



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

May 10, 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:	Excused
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 March 13, April 4, and April 12, 2018. Commissioner Cooper seconded the motion. Motion carried unanimously.

C. NEW BUSINESS:

- 1. C.U.P. 18-06 Rocky Mountain Crane & Equipment Rental:** Rocky Mountain Crane is requesting a conditional use permit for a maintenance and equipment rental site. A 6000 sq.ft. steel building exists on the parcel which has had prior commercial uses. The equipment includes cranes, forklifts, and transport vehicles. The 3.6 acre site is addressed as 14032 Highway 55 in the NENE Section 33, T.18N, 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. No additional information has been submitted.

The applicant was not present for the hearing.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley asked for undecideds. There were none.

Chairman Cooley asked for proponents. There were none.

Commissioner Defoort moved to table C.U.P. 18-18-06 Rocky Mountain Crane & Equipment Rental to June 14, 2018. Commissioner Freeman seconded the motion. Motion carried unanimously.

[06:10:22 PM \(00:09:11\)](#)

2. C.U.P. 18-07 River Run Campground: Kenneth & Francoise Dunn are requesting a conditional use permit for a campground consisting of 50 self-contained recreational vehicles and tent sites. A playground, volleyball court, fishing pond, beach, and watercraft access to the river are proposed. An apartment and garage would also be located on the site. Porta-potties are proposed for the camping sites. The 8.13 acre site is addressed as 9734 Neeps Mill Road, located east of the Smith's Ferry Bridge and north of Smiths Ferry Drive at Smith's Ferry #3 Lot 61 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** – Email and three pictures from Susan Venable taken of bridge looking toward site, area between private property and the river, and the entrance.
- **Exhibit 2** – four pictures of site
- **Exhibit 3** – Email from Marion Dickey. She owns 67 acres at 9669 Edge Court and would like her name added to the petition opposing the proposed campground.

Chairman Cooley asked for the applicant's presentation.

Kenneth Dunn, 7237 Track Road, Nampa, purchased property last winter with the intention of a small family campground. He did not realize that it would be controversial. A quiet campground. He does not want paved parking pads as that is "not camping in a family sense of being in woods and in the outdoors." He is willing to plant trees and add landscaping to separate individual campsites. He chose this location due to the popular nine-mile rafting run. The site is a natural location for the take-out of floaters and a camping location for people recreating on the river. He realizes that he will need septic systems but due to the timing can only do temporary porta-potties at this time. Eventually he would use vault toilets or septic systems. It is a yearlong process to get septic permit due to testing by Central District Health Department. The campground would be primarily for self-contained RVs with some tents.

Commissioner Defoort asked Mr. Dunn to answer Staff's questions listed in the staff report.

- Outdoor lighting -- He originally did not plan to have any lights. The camping season would be June thru September. People can use flashlights. He does not want street lights to distract from the camping experience and supports the dark sky concept.
- Site plan & landscaping -- He referred to the site plan in the application. Roads are 20 ft wide; the pads are 12-13 ft wide.
- He expects to use porta-potties for a year until CDHD gives guidance on septic or vault systems.
- No shower facility is planned.
- The gray water will stay in the RV holding tanks as there will not be a public dump center.
- Fire protection – He will be mowing along roadways, around fire pits, etc. Ultimately some type of fire protection would be added once well is dug. He expects to add faucets throughout property once the well exists. He will not allow fires if too dangerous.
- Rentals of equipment are not currently part of the plan. As the campground becomes functional, rentals would be a possibility as they seem like a logical extension.
- The proposed beach and river front area is on this property. In response to the question if he has the proper permits from Idaho Department of Lands, Corps of Engineers, or Department of Water Resources, he responded “what permits do I need to go sit on the river bank?” The property line goes to high-water line. Then it dips down about 2-3 feet and goes to the water edge. The water is slow moving at this section of river with sand bar area for families much of the summer.
- A spring feeds the pond. He has been told it does not go dry.
- The land is basically flat. He would scrape the surface for roads and camping sites. Gravel would be added.
- No stipulated walkways are planned. Roadways would be used for walkways.
- No construction is planned within 100 feet of river.
- Construction would be set back 20 feet from Neeps Mill Road.
- He may need to put a porta-potty below the Neeps Mill Road.
- The grade to river is fairly flat. From Neeps Mill Road the ground dips and flattens out to high-water mark and then drops about two feet. The area is full of willows and grass. The grade is steeper between the pond and river. Would like to remove some of the willows and prune some others to allow access.
- Fire pits will be typical metal rings set on gravel which can be removed for cleaning of ashes.
- The road base will be gravel and crushed rock; not paved. The ground is dry.

Chairman Cooley asked about Idaho Department of Lands and river access. Mr. Dunn said he would need permits if sediment was to get into river. He does not believe he needs permits to access the river from his property.

Chairman Cooley asked for proponents. There were none who wished to speak.

Chairman Cooley asked for undecided. There were none who wished to speak.

Chairman Cooley asked for opponents.

Randi Hart, 15 Smiths Ferry Road, directly across from site, is concerned that someone can totally change the character and dynamics of community. Smith's Ferry area is mostly a senior-citizen retirement community. The application does not meet requirements of ordinance as there are not enough details. This application should not be approved.

Mike Nuzzo, 23 Smith Ferry Drive, has lived in Smiths Ferry full-time for 19 years and built home in 1994. When he put in a septic system for a two-bedroom house on a site that is at a higher elevation than the proposed campground, he needed two pumps and a mound. He owns 24 acres that is used to graze sheep in August to reduce fire danger in the subdivision. He does support property rights, but he also supports the petition as written. He would like commercial use to remain only on the west side of river. The railroad spur prevents drainage to the north. There is no drainage on north side of Smith's Ferry Drive. The pond is stagnant, has no inlet or outlet, and is algae covered. It originally was a pond for the mill. Primitive camping doesn't belong in residential neighborhood. This is the wrong plan in the wrong place.

Jackie Wonenberg, 9740 Harden Drive, lives within 300 feet, directly east of proposed camping area. In addition to previous mentioned concerns, she has additional issues. Five porta-potties are not going to work. She also had to have two septic tanks that pump uphill and her residence is higher in elevation than the proposed campground. On April 15th, the proposed site was still underwater. Septic will be an issue. Other issues include fire suppression, lack of water supply, and dishwashing disposal. Wrong project for the wrong place.

Al Shaffer lives in Boise and recently purchased 9765 Neebs Mill Road. He is concerned about traffic, gray water dumping, noise, and light pollution. There will be noise, music, and drinking. He asked about the dates the campground would be open. Will there be winter use and snowmobiling? Other concerns include trespass onto railroad and fire protection. He did not see any response from either SITPA or IDL.

Dave Cummings, 9719 Hwy 55, owns the takeout on south and west side of bridge and lives across the river. Most of his concerns have been mentioned. Other issues are wildlife and ATVs. People bring toys. There will be noise pollution. He is against proposal.

John Hezeltine, 9757 Neebs Mill Road, owns property to the north of proposed site. There are inconsistencies and problems with this application, both for residences and for recreationists. The proposed fire protection is not enough. He has an insurance background. This area is a PC Class 10 meaning there is no responding fire station. It is already expensive to get fire insurance for this area. Other issues include noise, gray water, and the one-lane bridge. The raft take-out site already causes congestion getting onto highway; adding travel trailers will back up vehicles on Highway 55. The application is incomplete and many unknowns exist.

Louis Weston, 9771 Neebs Mill Road, was raised here and owns the last property on Neebs Mill Road. This would have a huge negative impact on community and change the dynamics of the area. In addition to the previous mentioned concerns, safety is an issue.

Pete Shiverick lives at 9780 Moore Drive in Smiths Ferry. The nearby Wellington Park campground has 18 pads and the most trailers he has ever seen is five (except for during the Valley County Planning & Zoning

Eclipse). Wellington costs \$10 per night; don't need another 50 campsites at a higher price. He is concerned with children and safety.

Jessica Drube recently bought property at 9757 Neeps Mill Road. She wanted to point out that merely because a use can be constructed as conditional in a particular zone doesn't mean that the use at this time is a good idea. In addition, policy 9.5.2 clearly emphasizes that rural atmosphere of the valley is to be protected and to limit the impact of conditional uses through the standards and procedures. The application is incomplete. Current population density of Smiths Ferry is 147 people over 200 acres; the proposal of 50 campsites on eight acres would be 6.25 people per acre resulting in a huge increase in density.

Butch Perry, 9667 Packer John Road, is concerned about drainage. This is first year that he has not had water under his house. Some people pump water. He had to build a one-bedroom cabin due to septic limit by State. There is a lot of wildlife activity on this property including geese, ducks, a localized elk herd, and deer. The Sheriff's Office said it takes 30 minutes to respond. There are traffic concerns on Highway 55 and already a high number of accidents. The area already has one campsite developed by Valley County. ATV use on Packer John Road is already dangerous during weekends. This proposal is not a good idea and not needed. Campsites are readily available.

[07:09:53 PM \(01:08:41\)](#)

Chairman Cooley asked for rebuttal from the applicant.

Mr. Dunn said a lot of points have been brought up. Regarding drainage, there is standing water by the train tracks. Water does run off on north side of tracks, not on his side of the railroad tracks. He bought the property when it was snow-covered. Water is running out of the pond and circulation is happening. The State said it is ok to aerate the pond by pumping water from river to pond and letting it go back into river. The State told him it is easy to get this type of permit as water is not being used as it would be for irrigation purposes. He does not know the depth of pond. He disagrees with the characterization of this being a retirement community. He can see four houses from the property. It is not a crowded area. This would be a seasonal use. Logging trucks are using the bridge. It is not a genteel country road. As the campground would be by the bridge, there would be almost no RV traffic into the community of houses. In regards to the noise concerns, camping is a quiet activity. He plans on living there or having a host managing the property and dealing with issues like noise and drinking. Regarding dumping, he expects "bring it in, take it out". Another alternative would be paid service that picks up garbage two times per month. The roads within campground will support emergency vehicles. The proposal is not obtrusive to anyone's property except possibly the lady who lives across the road. There will most likely be a vault system due to the septic limitations.

- **Exhibit 4** – updated drawing of site plan from applicant. This plan has more space between campsites.
- **Exhibit 5** – Photographs from applicant. First picture is pond after snow has recently melted. Second picture is the culvert under Smiths Ferry Drive. Third picture is culvert on his side of road has not been cleaned out and is full of silt; a few days later, the water was

gone. The second picture shows that the size of drainage ditch on other side of road is large but fairly flat so water drains slowly away.

He has spent a lot of money on property for the purpose of doing this project. Overriding sense he gets is that people have been here a long time and they don't want anything to change. This view is not connected to reality. There is a shortage of campgrounds. The traffic heading north goes past Cougar Mountain. For those concerned about the riffraff and trespass, he said there were no issues during the Eclipse. Someone recently put graffiti on his trailer; therefore, the riffraff is already here. He expects the camping season to be approximately from June 1 to the middle of October.

Chairman Cooley asked if the Commissioners had questions for applicant. There were none at this time.

Chairman Cooley closed the public hearing. The Commission deliberated. Commissioner Cooper is concerned about traffic on road as there is only a one-lane bridge for access and already bottlenecks.

Commissioner Defoort believes this is a great dream and idea is good but the application is incomplete. More information is needed about the management of people and waste. The applicant needs to get permits and septic and then reapply.

Commissioner Freeman agrees with the previous comments. Another issue mentioned was river access, private property line, and permit for using the area below the high water line. It was difficult to get approval for the take-out on west side of the river. Permits are needed from IDL, Idaho Water Resources, and Corps of Engineers. Without their responses, it is unknown how to form conditions of approval.

Chairman Cooley said the application is vague and questions are not adequately addressed. A lot of unknowns exist due to the permitting that hasn't been vetted. His concerns include traffic, bridge, and the proximity to Highway 55.

Commissioner Freeman asked about railroad right-of-way. Administrator Herrick confirms that that is not his property. Commissioner Freeman said the site plan has camping spots that appear to be in this location.

Commissioner Cooper said campground fire rings are normally agency-approved fire pits. Response time for fire is an issue. There is no structural protection for the homes at Smith's Ferry and it is 25-30 minutes to get there from Cascade, if they will come.

Commissioner Defoort moved to deny C.U.P. 18-07 River Run Campground. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

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10 minute recess

- 3. C.U.P. 18-08 Eagle Nest 3 – Preliminary Plat:** Eagle Nest LLC is requesting approval for a 21-lot residential subdivision on 100 acres. Lots would vary in size from 2.5 – 6.7 acres. Individual wells and septic systems are proposed. Shared driveways are proposed for some lots. Access would be via two new private roads onto existing private roads in Eagle Nest 1 & 2. The site is located in Sections 17 & 20, T.14N, 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.

Staff summarized the following exhibits:

- **Exhibit 1** – Letter from Bill and Shirley Coughlin, 10 Sarah Way, dated May 4, 2018. Will reduce fire danger and increase walking areas. We hope diseased trees will be removed from new lots
- **Exhibit 2** –Wildfire Risk Assessment prepared by Ken Postma.

Chairman Cooley asked for the applicant’s presentation.

Phil Davis, 19 Warm Lake Road, is the managing member of Eagle Nest LLC. Phases 1 and 2 have been successful; only 3 or 4 of 98 lots have not sold.

- **Exhibit 3** – Preliminary Plat of Eagle Nest 3
- **Exhibit 4** – CCRs for Eagle Nest Subdivision were emailed to PZ Commissioners.

This application may be the first time these P&Z Commissioners have seen a wildland-urban interface plan. Eagle Nest Subdivisions currently have a very successful HOA board that enforces the CCRs. Page 5 of CCRs: “in event that overcrowding or excessive fuel load on a Lot create a clear and present danger to the safety of other Lot Owners and/or their structures, then the Board shall have authority to remove trees...” Page 10 addresses burning and lot owners need required permits. Page 12 has a section for “fire hazard mitigation”. All lots must be maintained in accordance with the wildland-urban interface plan; should an owner fail to do so, the Board has the authority to do the necessary work.

CCRs refer to utilities. Power line was upgraded during the Eagle Nest 1st phase. It was upgraded again during the 2nd phase. Eagle Nest 3 will only include lines for the new lots. A new fence will keep cattle out of the subdivision. Phase 3 is limited by electric capacity. A future 15 acres (phase 4) will add a loop road which is addressed in fire plan. They have made an effort to let every person buying into the subdivision be aware that there will be subsequent phases. Wording in the CCRs reserved the right to use the roads, utilities, etc. for future development.

Road construction timeline is unknown, but anticipate finishing by September. They will start logging to remove fuel load and make road bed.

Logging and construction will mainly use roads owned by Davis Cattle. The road mix will transport through Eagle Nest roads by Granite Excavation. If they break the roads, they will fix them. In regards to internet, same as power, they will update as required by Frontier. Wifi is an issue, but it is also lousy in town.

Chairman Cooley asked for proponents.

Dave O'Brien, 58 Joshua Drive, is a real estate broker who started working on this development in 2001. It is a high quality subdivision with successful CCRs. During the crash, the property did not lose as much value as other subdivisions in the area.

Mike Keithly, 23 Joshua Drive, has owned property there since 2003. It is a great subdivision with good CCRs that are enforced. This proposal is a good thing for the subdivision and for Valley County and for the HOA board.

George Greenfield, 35 Joshua Drive, bought a lot 13 years ago and has lived in the subdivision full time for ten years. Eagles Nest LLC has been a great neighbor. The subdivision needs good roads. This is a good development. He is glad the logging and major construction work will drive through Davis Ranch which will alleviate the impact to the roads and the dust.

Chairman Cooley asked for undecided.

Lesia Becker, 28 Joshua Drive, is a fulltime resident and works at home teaching online classes for BSU.

- **Exhibit 5** – poster with goals and objectives from Comprehensive Plan (Chapter 8, Goal 2 and Chapter 11, Goal 2)
- **Exhibit 6** – Frontier speed information from May 10, 2018. Frontier indicated that the only way to get improved service would be to run a cable from Highway 55 along Warm Lake Road. Frontier said they will not do so.

The Comprehensive Plan encourages existing subdivisions to improve their infrastructure. "New development shall not be allowed to overload existing services." There are 13 full-time residences and additional weekend use. More people will degrade the service. The subdivision currently uses old technology. Infrastructure should be updated from old copper lines.

Chairman Cooley asked for opponents. There were none who wished to speak.

Chairman Cooley asked for rebuttal from the applicant.

Mr. Davis said the phone lines belong to Frontier. For Phase 3, Eagle Nest LLC will install a regulator for \$40,000 to get sufficient power. Power is underground in the subdivision.

Commissioner Defoort asked if fiber optic cables can be installed while utilities are being installed. Mr. Davis replied that at the time Phases 1 and 2 were developed, Frontier assured them internet would be sufficient. There was discussion on internet service. Administrator

Herrick added that Frontier is the only phone service provider in this area. Major improvements are expected in Cascade but have not yet occurred. The only other internet option is satellite internet. Dan Dunn uses satellite internet at the shop.

Mr. Davis confirmed that Joshua Drive will be the access for the new lots.

Stacia Boston, 14 Joshua Drive, said that the east portion of Joshua Drive has some bad soft spots due to a spring. She inquired how the developer will fix this with the additional traffic. She is in favor of Phase 3.

Mr. Davis answered that this is a problem every spring. They will be using Joshua Drive during July/August when the area is dry.

Chairman Cooley closed the public hearing.

The Commission deliberated. Commissioner Cooper has no objections. Internet and cell service is a valley-wide issue, especially on the weekend. This situation needs to be fixed by the company not the developer. Commissioners Cooley and Defoort concur.

COA: Shall remove all fuel from clearing and logging activities prior to recordation of the plat.

Commissioner Freeman moved to approve C.U.P. 18-08 Eagle Nest 3 with the stated conditions. Commissioner Defoort seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

D. FACTS AND CONCLUSIONS:

- C.U.P. 18-04 Elk Creek Church (Amendment to C.U.P. 01-09)
- C.U.P. 18-05 The Grove McCall - Event Venue

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.

Comprehensive Plan work session to be held May 17, 2018, at 6:00 p.m.

Chairman Cooley adjourned the meeting at 8:38 p.m.