



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

November 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 – Johanna Defoort :	Present
P&Z Commissioner – Scott Freeman:	Present
P&Z Assistant – Lori Hunter:	Present

B. MINUTES: Commissioner Cooper moved to approve the minutes of October 18, 2018, with minor changes to page 2 to correct motion to approve September meeting minutes. Commissioner Defoort seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 06-50 Falcon Point Subdivision – Amended Plat:** Bryan Rye has submitted a final plat to amend elements of a portion of the plat recorded as Book 12, Page 1 on June 13, 2007. This plat consists of 15 single-family residential lots, common area, public roads, and a private road. No new lots or roads are proposed. The site is accessed via East Lake Fork Road, a public road. It is approximately 47.39 acres located in E ½ NW ¼ Section 11, T.17N, R.3E, Boise Meridian, Valley County, Idaho. [*Not a public hearing.*]

Chairman Cooley introduced the item and asked for the Staff Report. Administrator Herrick presented the staff report. Similar to the recent amended plats, this amendment is to change sanitary restrictions and insert the new FEMA floodplain note.

- **Exhibit 1** – Letter from Michelle Basye stating the amended plat is being submitted due to changes in sanitary restrictions.

Commissioners deliberated. Commissioner Freeman moved to approve the Falcon Point Subdivision – Amended Plat and authorize the Chairman to sign. Commissioner Allen seconded the motion. Motion carried unanimously.

1. **C.U.P. 18-14 The Retreat McCall:** Colby Rampton is requesting approval to establish an event venue to include weddings, retreats, reunions, etc. There would be a main venue space and five cabins for overnight guests; buildings will be on the eastern portion of the property which borders State of Idaho lands. Septic systems and an individual well would be used. Access is via a proposed new driveway off Boulder Lake Road, a public road. The existing shared driveway access would be maintained as a fire access. The 20-acre site is in the E ½ SW ¼ SE ¼ Section 19, T.18N, R.4E, Boise Meridian, Valley County, Idaho. [Tabled on October 18, 2018.]

Chairman Cooley introduced the item. Commissioner Allen recused himself from deliberations. Commissioner Defoort moved to remove C.U.P. 18-14 from the table and bring it forward for discussion. The item was removed from the table.

Chairman Cooley recommended that at this time the Commissioners should complete the Compatibility Matrix as a group; other commissioners agreed. Each commissioner was given a blank matrix form and the directions on how to complete it. The Compatibility Evaluation, matrix, and definitions are within Valley County Code Chapter 9-11-1 Appendix A, Compatibility Evaluation

Dominant adjacent land use is defined in Valley County Code as any use which is within 300 ft of the use boundary being proposed and comprises at least ½ of the adjacent uses and ¼ of the total adjacent area. Administrator Herrick referred to Appendix A where the terms are defined.

Administrator Herrick reviewed known details. West and south of the proposal is land that the owners have stated their intent is to build future single family residence. Currently the parcels have timber exemptions which will remain until residences are built. North and east of the proposal are state lands which are being used for agricultural/timber, the zipline business, and recreational uses. The Valley County Code states that where two or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use.

Administrator Herrick referred to the matrix.

Commissioners determined use is Service Business (matrix line 18).

Commissioners discussed the dominant adjacent land use: agricultural (timber) versus recreational. They determined that the dominant use is Agriculture/silviculture (-1) and includes both State and private land. Other adjacent land use is public recreation (+2).

- Question 1 - Is the proposed use compatible with the dominant adjacent land use?
(-1)
- Question 2 – Is the proposed use compatible with the other adjacent land uses (total and average)?
(+2)

- Question 3 - Is the proposed use generally compatible with the overall land use in the local vicinity? Vicinity is defined as a 3-mile radius. The Commissioners determined the uses to be Agricultural (-1), Recreation (+2), & Residential (+1).
(+2/3)

The Commissioners reviewed the surrounding land use map from the supplemental staff report for October 18, 2018.

Administrator Herrick read from Appendix A. For questions 4 thru 9, the evaluator should consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

Points range from:

- +2 = full compatibility (adjacency encouraged)
- +1 = partial compatibility (adjacency not necessarily encouraged)
- 0 = not applicable/neutral
- 1 = minimal compatibility (adjacency not discouraged)
- 2 = no compatibility (adjacency not acceptable)

- Question 4 - Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?
(+2) Due to all of factors (property size, mitigation, topography, etc).
- Question 5 - Is size or scale of the proposed lots and/or structures similar to adjacent ones?
(+2) Due to current building permits for structures on adjacent properties.
- Question 6 - Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?
(0) The Commissioners discussed traffic load due to private parcels versus state land. Final score of 0 due calculated by averaging score of the two land types.
- Question 7 - Is the potential impact on adjacent due to the consuming or emission of any resource or substance compatible with that of existing uses?
(+2) No consumption, no emissions, dust abatement to be done on driveway.

- Question 8 - Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

(-1) Commissioners discussed this. The distance from fire and police locations, response times, and the impact to emergency services are a concern. The zipline is a further use along the road. No impact to schools. The road is a concern. Idaho Department of Lands (IDL) stated Boulder Lake Road is a primary access route for thousands of acres of neighboring Idaho Endowment Lands, requests adverse impacts be cooperatively addressed, and it [the proposal] has the potential to complement the existing and future recreational uses. IDL did talk about possibility of improving a parking lot. According to IDL, the road is one of the busiest IDL-cooperative roads in Valley County and turnouts are sufficient for proposed vehicle access.

- Question 9 - Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

(+2) Commissioners discussed direct costs versus jobs and tax gains. Valley County has declared the road a public right-of-way. The map shows the cost-share road location. Road maintenance was discussed. The private land owners have CCRs for shared winter maintenance.

In regards to Question 7 regarding impact on resources, Administrator Herrick wants to make sure Commissioners were aware that the Valley Soil and Water Conservation District comment letter stated they were concerned about sediment runoff. This could be responded to with a condition of approval that applicant must retain stormwater on-site.

TOTAL SCORE = + 14 2/3

Commissioners unanimously agreed that this is an acceptable compatibility rating.

Staff proposed some questions to spur deliberation among the Commissioners.

- Does use comply with code?
- Does the use adversely impact neighbors?
- Is the application complete?
- Do you concur with staff's supplemental staff report and the findings that were within the report? This includes:
 - Boulder Creek Road is a public road.
 - Proposed use is classified as a Service Use.
 - Impact report
 - Grading and other things listed.

Planning and Zoning Commissioners each concurred with the findings presented on October 18, 2018, in the Supplemental Staff Report.

Administrator Herrick stated that if the C.U.P. was approved, possible additional conditions of approval include noxious weed eradication and dust abatement.

Commissioners deliberated. Commissioner Defoort said she had reviewed the Givens Purlsey packet and believes their main points have been mitigated. The application is complete and includes what is necessary for P&Z Commission to review. Mitigation goes above and beyond required. In regards to compatible use, Valley County is "Mixed Use" which allows service use to be next to residential. It is a benefit to the County that we decide where use is compatible. Others concerns were the lack of permit from Central District Health Department; however, the applicant will need to have that permit prior to receiving building permits. Commissioner Defoort is in favor of approving the C.U.P. Concerns have been well addressed by applicant. There are impacts but service businesses like this are needed. This is a suitable location for this type of business.

Commissioner Cooper concurs. This type of use will have an impact regardless of location in the County. Concerns have been met. Valley County is shrinking to the point that use will impact others. He is glad the Commission completed the matrix.

Commissioner Freeman agrees. Concerns have been mitigated and proposal revised based on comments. Regardless of where this use occurs, people will be unhappy. Development will occur.

Chairman Cooley agrees with the previous comments. The applicant should be commended for a detailed and complete presentation. There is a demand for this type of business. Site could be a good location. However, the road is an issue; he has spent a lot of time, work and recreating on this road. The road does not have adequate width or maintenance for current activity and use. The use has increased due to the State of Idaho adding the commercial zipline. The road is a public safety issue regardless of the season of use. The proposed use fits well except for the road. State of Idaho said this is the busiest road they got and are encouraging use of the lands. The State is required to maximum profit from the endowment lands. Road infrastructure is not currently there. Does the State consider investing some of profits back into the road? The road is currently an issue for the application, especially for emergency vehicles, and would cause him to vote against the application.

Administrator Herrick added that one item that would need addressed if the application is approved is the grade of the driveway. It could be engineered to be lower. Does the Commission wish to put a maximum grade on the driveway?

Chairman Cooley stated that removing the shared driveway improved the application; however, the proposed driveway is steep for both guests and emergency services.

In response to Commissioner Defoort's question, Administrator Herrick stated the Fire department did not have concern. The Building Code says a maximum of 10% unless approved by the Road Superintendent. The maximum grade could be a condition of approval.

Commissioner Defoort doesn't believe the Commission is in a position of expertise regarding maximum grade; the Road Superintendent would be able to determine what is acceptable. Chairman Cooley agreed.

Administrator Herrick mentioned possible conditions of approval. To make sure noise is addressed and quiet hours as presented in the application, the Commissioners could include a condition stating applicant must comply with mitigation as outlined in application such as noise, quiet hours, fire plan, etc.

There was discussion on requiring participation in shared off-site road improvements. Commissioner Defoort believes this should not be included as it is already required by the existing CCRs.

Commissioner Defoort asked for Administrator Herrick to read all the additional conditions of approval since the ones included in the staff report.

COA: Shall eradicate noxious weeds on site.

COA: Shall abate dust on-site.

COA: Shall have on-site rules posted in each cabin.

COA: Must comply with mitigation outlined in application such as noise, quiet hours, fire plan, etc.

Commissioner Defoort moved to approve C.U.P. 18-14 with the stated conditions of approval. Commissioner Cooper seconded the motion. Commissioners Defoort, Cooper, and Freeman voted for approval; Chairman Cooley opposed the motion. The motion passed.

Chairman Cooley explained the ten day appeal period.

A. FACTS AND CONCLUSIONS:

- C.U.P. 18-12 Woods RV Campsite

Commissioner Defoort moved to approve the Facts and Conclusions as presented and authorize chairman to sign. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Cooley adjourned the meeting at 7:12 p.m.