



# Valley County Planning & Zoning Commission

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Ed Allen, Chairman  
Rob Garrison, Vice-Chairman

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

## VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

**DATE:** March 10, 2011

**TIME:** 6:00 p.m. – 8:00 p.m.

**LOCATION:** Valley County Courthouse

**ATTENDANCE:** Commissioners present: Chairman Ed Allen, Vice-Chairman Rob Garrison, Kathy Deinhardt Hill, and Ronda Sandmeyer. Staff member present: Cynda Herrick, AICP, CFM, Planning and Zoning Administrator. Tom Olson, Jr. was not present.

**OPEN:** Call to Order

### MINUTES:

Commissioner Garrison moved to approve the minutes as presented for February 10, 2011. Commissioner Sandmeyer seconded the motion. Motion carried.

### A. OLD BUSINESS:

**1. VAC 10-02 Vacation of a Portion of Road in Paradise Cove Subdivision:** The Paradise Cove Homeowners Association is requesting a vacation of an undeveloped portion of Paradise Lane adjacent to Lots 5 thru 12, Block 1, of Paradise Cove Subdivision. This land was originally dedicated to the public when the plat was recorded. The actual traveled way is on property that has also been deeded to Valley County. The vacated land would be transferred to the adjoining landowners. The site is located in the SE ¼ Section 34, T.16N, R.3E, 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.

Commissioner Garrison moved to remove VAC 10-02 Vacation of a Portion of Road in Paradise Cove Subdivision from the table. Commissioner Sandmeyer seconded the motion. Motion carried.

Chairman Allen opened the public hearing. Staff presented staff report with exhibit from Donnelly Rural Fire Protection District (exhibit 1). Discussion ensued concerning which portion

of the road was being requested to be vacated.

Chairman Allen asked for an update since he did not attend the previous meeting. Commissioner Garrison stated that the Commission wanted time to hear from the Road Superintendent and Idaho Power.

Chairman Allen asked for comments from the applicant.

Kathy Taylor, 5812 W. Farm Market Road, Hidden Springs, ID, made the following comments:

- Loomis family believed they owned this strip of land – they previously deeded the 3 strips of land.
- HO Association then deeded the land to the homeowners.
- Each homeowner has treated the land between the property lines and the right-of-way deeded in 1982 as their own.
- Paradise Lane is a dead end that accesses 17 homes and there is no traffic that goes through.
- Submitted exhibit 2 – rendering from applicant. (staff reminded the Commission this was only a rendering, not actual property lines)
- Discussion ensued concerning what is going on with the right-of-way. (Staff stated the road was not where the original road was platted in 1961. After this was discovered in 1982, a new right-of-way was deeded to the county. The original right-of-way remains.)
- Clarified what county maintains and owner's do dust abatement.

Commissioner Garrison asked about placement of power lines. Ms. Taylor said down the 50' right-of-way. Seven pictures submitted showing power lines (exhibit 3). Discussion about relationship between right-of-way and property lines. Houses built in 1960's; therefore, they are on the property lines along the road – back third of property falls off, which would render two lots unbuildable.

Commissioner Sandmeyer asked how it affects property owners. Discussion ensued.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for undecided. There were none.

Chairman Allen asked for opponents. There were none.

Chairman Allen closed the public hearing

Discussion ensued.

Commissioner Garrison stated that typically he doesn't like to vacate property – but, this is a mess. If we required a 70' right-of-way here it would be right on their doorsteps. Recommend vacation with the 50' right-of-way with condition that all expenses concerning power and titling be paid for by the property owners.

Commissioner Sandmeyer agrees, but her concern is that an easement be maintained for Idaho Power.

Commissioner Hill believes that the three Higgins' triangles should be cleaned up as part of this property.

Chairman Allen says it would behoove landowners to work with Higgins.

Staff stated right-of-way through Gold Fork Bay is 50'.

Commissioner Garrison moved to recommend approval of the vacation of the right-of-way so long as 50' of right-of-way is retained, Idaho Power approves the vacation and/or retains desired easement, and the applicant prepares all legal documents to effect the vacation. Commissioner Sandmeyer seconded the motion. Motion carried.

**2. C.U.P. 05-58 Heritage Subdivision:** Acentrid Investments will present their fire mitigation plan, three-year construction plan, and a copy of road approvals. [Not a public hearing]

Chairman Allen announced the item.

Staff stated the applicant had requested more time to do the Fire Mitigation Plan. Staff recommended July 14, 2011, since that is when the other subdivisions will be presenting their Fire Mitigation Plans.

Commissioner Garrison reminded us that they were suppose to submit Idaho Department of Transportation approvals and county road approvals.

The Commission agreed.

Commissioner Garrison moved to table C.U.P. 05-58 Heritage Subdivision to July 14, 2011. Commissioner Hill seconded the motion. Motion carried.

#### **D. NEW BUSINESS:**

**1. V-1-11 Leister Shared Driveway Variance:** Judy Leister is requesting approval of a variance for a shared driveway to access more than one parcel so that RP17N03E345565 can be marketed with proper access from State Highway 55. They are located in the W ½ SW ¼ Section 34, T.17N, R.3E, and NW ¼ Sec. 3, T.16N, R.3E, 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 along with the following documentation that was received after the staff report was completed: a letter from Donnelly Rural Fire (exhibit 1); a letter from Dan Melick (exhibit 2); and packet from staff containing a record of survey, assessor's maps and deeds (exhibit 3 – labeled SP 1-12).

Chairman Allen asked for a presentation from the applicant.

Judy Leister, 2774 N. Lake Harbor Lane, Boise, ID 83703, made the following comments:

- She explained how she got this property through using the property as collateral for a

loan.

- Submitted a map (exhibit 4) and explained.
- First American title has done a lot of this research – title company felt that only these two properties are involved – Hopkins and McCall Investments.

Commissioner Hill asked what the plan is for her property. Leister said her plan is to sale the property, which can't be done without access. The new owner may come back for other approvals.

Commissioner Sandmeyer asked for clarification of research done by title company. Leister has – they felt that no one has other rights through Nisula property. Submitted documents exhibit 5 (deeds).

Chairman Allen asked for proponents.

Chairman Allen asked for uncommitted.

Brian Wanner, 69 Clear Creek Road, asked if Nasi is a public right-of-way. Staff stated she believes it is, but needs to clarify that with the Board of County Commissioners. Wanner said that Alvin Leaf said it was a public right-of-way.

Chairman Allen asked for opponents.

Chairman Allen asked for rebuttal

Leister discussed title company report (exhibit 5).

Chairman Allen closed pubic hearing.

Discussion ensued concerning whether it is dedicated public-right-of-way. Commissioner Garrison recommends the variance.

Re-opened public hearing.

Leister said she has a title report. Staff said she did not submit a title report. Leister said she would get proof that she has an easement.

Chairman Allen closed public hearing.

Commissioner Sandmeyer recommended approval subject to applicant providing proof that she has access over railroad bed and that Nasi Lane is a public road. Commissioner Garrison seconded the motion. Motion carried.

**2. VAC 11-01 Vacation of a Portion of Rapid Creek Road in Paddy Flat Subdivision, Lot 13.** George and Lorraine Fryklund and Leonard and Susan Iventosch are requesting a vacation of a portion of Rapid Creek Road. The road has not been constructed. The vacated land would be transferred to the adjacent landowners (Lots 13G and 13H). The site is located in the NE ¼ Section 34, T.17N, R.4E, B.M., Valley County, Idaho.

The applicant was not present.

Commissioner Garrison moved to table to April 14, 2011, at 6:00 p.m.. Commissioner Sandmeyer seconded the motion. Motion carried.

**3. C.U.P. 11-01 Nez Perce Tribe Office Building:** The Nez Perce Tribe is requesting a conditional use permit for an office building. The site was previously used as a truss plant manufacturing and related office site. The site is addressed as 14054 Burr Drive which is located in Pearson Park Subdivision, Lot 4, in the SESE Section 28, T.18N, R.3E, 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 letters of approval from McCall Fire Department (exhibit 1) and Falvey Corporation (exhibit 2).

Commissioner Garrison questioned landscaping plan. Staff stated the landscaping was in and the applicant had presented some narrative and the plan from the previous conditional use permit.

Chairman Allen asked for a presentation from the applicant.

Bill Young, Field Supervisor, PO Box 365 , Lapwai, ID 83547, made the following comments:

- Desire to convert truss plant to office building.
- Have been looking in McCall for five years, but land prices have made that impossible.
- This structure provides land, building, and parking.
- They are more light industrial due to all outside parking.
- Would also build 1,500 sq. ft. pole building for storage.
- Exterior of building would not change significantly.
- Building would be constructed this summer.
- There will be snowmobiles and trailers on-site.

Commissioner Hill asked about outdoor lighting. Young said that lights would be removed – there would be minimal lighting -- perhaps sensor lights.

Commissioner Sandmeyer asked about parking of vehicles -- where would they be? Young said employees would be on south side of building. Project vehicles would be parked to the north of the building.

Commissioner Garrison asked about septic system. Young stated the drainfield is along the southern property boundary and the tank is to the west of the building.

Staff asked about project vehicles. Young said there would be about 15 vehicles on north side.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for uncommitted.

Jerry Grove, 13813 Highway 55, made the following comments:

- He is here on behalf of John Thompson – believes John would welcome this company.
- How will this effect zoning for commercial uses in the future?
- Are applicants aware of irrigation ditch that runs through this property?

Chairman Allen asked for opponents. There were none.

Young gave rebuttal:

- answered hours and # of employees
- were not aware of irrigation ditch – will follow state water law concerning easements.

Discussion ensued concerning the irrigation.

Chairman Allen closed the public hearing.

COA: Will work with other water owners to resolve irrigation issues.

Commisioner Garrison believes it is a good deal – 15 vehicles will not affect anyone.

Commissioner Sandmeyer thinks it is a good deal.

Commissioner Hill believes this is compatible with other properties and a good use of the property.

Commissioner Garrison moved to approve C.U.P. 11-01 Nez Perce Tribe Office Building with conditions of approval. Commissioner Sandmeyer seconded the motion. Motion carried.

**ADJOURNED:** 8:00 p.m.