



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

Bryan Cooley, Vice-Chair

Ed Allen, Commissioner
Ray Cooper, Commissioner
Johanna Defoort, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
February 8, 2018
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m.

P&Z Administrator – Cynda Herrick:	Present
P&Z Commissioner – Ed Allen:	Present
P&Z Commissioner – Bryan Cooley:	Present
P&Z Commissioner – Ray Cooper:	Present
P&Z Commissioner – Scott Freeman:	Present
P&Z Commissioner – Johanna Defoort:	Present
P&Z Assistant – Lori Hunter:	Present

B. MINUTES: Commissioner Freeman moved to approve the minutes of December 14, 2017. Commissioner Defoort seconded the motion. Motion carried unanimously.

C. NEW BUSINESS:

- 1. C.U.P. 17-17 Amendment of C.U.P. 12-07 Soulen Gravel Pit:** Granite Excavation INC is requesting approval of an amendment to C.U.P. 12-07, specifically extending the allowed hours of operation. The applicant proposes allowing hours of rock crushing operations to be 5:00 a.m. to 11:30 p.m., Monday thru Saturday; hours of operation for non-rock crushing activities would remain at 7:00 a.m. to 7:00 p.m. The site is 20 acres of 986-acre contiguous parcels owned by Soulen Livestock Company. The site is addressed as 3205 West Mountain Road and is in the SWNE of Section 14, T.17N, R.2E, Boise Meridian, Valley County, Idaho.

Vice-Chairman Cooley introduced the item. Vice-Chairman Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice-Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- Exhibit 1** – S. Brett Whitaker replied by email on February 5, 2018. He is a resident of Blackhawk on the River and is opposed to the request as he believes the hours are

already too broad. He questions why the operator can't use two crushers or one with a greater capacity, resulting in fewer overall hours of noise and lights.

Staff recommendation includes Conditions 12 and 13 in regards to crushing (See Staff Report). Administrator Herrick added that there has been a misunderstanding by some of the response writers about the exact location of the Soulen Pit. Some have mistakenly thought the application referred to other gravel pits such as the Meckel Pit. The Soulen Pit is four miles from the Payette River and is located behind a ridge. The Meckel Pit is in the McCall Impact Area, nearer to the subdivision. There was clarification of the comments and property location of commenters.

Vice-Chairman Cooley asked for the applicant's presentation.

Josh Davis, 8 San Ignacio Way, Cascade, represented the applicant, Granite Excavation. He gave a short history of the Soulen Pit. Granite Excavation has been operating this pit since 2007. Valley County had a lease with property owner since 1999 (C.U.P. 99-2). C.U.P. 99-2 was allowed crushing hours to be 7 a.m. to 11 p.m. for one year and then 7 a.m. to 9 p.m., in following years. The window to crush in basalt quarries is limited in Valley County as it is very affected by moisture. The machinery is contracted. Rock crushing companies travel and book up schedules. Granite Excavation solicited bids and only got one due to the limited time of crushing at this site. He would like to further amend the recommended condition of approval # 11 for rock crushing to allow Monday through Saturday. Removing the current July 1st starting date would allow crushing to be done on a weather-determined basis.

In regards to the comments regarding truck traffic, it will not increase above and beyond current use. Mr. Davis is not anticipating an increase of product over 2017 amounts. Only a certain percentage of trucks travel north past the Blackhawk subdivisions; other trucks head south and then east.

In regards to the comments regarding rock crushing and the sound ordinance; Mr. Davis has not taken sound measurements but has listened at the property line. He believes they are in compliance with the requirements to be less than 40 decibels at the property lines. The pit is situated away from the property boundaries and 80' below and west of a ridge running north-south, blocking noise toward the valley and residences.

Mr. Davis referred to an aerial view of site and surrounding area (**Exhibit 2**). There are red circles showing the area located within one and two miles of the Soulen Pit. Blackhawk Lake is approximately two miles away. There are three other neighbors nearby. Granite Excavation has hired two contractors in past years; Valley County has hired other contractors. Mr. Davis does not believe there has ever been any complaints for this site regarding noise, dust, etc. The equipment uses flashers at night instead of back-up alarms to reduce noise. Misters are present to reduce airborne dust.

In response to Commissioner Allen's question on the expected number of days to crush, Mr. Davis replied that 30,000 tons were crushed in 18 days in 2007. Mr. Davis would prefer to not limit the number of days allowed for crushing; however, he does not believe they would exceed the current 40-day maximum. Time can vary due to contracted equipment. The longer shifts

that are requested would shorten the total duration of days spent crushing. Mr. Davis believes this is the only pit in Valley County that has the amount of days to crush restricted. Administrator Herrick confirmed.

Commissioner Cooley asked about the July 1st date; Mr. Davis would prefer to have crushing done early, depending on weather, perhaps as early as May.

Commissioner Defoort asked about the condition of approval regarding the length of time to crush. Mr. Davis would prefer to keep the 40 days, not the 21 days that are recommended in the staff report

Commissioner Cooper asked about amount of materials needing to be crushed. Mr. Davis said that in 2017 they crushed the most ever in a single year and it wasn't quite enough.

Vice-Chairman Cooley asked for proponents. There were none.

Vice-Chairman Cooley asked for opponents. There were none.

Vice-Chairman Cooley asked for undecided. There were none.

Vice-Chairman Cooley closed the public hearing.

The Commission deliberated and discussed issues such as traffic concerns, starting date of crushing, maximum days of crushing, lighting, location of pit, and effect on neighbors. The Commission preferred to have crushing completed earlier in the year, prior to the busy recreational period for Valley County. There was discussion on the pit location and the impact of this pit versus other pits in the County. The Commission concluded as follows:

- This site is in a natural bowl which acts as a sound barrier.
- This use stands on its own merit and will not set a precedence.
- This use will not generate additional traffic.
- If weather permits, this use may be concluded prior to busy tourism season.

COA 12: Hours of operation for crushing will be from 5:00 a.m. to 11:30 p.m., with no Sundays or federal holidays.

COA 13: Two weeks prior to crushing operations, notice shall be given to the County and the neighbor. Crushing is limited to a maximum of 40 days of crushing with no Sundays or federal holidays.

Commission Defoort asked for clarification of condition of approval # 15. Administrator Herrick replied that if noise complaints occur, then the applicant will need to measure decibels and may then need a variance approved to go beyond the 7:00 p.m. time set by ordinance.

Commissioner Allen moved to approve C.U.P. 17-17 Amendment of C.U.P. 12-07 Soulen Gravel Pit with the stated conditions. Commissioner Defoort seconded the motion. Motion carried unanimously.

Vice-Chairman Cooley explained the ten day appeal period.

[06:41:45 PM \(00:42:10\)](#)

2. C.U.P. 17-18 Hap & Florence Points Sleigh Rides: Lyle Points is requesting approval for a base area for the Elk Sleigh Rides complete with graveled-parking lot, ticket and office building, and porta-potties. Access would be on the east side of Highway 55, approximately ¼-miles south of Barker Lane. The site is part of approximately 158 acres between Hwy 55 and Farm to Market Road, currently addressed as 13007 Farm to Market Road, in the E ½ Section 23 T.16N, R.3E, Boise Meridian, Valley County, Idaho.

Vice-Chairman Cooley introduced the item. Vice-Chairman Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice-Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – A phone call response from Joe Waterson, a neighbor across the road. He is okay with use, prefers a limit of two porta-potties, signage for the site, and 25 cars maximum.

No questions for Staff at this time. Vice-Chairman Cooley asked for the applicant's presentation.

Scott Points, 13007 Farm to Market Road, spoke. Lyle Points is his father who owns the property. He gave an overview of the history of the horse sleigh rides among the elk on the family ranch. Hap and Florence Points were his grandparents and started the sleigh rides. In response to the questions in the staff report:

- Outdoor Lighting – none is anticipated. Mainly need parking.
- People have requested a location and/or building to sit inside. In past, they had a small cabin on site.
- This year, the location had to move and they were not sure how elk would react. He has been in contact with Idaho Transportation Department (ITD) and were informed that a new permit would be needed for the Highway 55 access location. They are submitting an application to ITD.
- Parking lot: He submitted new site plan for parking off of Farm to Market Road (**Exhibits 2 & 3**).
- Wants to have porta-potties at parking area.
- Office building is not for guests; would like permission to have the building in the future to keep paperwork and extra clothing for workers.
- Willing to do a sign and sign permit.
- On a typical winter, once snow layer is built up, an ice-sheet exists that provides for parking area base. Gravel in the parking area helps in the years that there is less snow.
- No public use of any building.
- Discussion of current and future access points.

Vice-Chairman Cooley asked if there were questions for applicant.

Administrator Herrick asked if the access will be via Farm to Market Road or Highway 55. Mr. Points replied that previously they used land on the east side of Farm to Market Road. Due to various reasons, they have moved the site of sleigh rides to the west side of Farm to Market Road. He would prefer the Farm to Market road access over Highway 55.

Administrator Herrick stated that the impacts will vary based on which access location is used. There was discussion on whether an access point must be determined now. Administrator Herrick stated that the highway access would result in ITD, Donnelly Fire Department, and scenic byway concerns.

Mr. Points stated that ITD's primary concern was the width of the access area. The Points are not locked in to either location for the parking area. He was originally concerned that a parking lot along the west side of Farm to Market Road would negatively impact the elk. However, he no longer believes it does. The Highway 55 site is more convenient for customers. Regardless of location, he would like a specific address for the parking lot location to help direct customers.

Commissioner Allen suggested that one location be established and the C.U.P. could be amended if access needed to change in the future.

Commissioner Defoort asked if the parking lot would be graveled. Mr. Points replied either way would be acceptable but some gravel would be helpful for parking, particularly in years of warmer weather. Elk generally leave soon after the snow melts and things start to green up. This year is a prime example of how a graveled entry way and parking area would be helpful. He stated that it is doubtful that they could afford the gravel this year. Administrator Herrick replied that if the contours of the land are graded, then a storm water management plan and engineering approval would be necessary. However, they would not be needed if the applicant was only adding gravel to the site and not blading the location.

Commissioner Cooper asked why the location has changed from past years. Mr. Points explained the history of the sleigh ride location and family dynamics that have influenced the location change.

Commissioner Defoort questioned if permits are required by the Idaho Fish and Game Department for the feeding. She is concerned about having the elk closer to the highway with cars driving fast.

Scott replied that Idaho Fish and Game has not contacted him with any concerns.

Vice-Chairman Cooley asked for proponents. There were none.
Vice-Chairman Cooley asked for opponents. There were none.
Vice-Chairman Cooley asked for undecided. There were none.

Vice-Chairman Cooley closed the public hearing.

The Commission deliberated. Commissioners discussed location of parking area and safety concerns and fencing and effects on animal movements. Safety issues include both vehicles entering and exiting Highway 55 and elk near the highway. Elk can be an issue along the entire highway corridor.

COA: Recommend the applicant obtain a letter from Idaho Fish and Game endorsing elk feeding operation.

COA: Access shall be from the Farm to Market Road only.

COA: The applicant should be mindful of public safety as it relates to Highway 55 when feeding elk.

COA: There should be a maximum of two porta-potties and 25 vehicles in parking lot.

COA: There shall be a sign at the site. Applicant must obtain a sign permit.

Commissioner Allen moved to approve C.U.P. 17-18 Hap & Florence Points Sleigh Rides with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Vice-Chairman Cooley explained the ten day appeal period.

Applicant will contact Cynda to discuss signage for the site.

[07:42:33 PM \(01:42:58\)](#)

D. COMPREHENSIVE PLAN REVIEW

There was a short discussion on the Comprehensive Plan review. The Commissioners agreed that a special meeting to review the Comp Plan is needed. The Commission is required to review the plan on a regular basis. Small updates area needed. There will be a special workshop meeting on March 15, 2018, for the Commissioner's to review the Comprehensive Plan.

E. FACTS AND CONCLUSIONS:

- C.U.P. 17-16 Redline Recreational Toys

Commissioner Defoort moved to approve the Facts and Conclusions as listed and authorized the Chairman to sign. Commissioner Freeman seconded the motion. Motion carried unanimously.

F. OTHER

- **Ed Staub & Sons Propone**

C.U.P. 04-41 covers multiple buildings in Lake Fork area. The southern buildings are used by Robertson Supply, a plumbing business; the northern building is permitted for general industrial use. Currently CTR is in part of the northern building. Ed Staub & Sons Propane company would like to park company trucks on the side of the northern building. The original C.U.P. 04-41 conditions of approval did not allow outside storage; parking of vehicles was not specifically mentioned. Is it okay for the trucks to be parked there? The Commissioners agreed that the truck parking is acceptable.

- **Setbacks**

There was discussion regarding the required 100-foot setback along Highway 55, particularly for Lake Fork area parking. Lake Fork is not incorporated but is addressed in the Comprehensive Plan.

G. ELECTION OF P & Z COMMISSION OFFICERS:

Commissioner Allen moved to elect Bryan Cooley as the Chairman; Scott Freeman as the Vice-Chairman; and Cynda Herrick as the Secretary. Commissioner Defoort seconded the motion. Motion approved unanimously.

Administrator Herrick asked Commissioners to let her know by March 1st if they are interested in going to the P&Z training on Monday, April 30, 2018.

Vice Chairman Cooley adjourned the meeting at 8:12 p.m.