



# 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:** April 14, 2011

**TIME:** 6:00 p.m. – 7:30 p.m.

**LOCATION:** Valley County Courthouse

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

**OPEN:** Call to Order

Chairman Garrison moved to add general discussions concerning the requirement of conditional use permits. Commissioner Olson seconded the motion. Motion carried.

### MINUTES:

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

### A. OLD BUSINESS:

**1. C.U.P. 08-20 Elk Meadows River Ranches Subdivision, Phase 3 – Final Plat:** Elk Meadows River Ranches, LLC, is requesting final plat approval. The Commission will review the final plat and Conditional Use Permit to determine conformance with the approved preliminary plat. Access is from Gold Fork Road. The property is parcel RP16N04E307205 and is approximately 6 acres located in the E ½ E ½ of Sec. 30, T.16N, R.4E, B.M., Valley County, Idaho. [Not a public hearing.]

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

Chairman Garrison asked for the Staff Report. Staff presented staff report with letter from Jim Fodrea (exhibit 1) and approved Road Development Agreement (exhibit 2). Staff commented that the requirement for fire suppression had not been completed and tested, which would

prohibit the issuance of building permits. Discussion ensued concerning how to guarantee completion of the requirements of the fire department prior to issuance of building permits.

Chairman Garrison asked for comments from the applicant.

Jim Fodrea, Fodrea Land Group, stated the infrastructure is in, tank is set, existing well, etc. It is just not wired and tested. Should be a condition of approval.

Chairman Garrison asked how much would it take to do the test? Fodrea said temporary power service was in and then they got snowed out. Fire Department has inspected tank and valves plus location – they just haven't tested pumping out water. Chairman Garrison asked when do they anticipate having it completed. Fodrea said, soon. Chairman Garrison explained that he is concerned with recording lots when a building permit cannot be obtained. Olson said that they can get a conditional approval from P&Z with completion prior to final plat.

Commissioner Sandmeyer moved to recommend approval of the final plat for C.U.P. 08-20 Elk Meadows River Ranches Subdivision, Phase 3 and to authorize the Chairman to sign with the condition that the well and tank be tested prior to approval by the Board of County Commissioners within 90 days. Commissioner Olson seconded the motion. Motion carried.

**2. C.U.P. 09-01 Blackhawk Lake Estates, Phases 3 & 4 – Extension Request:** LB Industries is requesting approval of a two-year extension of their conditional use permit that expires April 21, 2011. The 25.87-acre site is located in the N ½ Section 2, T.17N, R.2E, B.M. Valley County, Idaho.

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

Chairman Garrison opened the public hearing. Staff presented staff report and stated that emails had been exchanged with Joe Pachner, KM Engineering, concerning the fire mitigation plan (exhibit 1).

Chairman Garrison asked for a presentation from the applicant.

Joe Pachner KM Engineer, 391 W. State, Eagle, Idaho, made the following comments:

- Delay is due to sensitivity of lake. Latest correspondence with DEQ – different engineer is doing N-P study.
- In 2009, background phosphorous levels were outrageous. Mark Mason said at that time, site specific numbers could be used. Their letter said concentrations were low. They continue to work with DEQ.
- Coordinating with Blackhawk HOA and working with SITPA on community Fire Mitigation Plan. Will be putting in a gravity point fire hydrant.

Chairman Garrison asked about percentage, and clarified that they are doing the fire mitigation. Pachner said overall Blackhawk Lake community is putting together the plan.

Commissioner Olson asked if the roads were in? Pachner said main road is in and side road is roughed in to subgrade.

Pachner said, they could have used traditional septics, but chose to do the more advanced system.

Pachner said, LB wants to finish roads and cleanup site, with paving this fall or next spring.

Chairman Garrison asked for proponents.

Chairman Garrison asked for uncommitted.

Chairman Garrison asked for opponents.

Chairman Garrison closed public hearing.

Discussion ensued. Commissioner Olson said they have been working on this and obviously DEQ has them tied up. Chairman Garrison would like to see a letter from SITPA or the HOA stating they are working with them on the Fire Mitigation Plan. Would also like to see a more specific timeline after DEQ approval is received.

Chairman Garrison also recommended that COA #5 be changed to state, "Must discuss a Road Development Agreement with the Board of County Commissioners."

COA's:

- Submit letter from Southern Idaho Timber Association or the Home Owner's Association stating that they are working with them on the Fire Mitigation Plan.
- Submit a more specific timeline after DEQ approval is received.
- Change COA #5 to state: Must discuss a Road Development Agreement with the Board of County Commissioners.

Commissioner Olson moved to approve C.U.P. 09-01 extension request with the conditions of approval for two years with deadline being April 21, 2013. Commissioner Sandmeyer seconded the motion. Motion carried.

Chairman Garrison explained the 10 day appeal period

**3. 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. *(Tabled from March 10, 2011)*

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

Commissioner Olson moved to remove from the item from the table. Commissioner Sandmeyer seconded the motion. Motion carried.

Chairman Garrison opened the public hearing. Staff presented staff report with exhibits.

Chairman Garrison asked for a presentation from the applicant.

Mike Pierce, identified himself as the agent for the applicant. He made the following comments:

- Clients were original owners of the 120 acre original lot (lot 13).
- Original developers deeded roads to Home Owner's Association (HOA) – a few years ago Fryklunds split the lot into 20 acre parcels. They then sold 2 lots and kept 2 lots.
- HOA deeded their interest in the roads to the adjacent property owners already.
- The Assessor's office would not process the deeds, which led us to Planning and Zoning.
- Simply want to remove private road so they can build wherever they want.

Commissioner Olson asked if it was a county road to that point. Pierce said, no.

Discussion ensued concerning actual used access. Pierce stated they use an existing road over the forest service. They are not vacating legal access. He clarified location of vacation.

Chairman Garrison asked for proponents.

Chairman Garrison asked for uncommitted.

Chairman Garrison asked for opponents.

Chairman Garrison closed the public hearing.

Discussion ensued. Commissioner Sandmeyer is concerned with fire and ambulance. Chairman Garrison said road has not been constructed.

Commissioner Sandmeyer moved to recommend approval of the **VAC 11-01 Vacation of a Portion of Rapid Creek Road in Paddy Flat Subdivision, Lot 13**. Commissioner Olson seconded the motion. Motion carried.

## **B. NEW BUSINESS:**

**1. Amendment to the Valley County Land Use and Development Ordinance (LUDO):** A portion of 3.03.09 Residential Uses was inadvertently deleted from the LUDO prior to the August 2010 publication. This amendment will reinsert minimum lot size requirements. Minor corrections (e.g. spelling corrections) are also proposed.

Chairman Garrison announced the item and asked if there was any conflict of interest. There was none.

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

Chairman Garrison asked for a presentation from the applicant. Identified staff report as the presentation from the applicant.

Chairman Garrison asked for proponents.

Chairman Garrison asked for uncommitted.

Chairman Garrison asked for opponents.

Chairman Garrison closed public hearing.

Commissioner Sandmeyer recommended approval of the proposed changes. Commissioner Olson seconded the motion. Motion carried.

**C. OTHER ITEMS:**

**1. Lot Split Questions**

- RP18N03E287642 – P&Z Commission said this parcel was not eligible to be split.
- RP17N03E020756 – P&Z Commission stated the parcels could not be separated.

**2. Sanitary Restriction on Hinson Acres Subdivision, Lot 1:** The Commission determined that with Central District Health Department approvals, all lots could obtain building permits.

**3. Facts and Conclusions**

- VAC 10-02 Vacation of a Portion of Road in Paradise Cove Subdivision
- V-1-11 Leister Shared Driveway Variance
- C.U.P. 11-01 Nez Perce Tribe Office Building

Commissioner Sandmeyer moved to approve all the Facts and Conclusions. Commissioner Olson seconded the motion. Motion carried.

**ADJOURNED:** 7:30 p.m.