



Valley County Planning & Zoning Commission

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Bryan Cooley, Chairman
Scott Freeman, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission

March 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: Review of February 8, 2018 meeting minutes postponed to April 12, 2018.

C. OLD BUSINESS:

- 1. C.U.P. 05-02 Roseberry Ranches – Amended Plat:** A final plat has been submitted by Roseberry Ranches and other lot owners to amend elements of the plat recorded at Book 10 Page 28 on October 26, 2005. This plat consists of 26 single-family residential lots, common area, and private roads. No new lots or roads are proposed. The site is accessed via Gold Fork Road, a public road. It is approximately 156 acres located in S ½ N ½ Section 18, T.16N, R.4E, Boise Meridian, Valley County, Idaho. [*Not a public hearing.*]

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

Chairman Cooley asked for the Staff Report. Staff presented the staff report and added the following:

- This amendment is being done in compliance with Valley County Code 10-3-4B Amended Plats - Major Amendments.

- **Exhibit 1** – Chip Bowers, Valley County Surveyor, replied with an email dated March 8, 2018, stating he had reviewed the plat and recommends approval.

Commissioner Defoort asked about previous changes to plat. Administrator Herrick explained how a previous fence issue was resolved by a vacation (instrument 321063). This cleaned up the property line discrepancy with neighbor to the north.

Gary Swain, 13675 Farm to Market Road, represented the applicants. Health Department is requiring amending the plat to ease sanitary restrictions. Roseberry Ranches has 26 lots; 12 of which have sold. All lot owners want the change. He explained the previous realignment changed the property line in order to give the owners to the north a driveway to an existing cabin. The driveway and existing fence were not on the property line.

No questions of the applicant.

The Commissioners deliberated. This amendment is to change sanitary restrictions and insert the FIRM Note.

Commissioner Defoort moved to approve C.U.P. 05-02 Roseberry Ranches – Amended Plat and authorize the Chairman to sign. Commissioner Allen seconded the motion. Motion carried unanimously.

D. NEW BUSINESS:

[06:10:52 PM \(00:09:35\)](#)

1. **C.U.P. 18-01 Amendment to C.U.P. 15-11 IDA-HOE Backhoe:** Lonnie King is requesting an amendment to the conditional use permit approved in 2015 which allows the parking of vehicles and equipment for a business, including snow-removal equipment, backhoes, dump trucks, and skid steers. The request is to amend the requirement for a berm along Highway 55. The site is 0.58 acres addressed as 14078 Hwy 55. It is located north of Pearson Lane in NE ¼ SE ¼ Section 28, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

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

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

- **Exhibit 1** – Ken Couch, Idaho Transportation Department, replied with a letter dated March 5, 2018, with the following comments:
 - This project abuts the State highway system.
 - This approach has not been properly document with an ITD permit. Applicant will need to submit an ITD Right-of-Way Encroachment Application and Permit – Approaches or Public Streets in order to have it properly documented.
 - ITD Right of Way is 65 feet from centerline in this location. Installation of any

landscaping within ITD right-of-way will need to be addressed by ITD permit and meet the requirements of IDAPA 39.03.42.

- Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
 - IDAPA 39.03.60 rules govern advertising along the State highway system. Contact Justin Pond, ITD Program Manager, for more information.
 - ITD does not object to not establishing a berm on this parcel.
- **Exhibit 2** – Bob Balunda of BAHUWA LLC replied via email on March 1, 2018. They do not want to see the property used as a repository for fill dirt. Their property is due south and has had a problem with dust when the applicant works on a dirt pile filling his dump trucks. They are not opposed to the storing of commercial vehicles.

Chairman Cooley asked for the applicant's presentation.

Lonnie King represented IDA-HOE Backhoe. He stated that ITD previously put in a paved access with culvert prior to his ownership of the parcel when they redid that section of road. He can contact ITD. In regards to the Balunda's letter, dirt was brought in for the berm and to fill in a hole. He applied for and received a building permit for the site; found out three months later that it was erroneously built. Power is outside but not yet in building. Currently no exterior lighting at the site. He has found the septic tank; however, it is too close to well location. It may be possible to put one in north of building or along west side of property by highway. He will be doing test holes this year.

Commissioner Allen asked about the frontier line easement. Mr. King replied that there is an easement there. The State put up the fence; two lines are on the west side and they came in seven feet on the east side of the fence. The neighbor who has complained about the view is actually complaining about the property to the south of this parcel. Trees will be trimmed down this year for safety. Commissioner Allen asked about landscaping, particularly since there are limits along the highway side. Mr. King replied that two trees were added to the north side. The spruce trees and aspens will stay. He does need to leave room for the ditch riders to maneuver. Cement brown siding and a copper-penny roof will be added to the exterior of the building. Building has a living space upstairs and was built in a barn shape to match the agricultural area.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for uncommitted. There were none.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed the public hearing.

The Commission deliberated. They discussed landscaping requirements on all property boundaries. While a berm cannot be put over the easement, there should still be some landscaping requirements

COA 8: No trees can be removed from the property boundary, unless causing a hazard to ditch or building. Landscaping should be replaced to provide adequate screening.

Chairman Cooley reopened the public hearing for comments.

Lonnie King added that a septic system would cover 600 sqft that can't be driven over. He suggested wooden planters placed along the western boundary that could be moved with forklifts. They would be moved during winter to allow for snow storage.

There was further discussion on landscaping along the western property line. The Commissioners decided that the planters should not be a requirement. The site is small.

Chairman Cooley asked for proponents. There were none.
Chairman Cooley asked for uncommitted. There were none.
Chairman Cooley asked for opponents. There were none.
Chairman Cooley closed the public hearing.

COA 9: Applicant will keep the site neat in appearance.

Commissioner Defoort moved to approve C.U.P. 18-01 with the stated conditions of approval. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

[06:38:26 PM \(00:37:09\)](#)

2. C.U.P. 18-02 Amendment to C.U.P. 06-45 Alpha Nursery and Garden Center: Sue Wisbey is requesting an amendment to the conditional use permit approved in 2007 which established a nursery, retail, and Farmer's Market. She wants to add a landscaping and property maintenance operation to the site. The added impact would include additional employee vehicles and parking of work vehicles, trailers, and equipment. The site is served by an individual well and an incinerator toilet. The site is 9 acres addressed as 12 Alpha Lane. It is located north of Alpha Lane in SW ¼ Sec. 28, T.13N, R.4E, Boise Meridian, Valley County, Idaho.

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

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

- **Exhibit 1** – George and Sue Wisbey, replied with an email dated March 6, 2018, explaining issues complicating their Alpha Nursery and Alpha Landscaping businesses during 2017.

Chairman Cooley asked for the applicant's presentation.

Sue Wisbey, 4 Tahoe Place, owns Alpha Nursery along with her husband, George. The landscaping and maintenance business has been located across the street from Alpha Nursery

which required multiple daily trips across Hwy 55. This proposal will create less traffic on Highway 55. Employees for landscaping business will park on site. There will be no increase in lighting due to this addition. She would eventually like to add a lit sign to the property and low voltage LED lighting for walkways. There will be no blinking lights. There will be three additional work trucks and seven trailers for the landscaping business parked as shown on site plan. Trees that are for sale screen vehicles from the highway. They will add more landscaping along alpha lane. Oil and refuse from lawnmowers, etc. is properly disposed of. Lawn clippings are composted in the back of the Nursery property. Other debris goes to the dump.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for uncommitted.

Lana Marie Bear, 119 Skidoo Place, spoke as a representative of the Alpha Grange located adjacent to Alpha Nursery. She is the secretary for the Grange. She gave a history review of the Alpha Grange. Built in 1916, it is the best maintained school house in the county. The Grange members have worked hard to maintain the property. In the 102 years the building has stood, a fence was maintained by the owners of the adjacent land. In 2006, Sue [applicant] came to one of the meetings to explain her business. It is a good fit for this rural, agricultural area. Grange members are a mixed-aged group. However, the members do have a issue with the property line fence. The previous barb wire fence was removed between Alpha Grange property and Alpha Nursery. The nursery has put up nice fences along Highway 55 and Alpha Road, but not along the property line. Previously there was a property line dispute which has been fixed with a property exchange. Sue runs a good business that looks good. The Grange would like Alpha Nursery to put up and maintain a fence along the joint property line. Alpha grange is a neat building and still used for education purposes today.

Commissioner Allen asked if Alpha Grange was on historical register. Ms. Bear replied that they were working on it. She also gave information on the history on cemeteries in the southern portion of the County. The earliest grave at Crown Point cemetery is for a two-year-old boy who died in 1882. The earliest gravestone at Alpha Cemetery is also from the late 1800's.

Commissioner Defoort added that her family attended the Alpha School and respects and appreciates the work the Grange members do.

Ms. Bear added that the merry-go-round was installed in 1916. They are looking for the old school bell but do not know where it disappeared to.

Commissioner Allen requested that they continue to work for historical designation.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley asked for rebuttal.

Ms. Wisbey asked if the same style of fencing that exists along the highway would be acceptable to the Alpha Grange members. Ms. Bear replied in the affirmative. Ms. Wisbey said that Alpha Nursery would like to put in the fencing.

Chairman Cooley closed the public hearing.

The Commission deliberated and stated that this is a proposal that makes sense.

Commissioner Allen moved to approve C.U.P. 18-02 with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

E. OTHER:

- Fire Working Group – Discussion of fire wise techniques and the subdivision regulations.

Administrator Herrick said that Stephanie Nelson requested to be put on the agenda to discuss the Fire Working Group's current activity and things they might want the ordinances to address.

Stephanie, a private consultant, introduced herself and John of Idaho Department of Lands. They appreciate the good working relationship that Firewise has had with the Planning and Zoning Commission. There will be an educational workshop on wildfire risk reduction and how it can be utilized in planning decisions. There will be a "Living with Fire in Valley County" workshop on April 24th and a field trip on April 25th. Landowners, governmental representative I, and agencies will be invited.

The Fire Working Group has various committees. The Education Committee has been using social medial; the Land Committee has been looking at high-risk areas in Valley County and fine-tuning the fire hazard map. They have mapped the structural risk of buildings in the county. The "Bring it, don't burn it" program is very successful. She also discussed fuel reduction projects within the County.

[07:20:41 PM \(01:19:24\)](#)

- Is conditional use permit required for showroom at sawmill site between Lake Fork and Donnelly?

Administrator Herrick referred to a *Star News* article from February 15, 2018. The sawmill at this site is grandfathered. The article describes a change in scope and use. The Commissioners discussed a need for a C.U.P. if there is an increase from current use.

- Can Goldfork Gravel Pit put a storage structure at the site without a C.U.P.?

The future owners of DeMar's gravel pit, aka N&N Gravel, have discussed the site with Administrator Herrick. The gravel pit in the Gold Fork River bottom has been grandfathered. There is a 2007 floodplain permit and reclamation bonds with the Idaho Department of Lands for excavation and rock removal. Administrator Herrick has determined the site is grandfathered for excavation but not for a hot asphalt plant. The future owners have asked for a shop for storage which is a change in use and would require a conditional use permit. Therefore, they asked if they can have a small storage building for tools. There was discussion among the commissioners. They determined that a non-permanent shipping container for the extraction business only is appropriate for the site.

- Annual Earth Day Event

This is a Land Trust event promoting Open Space. It will be held April 21st at the North Fork Lodge in McCall.

F. FACTS AND CONCLUSIONS:

- C.U.P. 17-17 Amendment of C.U.P. 12-07 Soulen Gravel Pit
- C.U.P. 17-18 Hap & Florence Points Sleigh Ride

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

Chairman Cooley adjourned the meeting at 7:38 p.m.