



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-Chair

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

VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: September 9, 2010

TIME: 6:00 p.m. – 8:51 p.m.

LOCATION: Valley County Courthouse

ATTENDANCE: Commissioners present: Vice-Chairman Rob Garrison, Tom Olson, Jr., Kathy Deinhardt Hill 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 August 12, 2010, with changes indicated to add Chairman Garrison in appropriate places on page 2. Commissioner Olson seconded the motion. Motion carried.

A. OLD BUSINESS:

1. C.U.P. 03-22 The Pointes at Horsethief Shores No. 2 & 3 – Extension Request:

Johnson & Alberg, LLC is requesting approval of a one-year extension of the conditional use permit and final plat approval for a revised plat for Number 2. Both expire on October 9, 2010. Number 1 was recorded in October 2006. The site is located in the SE ¼ Sec. 25 and NE ¼ Sec. 26, T.14N, R.4E, and SW ¼ Sec. 30 and NW Sec. 31, T.14N, R.5E, B.M., Valley County, Idaho. [Testimony will be limited to issues specific to the extension.]

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 along with a letter from the Valley County Cartographer.

Jim Fodrea, 105 N. Main, Cascade, ID, Fodrea Land Surveying, made the following comments:

- A lot of work has been done with DEQ.
- Has received e-mail approval today from CDHD.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison closed the public hearing.

Discussion ensued concerning request for extension and final plat approval. Commissioner Olson stated they have done their homework and need a little time to finish. Commissioner Sandmeyer clarified the application falls under the old ordinance.

Commissioner Sandmeyer moved to approve a one year extension and final plat for phase 2, and to authorize the Chairman to sign the final plat with corrections identified by County Cartographer for C.U.P. 03-22 The Pointes at Horsethief Shores No. 2 & 3. Commissioner Olson seconded the motion. Motion carried.

2. C.U.P. 07-19 Settler's Mill North – Extension Request: Maple Ridge Phase II, LLC & CCD Investment 1, LLC are requesting approval of a two-year extension of the conditional use permit that currently expires on September 13, 2010. The site is located in the N ½ SE ¼ Sec. 23, T.16N, R.3E, B.M., Valley County, Idaho. **[Testimony will be limited to issues specific to the extension.]**

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.

David Sneddon, owner and manager of Maple Ridge, made the following comments:

- co-owner of Settler's Mill North
- close to \$700,000 invested in Phase I
- everything raised
- waiting for owner to develop property to south
- annexed into sewer
- commercial well sites approved
- waiting to see what Knife River is going to do
- will ask Knife River for access
- have invested more than \$30,000 in this development personally
- do not need phase 1 to be completed to put in their infrastructure
- this will be the last request made for an extension

Commissioner Sandmeyer asked if there was a written agreement with Knife River. Sneddon said, no – it was with previous owners. Sneddon said he is waiting for Knife River due to cost of running sewer lines and construction of the road.

Commissioner Olson asked if discussion had been made with ITD for access. Sneddon said they have broached that subject with his investors and it is an alternative. He still likes the townhouse

scenario but they have contingency plans. Commissioner Olson asked if water and sewer comes through Knife River. Sneddon confirmed sewer lines do, but the water well is on his site.

Commissioner Hill clarified that there is no access to the property. Sneddon said at this point it would have to be off the highway and they would have to reconfigure the site.

Commissioner Olson asked if sewer is on phase 2. Sneddon said it is only on phase 1. They are not stagnant and are looking for various options.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison closed the public hearing.

Discussion ensued concerning request for extension approval. Commissioner Sandmeyer stated that if he tries to come off highway 55 he will lose land – the extension is predicated off the piggy-back of what phase 1 is going to do – concerned what will happen with phase 1. Her concern is there has been no communication. Commissioner Olson is also concerned about lack of communication with Knife River who has put in over \$700,000 on property – with the well on his site he has leverage with Knife River – may have to put turn lanes in if they come directly off Highway 55 – thinks with everything spent on both pieces of property there should be at least a one year extension. Commissioner Hill agrees, but does not want to see the access come off Highway 55 – perfect sense to come off Loomis through Knife River. Chairman Garrison explained extensions, benchmarks, and new ordinances.

Commissioner Olson moved to approve the one year extension for **C.U.P. 07-19 Settler's Mill North**. Commissioner Hill 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 TO MEETING ON OCTOBER 7, 2010*

D. NEW BUSINESS:

1. 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.

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

Chairman Garrison opened the public hearing. Staff presented staff report and read two letters

into the record: Jose Moore (exhibit 1) and Vicki Martineau (exhibit 2).

Scott Amos, 9194 West Alderberry, Boise, 83709, made the following comments:

- Has been in contact with Steve Brown – he was told he could not apply for a building permit until he has a variance approved.
- He is an advocate for old historical buildings – these structures mimic historical buildings. There is no power, no sewer, no water – they haul water and use a septic removal company. May at some point use an incinerator toilet.
- These structures give him a place to work on his 4-wheelers.
- The buildings are actually 22' from the river.
- Cabins are about 13 tons – would be very difficult to move at this remote location. He would have to build a road between river and buildings, which may contaminate the river.

Commissioner Sandmeyer asked why could this not be built where camp trailer and parking area are located. Amos said that you would not be able to drive around the building if you put it in the parking area. Want to leave 30" trees – would need to widen access or gain an easement over the forest service.

Commissioner Sandmeyer asked what the use of the building was for. Amos said for storage -- they are not for sleeping in, just for storage.

Commissioner Olson asked if they were aware of setbacks. He said no, there is a house up the river that is only ten feet from the river. First time he has heard about the setback. Commissioner Olson stated that the high water line is very ambiguous. What did you base high water line on? Amos stated that you can see river, willows, and where high water came this year.

Commissioner Hill asked about materials on structures. Log structure is completed and is the closest to the river. Red tag was put on log cabin. Hill asked if there was any place to put second shed. Amos said not really, their camp trailers are at entrance.

Commissioner Olson asked if Brown is the one that measured. Unidentified person in audience said he was there alone.

Chairman Garrison asked for proponents.

Michael Amos, PO Box 1, Yellow Pine. One storage shed is his and the log structure is Scott's – if you try squeezing the building back it would violate the setback from the forest service. Lofts are 4 ½', not living structures, solar is there for lights, kerosene for lights, they contain generators, propane, storage of tents – sees no other location for buildings.

Kathryn Amos, PO Box 1, Yellow Pine. For parking of vehicles, they needed to put structures where they are because property terraces – they would have no place to drive down and park. The neighbor does not want them parking on her property. They cannot fill the terrace.

Hill asked about hand drawn map – what is in storage area? Kathryn said building materials and big trees.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents.

Karen Johnson, 221 Pole Cat Ridge, Cascade, ID. She owns a place in Riverside subdivision. This has been a pristine piece of property for years – they are surrounded by the forest service and the river. The Commissioners are the stewards of the property. Submitted pictures (exhibits 3). She has heard that these are not used as dwellings – there is cooking being done on the property, maybe not in the buildings. Has heard there was no permit given by the building department. Building permit application states that packet lists setbacks. Asked if EPA was contacted? Has Fish and Game been contacted? Has Nez Perce been contacted? Has concerns for safety of buildings. Commission needs to protect the environment. Society is driven by rules. She also said several people would not come, because they fear these people.

Chairman Garrison called for the rebuttal.

Scott Amos rebutted. Thanked Karen for attending meeting. Until they built, there was a pristine view from her side of the river. Has talked to the tribe and they do not have a problem with the site. They were very mindful of environmental concerns – this provides a place to work on equipment so it does not have to be done on the dirt where oil may be spilled. He grew up in Yellow Pine and he cares about it.

Chairman Garrison closed the public hearing.

Discussion ensued concerning request for the variance.

Commissioner Sandmeyer stated that pictures furnished by Karen Johnson show that there is more room on this property to build. Would like to hear from Steve Brown about why he red tagged. Questions potential for erosion. Questions number of buildings that will be constructed. Concerned this is no water for fire protection.

Commissioner Olson stated that he would like clarification of where high water line is located – wonders if there is 15' to scoot the building back. Variance granted due to hardships due to characteristics of site. It appears there are topographic concerns.

Chairman Garrison would like further clarification of setback – there are two different measurements given.

Commissioner Hill commented that is there another site and would there be additional buildings. It is a small piece of property owned by two people. Agrees they need a building.

Staff volunteered to go to site and better document the property. The Commission agreed this would be a good idea – would reopen the public hearing at next meeting.

Commissioner Olson moved to table to October 7, at 6:00 p.m. Commissioner Sandmeyer seconded the motion. Motion Carried.

2. 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.

Exparte or conflict

Chairman Garrison opened the public hearing. Staff presented staff report and letter from Bryce Farris (exhibit 1).

Kathy Taylor, 5812 Farm Mark Road, Hidden Springs, ID , made the following comments:

- Application is to clean up property.
- Loomis family thought they owned the road – deeded three pieces to lots 6, 7, and 8 and sold remainder to Home Owner’s Association in 2002.
- Hired a surveyor to define property between original lots and 50’ right-of-way.
- Each homeowner has treated strip between lots and road as their own and spending money to enhance it.
- They request that their land not be reduced by 20’ to expand the road. A 50’ right-of-way is adequate to handle any traffic.
- Makes more sense to take the 20’ from the other side of the road, if needed.
- Road would be within a few feet of road on Lot 10. Homes are more towards road rather than the lake. Front yards would be lost.
- Submitted exhibit 2 showing area to be vacated.
- Bought their property with the quitclaim – everyone assumed they owned the property.
- Power lines are approximately along the property line.
- Discussed survey done by Ringel.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison closed the public hearing.

Discussion ensued concerning request for the vacation of public right-of-way.

- Gold Fork Bay was approved along the 50’ right-of-way.
- The subdivision, road, and agreement to maintain was made prior to adoption of the 70’ right-of-way.
- Will only quitclaim ownership – must retain utility easement.

Commissioner Hill moved to recommend to Board that they vacate all of the property north of the 50’ ROW of Paradise Lane so long as utility easements are retained on the entire piece of vacated property. Commissioner Sandmeyer seconded the motion. Motion failed.

The Commission directed staff to speak with Jerry Robinson and Idaho Power.

Commissioner Hill moved to table to November 9, 2010, until more information is obtained from

Robinson and Idaho Power. Commissioner Olson seconded the motion. Motion carried.

E. OTHER ITEMS:

1. C.U.P. 06-31 Brundage Mountain Air Tower: Staff explained that the extension had expired. Staff would like to write a letter to the property owner revoking the conditional use permit and requiring removal of the tower, unless the property owner can show that the tower is still in use.

2. Privy Policy: Discussion ensued concerning the policy. Staff asked if the policy was adequate. Staff identified her issues as to interpretation of the number of acres. Should check with Central District Health requirements. Put on another agenda.

3. Discussion about Lee Way: Staff presented the map of all the subdivisions along Lee Way. The Commission discussed what Lee Way should be in the future. Put on another agenda.

ADJOURNED: 8:51 p.m.