exhibit 1).

Derek Blestred, meteorologist for Idaho Power, stated the video was done a little over a year ago. He explained cloud seeding, history of cloud seeding, benefits and risks. Discussed a power point presentation (exhibit 2).

Anna Canning, Idaho Power, discussed Valley County codes. Feel they are appurtenant to forest use – they are the reverse of a “well”. Presented the Valley County Code Review worksheet (exhibit 3). Believe this is an Irrigation, drainage, and water management or storage facilities type of use as listed in Table 3-A. Truly believe they are a permitted use that does not require a building permit or a conditional use permit.

Commissioner Hill asked how long they stay in one place. Blestred said the structure is there year-around – they are moved upon study of best locations.

Commissioner Hill asked if they made any noise. He said they were a very low decibel.

Chairman Garrison said he observed the one up on Packer John.

Commissioner Sandmeyer asked who monitors once they are put up. Blestred said federal and state agencies (agricultural departments). Commissioner Sandmeyer asked why there were none in McCall. Blestred said it is so narrow in that region that by the time (20 Minutes) it worked it would be beyond their beneficial area.

Commissioner Allen asked about the construction of the tower. He asked about the manipulation of weather. Blestred said that downwind effects are neutral. Has less than one percent effect to the water concentration.

Commissioner Allen asked why it was important to avoid the public review. Canning said that part of the usefulness is the flexibility of locations. Idaho Power is afraid of other jurisdictions

wanting similar review which would raise costs and rates. They do not feel our code requires a conditional use permit do to the small equipment, particular locations, and minor impacts on adjacent properties. Allen commented that if a permit was issued it would most likely be for an area and not a specific location. Canning said that it is not without government oversight – they contend it is not a land use.

Commissioner Hill stated she has mixed feelings. It is not stationary – not permanent – it can be moved. It is similar to a well driller “analogy”. But, what would stop them from putting this in a more populated area.

Commissioner Sandmeyer stated that she has reviewed their code preview. She is torn both ways. This is for water being used for power. Under 9-3-1 it does require a conditional use permit. Would like to know location, who manages it, etc. Believes it requires a conditional use permit.

Commissioner Allen stated that we had never considered cloud seeding in development of our table. This is more of an issue of whether our ordinance requires a permit. The job of planning is to look out for people and environmental issues. Personally doesn’t think there is a tremendous environmental effect, but can’t weigh in to strongly on our code – it is all gray area.

Chairman Garrison stated that the irrigation management effect is for irrigation. Is it mobile – yes, but intent is to be more permanent. Part of our job is to find the answers – there are unanswered questions about where, who maintains, is this industrial, most likely a commercial use, a two-fold process. A conditional use permit is required so we know what is going on in county, where they are located.

Commissioner Allen questioned what is effect to game in the area, what is potential for fire, cutting back of vegetation, etc.

Commissioner Sandmeyer would like to make sure there is emergency access.

Chairman Garrison said this is what the conditional use permit process entails – there may be issues that need to be addressed that Idaho Power has not thought of. The county needs to know where, maintenance, access, etc.

Commissioner Sandmeyer continues to think of alternative uses that require conditional use permits.

Commissioner Hill stated that all of those are stationary.

Commissioner Allen moved to require a conditional use permit and uphold the Administrator’s decision for transparency and involvement of the public. Commissioner Sandmeyer seconded the motion. Motion carried.

Chairman Garrison explained ten day appeal period.

Anna Canning suggested that the code be changed to allow cloud seeding as a permitted use. The Commission agreed that it would be a worthy amendment to consider upon proper application.

OTHER: None

F. ADJOURN at 7:30