



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

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: September 8, 2011

TIME: 6:00 p.m. – 9:00 p.m.

LOCATION: Valley County Courthouse

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

OPEN: Call to Order

MINUTES:

Commissioner Garrison moved to approve the minutes as presented for July 14, and July 18, 2011. Commissioner Olson seconded the motion. Motion carried. Commissioner Garrison requested a set of meeting minutes for the telephonic meeting held on August 24, 2011.

A. OLD BUSINESS:

1. PUD 05-01 Valley County Business Park & Storage Facility – Timeline Review:

Highway 55, LLC is requesting approval of a three-year timeline delineating planned improvements. The 12.68-acre site is accessed from west side of Highway 55, approximately ¼ mile north of West Lake Fork Road. The site is located in the NW ¼ Section 3, T.17N, R.3E, B.M., Valley County, Idaho.

Chairman Allen announced the item.

Staff explained that the item had been tabled from the June 9, 2011, hearing for further submittals from the applicant. The Commission had requested more detailed information on how they were going to proceed in order to complete the project.

Discussion ensued.

Commissioner Garrison stated that the timeline is meeting with ITD and working on N-P – but still goes to end of extension date with nothing done. The deadline should be when the project is

completed.

Commissioner Olson stated that some of it is done, but shouldn't do dirt work until the economy improves.

Commissioner Garrison asked would it be better not to extend and ask for a resubmittal when they are ready to construct.

Commissioner Sandmeyer stated the economy doesn't justify this project – we asked for a working plan – all we have are some studies that will cover length of extension with no work being done.

Commissioner Garrison said all of that can be done regardless of whether there is an approval or not.

Commissioner Hill asked what would happen if it was denied and they had to reapply?

Staff explained they could use existing information with some updates and have a new public hearing.

Commissioner Hill would not want to see the property torn up just to get their extension. Would rather see a denial and reapplication.

Commissioner Garrison said it had been 8 years with nothing being done.

Commissioner Sandmeyer said would like to hear it at a public hearing when they plan to do it to see if it is still compatible.

Chairman Allen agrees that he doesn't want to see it torn up.

Commissioner Sandmeyer moved to deny the extension for PUD 05-01 Valley County Business Park & Storage Facility. Commissioner Garrison seconded the motion. Motion carried.

Chairman Allen explained the 10 day appeal period.

2. C.U.P. 05-31 Smylie Lane Subdivision – Final Plat Approval: Brian Wanner is requesting final plat approval of a three lot single-family subdivision. The Commission will review the final plat and conditional use permit to determine conformance with the preliminary plat. The site is accessed from Smylie Lane and is located in Sec. 27, T.17N, R.3E, B.M., Valley County, Idaho.

Chairman Allen introduced the item.

Staff presented the Staff Report.

The Commission clarified lack of response from Jerry Robinson.

Dean Briggs clarified some of the conditions and made some comments:

- cleaned up plat per comments

- put pins in road
- only have two construction issues with the road department -- Robinson said if emergency services were okay with road he would be too so long as other issues cleared up.

Staff stated the application expires at the end of September and will need to be recorded before that time.

Commissioner Olson moved to approve the final plat for **C.U.P. 05-31 Smylie Lane Subdivision** and authorize the Chairman to sign the plat. Commissioner Sandmeyer seconded the motion. Motion carried.

B. NEW BUSINESS:

1. **C.U.P. 11-06 Edwards Mosquito District – Operational Facility:** The Edwards Mosquito District is requesting a conditional use permit for an operational facility including an office and garage/shop. The site was previously used as a real estate office. The site is addressed as 13102 Cameron Drive and is located in West Mountain Estates Subdivision Lot 15, Blk 1, in the NE ¼ of Section 17, T.16N, R.3E, B.M, Valley County, Idaho.

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

Chairman Allen opened the public hearing. Staff presented staff report along with Donnelly Rural Fire Protection District (exhibit 1) and picture of site (exhibit 2).

Chairman Allen asked for a presentation from the applicant.

Bill Fly, 398 Rex Lane, Donnelly, made the following comments:

- Manages the district
- Looking for a permanent shop to work from and run the district
- There are few buildings in district that meet all the requirements
- It is in a good location in the district
- Future shop being proposed would meet any required setbacks
- There is power and other utilities on this site
- Has existing two bay garage
- May store 500 gallons of mineral oil and insecticides in the facility.

Chairman Allen asked if there were special requirements for storage of chemicals. He said no, they could store up to 1000 gallons of the chemical. Fire department requested they have the portable fire extinguishers.

Commissioner Sandmeyer asked if there would be any hazards from chemicals if there was a fire? Fly said no, chemicals are not hazardous and there is not enough quantity.

Commissioner Olson asked if there was a containment area. Fly said there is a storage mat.

Commissioner Hill asked if building was being approved. Chairman Allen said, approving use and new building. Fly said trucks and chemicals will be in existing garage.

Fly said new structure may be a 4 bay storage facility, if they get grants.

Commissioner Olson asked what chemicals are on-site? Fly said there are granules and briquettes – they are some sort of hormone, not a poison, regulate growth cycle of mosquitoes. They currently work out of storage units in Donnelly and have no power or water.

Chairman Allen asked for proponents.

Chairman Allen asked for uncommitted.

Chairman Allen asked for opponents.

Chairman Allen asked for rebuttal.

Chairman Allen closed the public hearing.

Discussion ensued.

Commissioner Olson was concerned it was a poison, an MSDS would be beneficial with a volume.

Condition of Approval: An MSDS will be submitted for the record to the Planning and Zoning office and Fire Department. P&Z shall be updated if any changes in chemicals occur.

Commissioner Garrison would like to see the size of the shop nailed down.

Condition of Approval: The new structure shall not be over 2,000 sq. ft. and constructed within five years.

Commissioner Garrison moved to approve **C.U.P. 11-06 Edwards Mosquito District – Operational Facility** with the stated conditions of approval. Commissioner Sandmeyer seconded the motion. Motion carried.

Chairman Allen explained the ten day appeal period.

2. C.U.P. 11-07 Nisula Gravel Pit: Steve & Debbie Nisula are requesting approval to develop a gravel pit north of the existing Valley County Stenburg Pit. The project would consist of four phases and result in four ponds. Willows and lodgepole pines would be planted along the east and north boundaries. Access would be from an existing access easement from East Lake Fork Road. The site is 40.34 acres, parcel RP17N03E023605, and located in the Section 2, T.17N, 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; however Olson and Garrison stated they work with Davis, and Allen said he lives in the neighborhood. None believed they had a conflict of interest.

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

Chairman Allen asked for a presentation from the applicant.

Steve Nisula, 14132 Raymond Drive, Caldwell, made the following comments:

- He is 4th generation owner of the pit.
- Traditionally ran cattle at this site, it doesn't pay the bills.
- There is no income for upkeep of the property.
- Has grown up in the area and watched these pits and watched them without any mitigation.
- Have turned down other people who wanted to mine his land and leave him a hole – wants to leave his grandkids a prettier area with ponds, etc.
- Granite has expertise to do that.
- There is a need for gravel in the area – several of the pits are being depleted.

Rod Skiftun, 13784 Highway 55, Lake Fork, made the following comments:

- Discussed the reply to the concerns.
- The concepts laid out were based on the desired end product.
- Setbacks on two sides are 100' – the 0' setbacks will allow Stenburg pit to decrease their setback and address the drainage.
- The project is an interesting project due to the proposed landscaping, availability of water, and how the project will be phased.

Commissioner Olson asked about ingress/egress and if there are berms between road and subdivision. Skiftun said, no.

Commissioner Olson asked about elevations and whether they would be the same as the county. Skiftun said it was based on the static elevation in the county pit. Ponds will provide storage for the runoff. Commissioner Olson asked when there would be ponds. Skiftun explained there will be sufficient retention – road running from east to west could be used for that retention area, initially.

Chairman Allen asked for clarification of the 3 ponds – are they to be designed in phases? Skiftun said the whole idea is to work within a time frame. Skiftun also said that Greg Martinez has come to the site and looked at the wetland areas.

Chairman Allen asked for proponents.

Phil Davis, 19 Warm Lake Highway, made the following comments:

- Questioned whether he should speak now or later. (Chairman Allen said register as proponent.)

Josh Davis, 23 Warm Lake Highway, Granite Excavation, made the following comments:

- There is a minimal amount of aggregate sources and sand/gravel in the county.
- In Lake Fork there are currently 4 pits and 2 of them are depleted – one of the contractors will not sell to anyone.
- There is only one pit in Donnelly and one in McCall.
- Due to minimal availability of quality aggregates, it has become tough for his local company to be a successful bidder on local projects.
- Communication with Valley County and property owner would allow Valley County to

extract additional material from their Stenburg pit.

Commissioner Garrison asked about road construction – they said they would rather go through the county pit. Has the aggregate been tested? Davis said, yes.

Nisula said that he used to go through the pit.

Commissioner Sandmeyer asked the following questions:

- Is this a partnership with the county? Davis said it will be a commercial source.
- What are hours of operation? Davis said it varies – besides 4 weeks of crushing, it will be 7-7, Monday through Friday.
- Will there be any runoff into the river? Davis said the design will store runoff from Nisula property onsite – when there are higher than average runoff it may go towards the Stenburg pit.

Chairman Allen asked for uncommitted.

Chairman Allen asked for opponents.

Walt and Priscilla Williamson, 13887 Farm to Market Road – they live on ridge between Farm to market and pit, made the following comments:

- On ridge looking at Valley to west.
- Purchased property in 1971 for the peace and quality.
- Started home and became full time residents in 1982.
- When county ran their crusher – they were affected all summer – they could no longer use terrace – life outside was impossible – peaceful world was gone.
- Trees will not eliminate the noise, which will have a negative impact.
- This is not a compatible neighbor.
- Dust will cause a problem – in California a pit destroyed a storage business.
- Will decrease property values.
- People on east side of Farm to Market road were impacted too.

Stacy Gebhardts, 13910 Hollenbeak Way, made the following comments: (letter)

- In 1993 they purchased their current home and expended time labor and expense improving their property.
- They have 21 acres and 2 homes.
- Neighborhood surrounding home is mostly pasture and forest.
- Traffic on Hollenbeak is an average of 4 vpd.
- Noise is from wind, weather and wildlife.
- Proposed site is very close and will create lots of noise which will decrease property values and enjoyment of use of their homes.
- County permit is an audible distraction.
- Dust from county pit will go directly towards their home – he and his wife are both under pulmonary care including oxygen.

Chairman Allen asked for rebuttal.

Phil Davis made the following comments:

- Understands peoples concern with noise and dust.
- County needs gravel pits.
- The people of Valley County need aggregate.
- Good rock is along Lakefork and Goldfork creeks – this is one of the most isolated, unique places along Lakefork creek.
- Understand concerns.
- Noise will go up instead of out when they get down in the pit.
- Granite equipment is all modern.
- Crushers will be misted and piles will be hydro seeded.
- Will enhance wildlife, etc. when the project is done due to vegetation around ponds and fish – this will be better than a subdivision.
- People have a right to do what they want with their property so long as the impacts are mitigated.
- Steve will eventually want to plat property for use by his family – Steve will continue to live at this site.
- Landscaping will be done in first phase which should be mature by the 4th phase which is where the setback violations occur.

Steve Nisula rebutted as follows:

- He expressed to Josh that he wanted something more valuable when the pit is depleted.

Chairman Allen closed pubic hearing.

Discussion ensued.

Priscilla Fraley asked how many years will it take to deplete the site? It is the rock crusher that is bothersome.

Josh Davis said there is a 20 year lease in place – there is 950,000 cu. yards available. The applicant and operator are willing to negotiate the hours of operation.

Commissioner Olson said that there are very few locations to have a pit in Valley County. There is a need in the county for a viable source. It looks like they will do an excellent job on reclamation. He questioned when ponds would be put in?

Commissioner Hill has some issues with the whole thing. She has some real issues with the time of operation. Sunrise to sunset is totally unacceptable.

Commissioner Sandmeyer is concerned with the hours of operation, but we do need gravel in Valley County.

Commissioner Garrison stated he recognizes the mitigation, would like to see less hours in the day, and extended length of operations. Disappointed in road department for not making comments on impact to East Lake Fork Road – county will be on hook to fix it. Wants to see comments from Road Department.

Commissioner Olson said when Knife River was hauling from adjacent pit there was an impact.

Commissioner Hill said they just got their answers and would like time to consider the variances.

The Commission requested the following:

- Time to digest additional responses.
- Get a response from the road dept.
- Notice variances if necessary.
- How will they mitigate noise, dust, and crushing operations going 24 hours a day.
- When will ponds be completed.
- More input on drainage – will it go to the river?
- Propose new hours of operation.

Chairman Allen reopened the public hearing.

Rod Skiftun made the following comments:

- after application was submitted IDL had some concerns with high level storm event.
- Will need to enlarge culvert by Lances.
- Drainage will be decided by engineers – this is conceptual.
- 0 setback would have to be in conjunction with county.
- The ponds will not be completed as they go along since the ponds will be in the way of the other excavation – storage of the water will be in trenches.
- Will not be reclaimed until the site is done.

Commissioner Olson asked at what point will the neighbors start to see an improvement?

Josh Davis stated the following:

- will begin operations in SW corner – will be from top, and described that the pit floor will be established at 20' down – this will mitigate a lot of the impacts.
- Current runoff patterns will be maintained.

Chairman Allen asked if there were any additional comments from opponents. None

Chairman Allen stated that they would bring it back to the table.

Commissioner Garrison stated they have addressed a number of the issues, but would like to hear from the road department. Likes fact they want to use the same access as the county.

Commissioner Sandmeyer would like to go to the site.

Commissioner Hill said they still have issue of variances.

Commissioner Olson would like to table – understands 0 foot setback. The ingress/egress of 75' to 70' is acceptable if they go through the pit.

Commissioner Sandmeyer moved to table for the reasons listed by staff and to ask for a possible difference in hours, to October 20, 2011, at 6:00 p.m. . Commissioner Garrison seconded the motion. Motion carried.

3. C.U.P. 11-08 Biggs Multiple Residences: Bruce Biggs is requesting approval for multiple residences on one parcel (RP19N09E050765). Five homes would be built on a 20-acre portion of the 335 acre parcel located east of Profile Creek. Access would be via the Edwardsburg Road (F.S. 340) northeast of Yellow Pine. The site is located in Sections 31 & 32, T.20N, R.9E and Section 5 & 6, T.19N, R.9E, 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 a presentation from the applicant.

Bruce Biggs, 13884 Ginny Lane, Caldwell, made the following comments:

- Resident of Idaho for 16 years.
- Looking forward to moving out of Treasure Valley – this would be their primary residence.
- There are 17 mining claims that comprise this 335 acre parcel – will be putting this on the Tunnel claim.
- Will have to have a professional survey done, but it appears that the property is off the road. Will follow proper procedures to gain access if necessary.
- If need be will shift to low spring.
- Water will not be diverted at this time, but will be drilling for water up on the hill that will give them gravity flow.
- The bio dome will be 40' in diameter and 20' high.
- Animals will not include pigs – they are a kosher family.
- Will be a treat for friends and family.

Commissioner Garrison asked if he spoke to CDHD. Biggs said he was suppose to meet with him today, but that did not happen.

Commissioner Hill asked if cabins would be commercialized. The applicant said they would only be for family.

Chairman Allen was surprised there was an access issue – thought realtors would have to disclose that there was no access if there was none.

Chairman Allen asked for proponents.

Chairman Allen asked for uncommitted.

Chairman Allen asked for opponents.

There was no one else in the room.

Chairman Allen asked for rebuttal.

Chairman Allen closed pubic hearing.

Discussion ensued.

Commissioner Garrison has no issues, but would like to see his boundaries clarified and work with other agencies.

Commissioner Sandmeyer moved to approve with condition that the Commission be apprised of any changes and he secure proper access. Commissioner Garrison seconded the motion. Motion carried.

Chairman Allen explained the ten day appeal period.

C. OTHER:

1. Facts and Conclusions

- V-2-11 Lojek Variance to Relax Front Yard Setback

Commissioner Olson moved to approve the Facts and Conclusions for V-2-11. Commissioner Garrison seconded the motion. Motion carried.

2. Cowboy Camp Meeting – C.U.P. required? The Commission concurred that a conditional use permit was required.

3. Correspondence – Geothermal Heat Pump System – Tamarack Resort: The Commission wanted to hear what Tamarack Home Owner's Association thought.

F. ADJOURN