

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, Chairman
Scott Freeman, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission

June 13, 2019

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

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

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| 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 Technician – Lori Hunter: | Present |

B. MINUTES: Commissioner Defoort moved to approve the minutes of May 9, 2019. Commissioner Cooper seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 19-07 Brutsman RV Campsite:** Ron Brutsman is requesting approval of a conditional use permit for a Recreational Vehicle Park to allow multiple RVs to be used as dwellings for more than 30 days in duration. The campsite will be for personal use and will not have any commercial use. A shed, deck, sewer, water, and power exist at the site. Trees have been planted for screening. The 0.492 acre site is addressed at 2547 Westwood Drive, located in Westwood Subdivision No.1 lot 2 block 2, in the NW ¼ Sec. 18, T.16N R.3E, Boise Meridian, Valley County, Idaho. ***Tabled from April 11, 2019 & Withdrawn by applicant.***
- 2. C.U.P. 19-13 Frost Property Management:** Jonathan Frost is requesting a conditional use permit to operate a property management business. The proposal includes a 5,000 sqft office building and a covered storage/parking building to both store their equipment and rent space for RV and boat storage as well as Inland Marine's equipment. An individual well and electrical utilities exist; sewer is provided by North Lake Recreational Sewer and Water District. Access would be via an existing entrance to Highway 55. The site is approximately four acres addressed at 13175 Highway 55 and located in the NESW Sec. 10 T.16N R.3E, Boise Meridian, Valley County, Idaho. ***Tabled from May 9, 2019 & Withdrawn by applicant.***

D. NEW BUSINESS:

- 1. P.U.D. 04-02 Gold Fork Bay Village – Extension & Final Plat Approval:** Gold Fork Bay LLC is requesting a one-year extension of conditional use permit that expires July 2019, and approval of a revised Final Plat. The approved permit allows for a single family residential subdivision originally approved as a mixed use planned unit development. This plat consists of 15 single-family residential lots, dedicated open space, stormwater and pond infrastructure, and walking trails. Remaining infrastructure to be completed is installation of a sewer lift station. 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.
Action Item

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

Chairman Cooley asked for the Staff Report. Staff presented the staff report.

Chairman Cooley asked for the applicant's presentation. Jim Fronk said the extension request is needed to finish the lift station installation which has been delayed due to the late winter and equipment arrival.

Commissioner Defoort asked about the Donnelly Fire Department letter stating that requirements have not been met. Mr. Fronk replied that once infrastructure is completed, all requirements will be met.

Chairman Cooley asked for proponents.

Ernie Mazorol & Shelley Johnson, 126 Paradise Lane, said that this project has lasted over a decade with multiple extensions and modifications. In 2004, the project fell into disclosure; it was sold to Mr. Martinez in 2009. P&Z continued to grant extensions for the original permit which allowed 88 homes. He gave information on the sale amounts. The proposal is now for 15 homes instead of the ten approved on the previous final plat. Extensions for this project have been granted too easily without the establishment of firm expectations, interim milestone dates, and accountability. More oversight is needed. Only a year extension should be approved.

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

In response to questions from Administrator Herrick and Commissioner Defoort, Mr. Fronk replied that the well is in. The only infrastructure left to be complete is the lift station which will be finished by the end of this summer.

There was discussion on the differences in lot numbers between 2018 (10) & 2019 (15) plats. Current request is for 15 single-family lots, half of what was approved in P.U.D. Discussion continued regarding approval changes, reduction in original number of lots, and open space. The future development block will need additional approvals.

Chairman Cooley closed the public hearing.

The Commission deliberated.

Chairman Cooley re-opened public hearing to allow further comment. Ernie Mazorol requested that milestone dates and progress reports be required. Jim Fronk said the development is moving forward. The owner has made a big financial commitment and wants to be finished.

Chairman Cooley closed the public hearing. The Commission deliberated. This project is nearly done. For other subdivisions, the Commission has asked for progress reports but do not wish to do so at this point for this development as work is being completed and is nearly done. Fifteen lots is a large reduction compared to original approval.

Commissioner Allen moved to approve the extension of P.U.D. 04-02, approve the final plat, and authorize the Chairman to sign the final plat at time of completion. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

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2. C.U.P. 19-14 Aldrich Private RV Campsite: Brandon Aldrich is requesting approval of a conditional use permit for a Private Recreational Vehicle Park to allow two RVs to be used as dwellings for more than 30 days in duration. The campsite will be for personal use and will not have any commercial use. Sheds and electric power exist at the site. The 0.178 acre site is addressed at 3 Ambrose Way, located in Gratton-Barnard-Allen No.1 lot 43, in the SE ¼ Sec. 3, T.13N R.3E, Boise Meridian, Valley County, Idaho. *Action Item*

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

Administrator Herrick said the applicant is unable to make tonight's meeting. His mother who is a partial owner also cannot make tonight's meeting due to her health. Due to the large number of people in the County who need to apply for a conditional use permit for private RV campsites, she recommends that this be tabled until a later meeting. She recommends that the Planning and Zoning Commission work on an ordinance to regulate these types of uses without having to have a public hearing for each one. Camping on your property is allowed in Valley County. North Lake Recreational Sewer and Water District (North Lake) has been telling people that three RVs are allowed on each lot. The Valley County Code needs to be modified and we need to be consistent in our enforcement.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for undecided. There were none.

Chairman Cooley asked for opponents.

Jess Hill, 601 West Mountain Road, is opposed due to aesthetics and the effect on neighboring property values. He would like explanation of what is allowed in the County.

Administrator Herrick said the current interpretation of the Valley County Code is that one can't have more than one RV for over 30 days per lot/parcel. The other part of the ordinance states that this use does not include recreational use by friends and family. This led the P&Z Commission to conclude that a conditional use permit would be required for more than one RV for more than 30 days. We have told people they can camp on their parcel. North Lake tells people they can have three RVs/campers on each lot.

Mr. Hill added that this particular lot is a mess. There are four RVs: some covered with tarps and some are used as toolsheds. Water is obtained from a public faucet down the road. He has never seen a pump truck at the site. He is concerned about what happens to the gray water and human waste. The parking area is full and the Aldrich's have parked on neighboring lots. The two weeks mentioned in the application seems too long between pumps of the septic tanks.

Charles Adams, 33 Ambrose Lane, said the corner lot is an eyesore that is getting worse. There are multiple RVs, many temporary structures, and the lot is completely covered in sprawl. The current use is too much and results in a decrease in neighboring property values. He wants the Commission to require inspections and proof the applicant meets the conditions of approval.

Chairman Cooley closed the public hearing.

The Commission deliberated. Discussion on use of RVs in the County is needed, but Commissioner Allen says the real issue for this site is the cluttered look of the lot. Commissioner Defoort asked what would happen if the application was denied. Administrator Herrick replied that information would be sent to the Prosecutor Office. Currently only one person is living on the site; therefore it does not require a C.U.P. There could be condition of approvals requiring removal of all but two RVs and proof of septic/pumping, lot percentage coverage, etc. There was discussion on lot coverage; the 35% limit is for permanent structures only. There was further discussion on the need for a new RV ordinance which would include setbacks, lot coverage, and sewage. Valley County Code defines lot coverage as "that portion of a lot that is occupied by the principal building and its accessory buildings, including overhangs, along with any structures requiring a building permit, and other outbuildings." Tabling this would allow time to approve a new ordinance. An administrative permit might be a possible solution.

Commissioner Allen moved to table C.U.P. 19-14 to the October meeting; Commissioner Defoort seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

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3. C.U.P. 19-15 Lake Fork Fence Supply: Lake Fork Fence Supply LLC is requesting a conditional use permit for a materials storage, fencing fabrication, and sales yard. The property would be fenced and include the shop and pole barn previously used by commercial businesses. The property is addressed at 5 W Lake Fork Road in NW ¼ Section 10, T.17N, R.3E, Boise Meridian, Valley County, Idaho. *Action Item*

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

Chairman Cooley asked for the Staff Report. Staff presented the staff report. She did recommend different hours than applicant requested originally. The recommended hours are “standard operating hours” for the County and would allow him to operate on a Saturday if he chose to.

Chairman Cooley asked for the applicant’s presentation.

Casey Jeffus, 13911 Highway 55, said this is his third time asking the Commission to approve a site for his business. He wants this to be a permanent location for his business.

Commissioner Cooper asked about sewage. Mr. Jeffus is working with CDHD to determine if a septic drainfield is possible. If not, he will have a portable bathroom for employees. The Donnelly Fire Department will have access to the water tank; the fence has a keypad. Commissioner Cooley asked if it would be possible to change fence line to put the water tank outside of the fence. Mr. Jeffus said that that would add difficulty in maneuvering vehicles and trailers.

Administrator Herrick reminded Mr. Jeffus that he won’t be able to store equipment within setbacks which will be 10 ft from sides and 30 ft from front property line. Donnelly Fire Department is ok with the tank being inside the fence.

The new, permanent fence will be chainlink. Fences can be built on property lines as long as they are less than 6 feet high. There was discussion on the right-of-way and easements for Lake Fork road; the easement is 25 feet from center line. The Quonset hut is over the property line. Setbacks are from property line.

Mr. Jeffus said that he will bring in top soil for the landscaping on the front property line and will plant bushes and trees. No landscaping is proposed along the east and south sides. Administrator Herrick recommends attractive clumps, not a string of shrubs, for landscaping. Commissioner Defoort said proposed landscaping is sufficient.

Mr. Jeffus said there is currently downward, fully shielded lighting. He is not adding more.

Commissioner Allen said this is a good location for this business.

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 and agreed that this is a good site for this use.

Commissioner Defoort moved to approve C.U.P. 19-15 with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

E. FACTS AND CONCLUSIONS - Action Items:

- VAC 19-01 Vacation of Road Easement in Timbered Acres
- C.U.P. 19-10 Lake Fork Living
- C.U.P. 19-11 Tamarack Storage Plus
- C.U.P. 19-12 Pickens Subdivision – Preliminary Plat

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

F. Discussion on Accessory dwelling unit (ADU) – General Information

Accessory Dwelling Units (ADU) are a permitted use. The square footage of the ADU may not exceed the lesser of 1,000 sqft or 50% of the square footage of the primary structure. ADUs must be rented for a minimum of 30 days, not as a weekly or daily rental. The Idaho State Legislature has changed statutes since the ADU ordinance was approved. Our legal counsel states that we cannot regulate length of rentals. At this point, Administrator Herrick is not comfortable approving any ADU use as any could then turn into a commercial use. She will complete the applications that have already been received. All others will then need to apply as a conditional use permit for a multiple residence which is for two or more residences per lot/parcel. There currently is a detached garage converted into an AirBNB rental in Payette River Subdivision whose owner disagrees with the administrative decision that short term rentals of ADUs require conditional use permits. He has appealed this decision; this use started the discussion.

Commissioner Allen said that the intent for ADUs was supplemental housing. State changed Idaho code to say rental use cannot be prohibited. Valley County legal counsel believes that the County cannot limit short-term rental use whether it is one house or multiple houses. The ability of someone to rent out a residence can't be prohibited but a new dwelling unit can be prohibited. Conditional use permits allow what is above and beyond what is approved in a zone classification. There is a difference between multiple residences on a 20 acre parcel versus those on a small lot. City of McCall requires a permit for anything over 20 guests.

Administrator Herrick will write up a draft ordinance and Commissioners will have a work session. Three RVs equal one equivalent dwelling unit. The ordinance will address setbacks, lighting, noise, fire pits, etc. No decisions were made by the P&Z Commission.

Chairman Cooley adjourned the meeting at 7:30 p.m.