



Valley County Planning & Zoning Commission

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Bryan Cooley, Chairman
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Ed Allen, Commissioner
Ray Cooper, Commissioner
Johanna Defoort, Commissioner

MINUTES

Valley County Planning and Zoning Commission

July 12, 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 – Johanna Defoort :	Excused
P&Z Commissioner – Scott Freeman:	Excused
P&Z Assistant – Lori Hunter:	Present

B. MINUTES: Commissioner Allen moved to approve the minutes of June 14, 2018, with the correction to the meeting date; Commissioner Cooper seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. CUP 17-04 Blackhawk on the River Event Venue – Annual Review** [Not a public hearing.]
The Planning and Zoning Commission will review whether or not activities have been in compliance with the approved permit.

Chairman Cooley introduced the item.

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

- Exhibit 1** – Letter from Brian Dickens, CEO of Blackhawk Gold LLC, dated July 10, 2018. He is unable to attend but the Chief Operations Officer, Administrative Manager, and Resort Maintenance Manager will attend the meeting. The Lodge is a developer-owned amenity at Blackhawk. The Lodge is taxed by Valley County at a commercial rate. The homeowners pay no regular fee for the Lodge's construction, upkeep, or operation. He

doesn't believe he needs to comply with the conditional use permit. He requests that limitations in the conditional use permit be removed on number and type of events, hours, outside noise, and parking.

During this review, Commissioners will need to decide if the applicant has been in compliance. Staff said changing the conditions would require an amendment to the conditional use permit and a public hearing.

The wedding on June 9th was on the list that Ms. Velder provided in May 2017. The last event on the list is tonight, July 12th, a wedding rehearsal dinner. The applicant has not submitted an updated event schedule.

Commissioner Allen asked for a review of what was approved. There was discussion about which events were allowed to continue and which events were required to meet the conditions of approval regarding outside amplified noise, etc. The August 24th meeting minutes were reviewed. The correspondence between Administrator Herrick and Diana Velder was reviewed as well as the photos included in staff report packet. Administrator Herrick has received zero phone calls since last fall to witness violations nor did Valley County dispatch.

Administrator Herrick read conditions of approval from the recorded C.U.P. As stated in the meeting minutes of August 24, 2017, beginning September 16th, all events were to comply with the conditions of approval; no amplified music was allowed after September 9, 2017.

There was discussion on 2018 events and outside music. Commissioner Cooper would like to see an event schedule to determine if the applicants are in compliance.

Erika Leon, 1817 S Manitou Ave, Boise, is the administrative manager and event coordinator. She started working two months ago and not present during past events. She was not aware that an event schedule was needed and believed the P&Z had access to the event calendar via Google. The previous two events have complied with conditions and the music ending at 10 p.m. She has attended the last two events. Signage has been placed on roads; she will document signage with pictures in the future. Dinner has been outdoors but no amplified music.

Bill King, Administrative Manager, said that the event on September 16th did violate the amplified music restriction. Diana Velder thought that the music inside an outside tent was allowed. After this date, amplified music outside did not occur.

Ms. Leon said the schedule is limited to two weddings per month as required. There are other events such as dinners, parties, retreats, etc.

Mr. King added that all conditions have been met since the Sept 16th event, including limits on noise, event numbers, etc. The website was inaccurate this spring due to a transition in management; changes were made when errors were brought to their attention. Management will use either website access to calendar or regular email to update the property owners in Blackhawk regarding upcoming events.

Commissioner Allen asked how the conditions have affected the business. Ms. Leon replied that the required conditions have been detrimental and make it difficult to compete with other events. Brides prefer dancing under stars and an outside venue. Music is unable to be played as the bride walks down the outside aisle. Mr. King added the river drowns out the sounds of the minister, etc. and that property owners bought knowing the Lodge was a commercial venue.

Commissioner Cooper asked about traffic issues. Mr. King said they are working on better signage to direct event venue traffic to only the north gate. Unfortunately Google maps sends people to the wrong gate.

Eddie Culver, Resort Maintenance Manager, added that he has recent texts from both Paul DeShryver and Jim Pfeiffer. Two weddings ago, Jim sent a text saying that it was a great wedding and he did not hear a thing. At the last wedding, Paul sent positive texts and was aware that the management was dealing with the parking and traffic issues. Notes were put on cards asking guests to move from on-street parking. The north gate is left unlocked; the other gates have signs stating "owners only" and "use the north gate". A "Lodge with an arrow" is placed at the fork in the road to direct traffic. Mr. Culver believes the ill feeling between the management and these two gentlemen has been improving.

Commissioner Allen referred to Mr. Dickens letter; changes to the approved conditions would require an amendment to the conditional use permit.

Commissioners deliberated. Issues are being addressed. The schedule should be available to P&Z staff and to the lot owners. They wish to hold another review in one year.

Mr. Culver will send pictures of signage after the next wedding on Saturday.

[06:34:31 PM \(00:32:29\)](#)

2. **P.U.D. 04-02 Gold Fork Bay Village – Extension:** Gold Fork Bay LLC is requesting a one-year extension of conditional use permit and final plat approval, which will expire in July 2018. The approved permit allows for a single family residential subdivision originally approved as a mixed use planned unit development. This plat consists of 10 single-family residential lots, dedicated open space, stormwater and pond infrastructure, and walking trails. The site is accessed from Old State Road and Paradise Lane. It is 30 acres located in the SESE Section 34, T.16N, 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. Administrator Herrick presented the staff report and added the following exhibit:

- **Exhibit 1** – Brian Sielaff, owner of Paradise Cove Subdivision Lots 11 & 12, replied on July 6, 2018. He supports the one-year extension.
- **Exhibit 2** – Paradise Cove Homeowners Association and multiple lot owners replied via letter dated July 4, 2018. This project is roughly a decade old; they are glad the

development has been scaled back. They ask that the one-year extension be made conditional with verifiable steps and time frames to acquire funding and complete the infrastructure. Proof of compliance should be made available for public review.

Administrator Herrick added that the internal infrastructure is in; a lift station and connection to Idaho Power.

Jim Fronk, representing Gold Fork Bay LLC, stated that in the last year, they have received Idaho DEQ approval and completed the engineering. He has been instructed to get contractors.

Chairman Cooley asked for proponents.

Ernie Mazorol, 126 Paradise Lane, spoke on behalf of the Paradise Cove HOA. This project has been going on for over 10 years. He is glad that the project has been scaled back but would like a progress report and timeline of activities. The HOA would like to see this project completed.

Chairman Cooley asked for undecided. There were none.
Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed public hearing.

The Commissioners deliberated. Commissioner Allen doesn't see any changes; Chairman Cooley agrees. It appears the developer would like to complete this. There was discussion on progress reports and updating Staff. Progress reports would be added to the file which the public can view and would include construction start date. Emails to Staff would be acceptable.

Commissioner Allen moved to recommend approval of a one-year extension of P.U.D. 04-02 Gold Fork Bay Village with periodic updates to Staff on major events. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

[06:48:17 PM \(00:46:15\)](#)

D. NEW BUSINESS:

- 1. VAC 18-02 Riverview Road:** Valley County P&Z Administrator is requesting a vacation of Riverview Road. This road right-of-way is not connected to any other platted or validated road right-of-way. If vacated, the land would become the property of the adjoining owners. The road right-of-way is within Cougar Mt. II Subdivision in Section 10, T.11N, 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. Administrator Herrick presented the staff report. She added that one issue will be how to split the road right-of-way among the adjoining lot owners. Valley County will be the one to prepare the deeds. Administrator Herrick believes the

best way would be a straight line going north. A straight line would result in cleaner deeds as opposed to the suggestion by the Snyder's

There are only two adjoining owners. The southern portion of the road was previously vacated.

There was further discussion on how to split the road right-of-way and access to the western lots. Easements would be required if lots were sold. The topography is steep and the lots are small.

Chairman Cooley asked for proponents.

Rod Snyder, 3565 Wadsworth, Boise, is an adjoining lot owner. He thanked Valley County for doing this road vacation. There has been a trespass issue on this right-of-way and firewood cutting. Lot 16 was previously surveyed by Bob Fodrea. The 8-ft strip shown on the north doesn't exist and is actually within the lot. An error was made when the plat was done. He understands the ease of doing the split but he prefers the way he drew it. In regards to the access to the western lots, the same person owns Lot 3 along the highway and can access to the west lots through her eastern lot.

Chairman Cooley asked for undecided. There were none.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed the public hearing.

Commissioners deliberated. Commissioner Cooper does not see any issues with the vacation. He is familiar with the western lots. They have steep topography. There would still be access for fighting fires from the timberland now owned by DF Development. The Commissioners discussed how to best survey and split the right-of-way as well as the cost required to survey and write description for deeds. Each landowner would gain land. The Commission preferred a straight line.

Commissioner Allen moved to recommend approval of VAC 18-02 Riverview Road to the Valley County Board of County Commissioners. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

- 2. C.U.P. 18-09 Horsethief Heights No. 2 - Preliminary & Final Plat:** Johnson & Alberg LLC is requesting a conditional use permit for a two-lot residential subdivision on 17.34 acres. Lots will range in size from approximately 7 to 10 acres. Individual well and septic systems will be used. Underground electricity exists to both lots. Access will be from Pointes Road, private. The site is located in the SWSW Section 30, T.14N, R.5E, 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** – Sarah Dimmett, nearby property owner, replied that they have no objections to the proposal.

Chairman Cooley asked for the applicant's presentation.

Bob Fodrea, 105 N. Main Street, Cascade, represented the applicant.

- **Exhibit 2** - Vicinity map showing location of proposed 2-lot subdivision as well as Pointes at Horsethief Shores Subdivisions, Horsethief Heights (3-lot subdivision), and the nearby parcels .

Mr. Fodrea added that a 1965 agreement between IDFG and Boise Cascade stated that this property was designated as summer home sites. The preliminary plat shows the contours. The area steepens away from the lake. Good building sites for each parcel exist.

Tom White, Central District Health Department, will be approving the sanitary restrictions soon.

There will be minimal CCRs, primarily dealing with exterior appearance; no manufactured homes, mobile homes, nor yurts will be allowed.

Commissioner Cooper asked if cartographer and surveyor corrections have been made. Mr. Fodrea replied affirmatively.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for undecided. There were none.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed the public hearing.

The Commission deliberated.

Commissioner Cooper moved to approve preliminary and final plats of **C.U.P. 18-09 Horsethief Heights No. 2** - and authorize the Chairman to sign. Commissioner Allen seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

[07:20:53 PM \(01:18:52\)](#)

3. **C.U.P. 18-10 Garcia/Fredriks Multiple Residence:** Ruben Garcia and Sharon Fredriks are requesting approval to have two residences on one parcel. In addition to the existing home, they would like to add a house with a driveway access from Farm to Market Road. The 30-acre parcel, addressed as 161 East Lake Fork Road, is in the NENE Section 11, 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 exhibit:

- **Exhibit 1** – Tim Labrousse, 13816 Shadow Ridge Drive, responded via letter dated July 3, 2018. His residence is adjacent to the current dwellings on the 30-acre parcel. The applicant previously stated to Mr. Labrousse that they intend to build two more homes in the future in addition to the current request. There is currently a RV trailer that has fulltime occupancy, a modular home with fulltime occupancy, and a small house/shed “shop” with a wood stove in that someone may be living in. He is concerned how many total homes will be allowed on the property and what types of homes will be built.

Administrator Herrick added the mobile home was approved. An RV is not to be lived in fulltime. The shop would have required a building permit. There is frontage on both East Lake Fork Road and Farm to Market Road.

Chairman Cooley asked for the applicant’s presentation.

Ruben Garcia, 161 E Lake Fork Road, said the storage shed has exercise machines. The travel trailer is being temporarily lived in but the gal will be moving into the new home. In response to a letter, there are a lot of vehicles on the site, including boat, atvs, etc.

Administrator Herrick added that the property includes three tax numbers that were combined into one parcel. Therefore Mr. Garcia originally thought there were three home sites available. Mr. Garcia added he was told that by both the realtor and escrow agent.

Mr. Garcia asked about timing. Administrator Herrick replied that typically conditional use permits are good for a year but won’t revoke the permit in mid-construction.

There was discussion and clarification on the proposed entrance on Farm to Market Road, the parcel location, and the requirement of a conditional use permit for a second home on one parcel.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for undecided. There were none.

Chairman Cooley asked for opponents. There were none.

Chairman Cooley closed the public hearing.

The Commission deliberated.

Commissioner Allen moved to approve C.U.P. 18-10 Multiple Residence with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

E. CORRESPONDENCE – 27 Hasbrouck Lane – Multiple R.V.s

Administrator Herrick wrote a letter to Mr. King as his property has multiple RVs that are being lived in. A neighbor has made a complaint, particularly about the dust from ATV use. The letter included the Valley County Code definitions of recreational vehicle park and temporary use [greater than 30 days]. The property currently has five RVs. According to Mr. King, the people staying in the RV's are helping him to rebuild his cabin. This rebuild and the use of the RVs should last through the summer of 2019.

The Commissioners discussed this site and use. A conditional use permit is needed if the use exceeds 30 days. There was discussion on consecutive or intermittent usage and the determination of residence versus temporary use. These RVs are not year round residences but the RVs remain on site even though they are not being used every day. Who should be responsible for monitoring use? Lot coverage was also discussed.

The Commissions recommended that Staff write a letter to Mr. King and let him know they are concerned that it appears to neighbors that the use is a recreational RV park not a work project. The letter will state that "your use is tied to specific project" and the summer of 2019 is to be the last year that all these RVs are parked there and used by people other than yourself. Also request a respect of the neighbors along the road when using ATVs as current use makes it appear that this use is a recreational RV park.

This same issue exists at Zane Mangum's property. There are three owners of the property, each with an RV on the site. Two additional campers are for those that are working on the shop. This has been going on for multiple years. People are living on the property in the RVs. There have been complaints. Staff has sent one letter and will send another saying need to either remove all but one RV or obtain a conditional use permit.

There was also a discussion on cranes left upright at Rocky Mountain Crane over the week of July 4th. According to Dusty Bitton, they were waiting for parts to be shipped so they could finish repairing the crane.

F. FACTS AND CONCLUSIONS:

- C.U.P. 18-06 Rocky Mountain Crane & Equipment Rental
- VAC 18-01 – Colter Road Vacation

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

Chairman Cooley adjourned the meeting at 8:00 p.m.