

# 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  
**October 10, 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.

P&Z Administrator – Cynda Herrick:	Present
P&Z Commissioner – Ed Allen:	Excused
P&Z Commissioner – Bryan Cooley:	Excused
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 Cooper moved to approve the minutes of Sept. 12, 2019. Commissioner Defoort seconded the motion. Motion carried unanimously.

**C. OLD BUSINESS:**

- 1. 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 [Tabled from June 13, 2019]*

Vice-Chairman Freeman introduced the item. Commissioner Defoort made a motion to have C.U.P. 19-14 removed from the table and brought back for discussion. Commissioner Cooper seconded. Motion passed unanimously.

Staff stated the Commission initially heard on June 13, 2019. It was tabled to give applicant time to address things and to be able to attend the meeting. The applicant has not responded to correspondence from Staff.

- **Exhibit 1** – High Desert Solution responded in opposition on June 6, 2019.
- **Exhibit 2** – Jesse & Rebecca Hill replied via letter dated June 6, 2019. They are opposed. Pictures of the site are included.
- **Exhibit 3**– Donald Zollman replied via email on June 12, 2019. He is opposed.
- **Exhibit 4**– Central District Health review sheet; no record of an approved drainfield at the site.

Staff recommends that the application be denied. Under the proposed ordinance, most of the issues with the neighborhood will be able to be addressed. The applicant has not responded to correspondence from Staff.

Vice-Chairman Freeman asked for comments.

Charles and Vicki Adams are neighbors of the site. He also spoke at previous meeting. He is opposed to the use as it currently exists. He also believes the new ordinance will help address the issues.

Vice-chairman Freeman closed the public hearing.

Commissioner Cooper said the proposed ordinance will help this situation. In addition, the applicants haven't been able to attend these meetings. Therefore, he recommends that the application be denied. Commissioner Defoort agrees.

Commissioner Defoort moved to deny C.U.P. 19-14; Commissioner Cooper seconded. Motion passed unanimously.

Vice-Chairman Freeman explained the ten day appeal period.

#### **D. NEW BUSINESS:**

06:09:23 PM (00:08:01)

- 1. C.U.P. 19-27 Butler Containers:** Rod & Ana Butler are requesting approval of a conditional use permit to rent or sell storage containers to the public. There will be a maximum of 20 various-sized units stored for transport. Equipment will consist of plow equipment, transporters for the containers, and his mobile home transport business. Customers do not come to the site. There is an existing home, sheds and garage. The site is serviced by a septic system, well, and electric power. The 2.72 acre site is addressed at 13841 Wild Goose Court, located on Lot 10 in Mountain View Acres in the NE ¼ Sec. 10, T.17N R.3E, Boise Meridian, Valley County, Idaho. *Action Item.*

Vice-Chairman Freeman opened the public hearing and introduced the item.

Vice-Chairman Freeman asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Donnelly Rural Fire Protection District responded via letter dated October 7, 2019; their requirements have been met.

Vice-Chairman Freeman asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice-Chairman Freeman asked for the applicant's presentation.

Ana and Rod Butler would like to store containers and provide portable covered space. Customers do not come on site. They want to store up to 20 units on the site. Based on input, they have relocated containers from the south end of the property. The berm provides sound and visual blockages. The speed limit sign has been down for 3 ½ years; they did put it up today. A porta-potty is used by family and guests and is present for part of the year; it supplements the small bathroom in the single-wide home. They have improved the lot. The container rentals are a demand in the community. She distributed an updated site plan [**Exhibit 2**].

The applicant responded to questions from Commissioners. The septic drainfield is on the southwest part of the property and is not impacted by the business. The property is used to store empty containers; once rented they are moved to other locations in the County. Some containers are used for their personal storage. The berms are within property lines.

Staff referred to area map within staff report. Nearby are gravel pits and other commercial uses.

Vice-Chairman Freeman asked for proponents.

Katey Basye, 13813 Wild Goose Court, has lived at the home directly to south for five years. Her neighborhood is surrounded by businesses. The early morning noise is actually from the gravel pits or from Meckel Excavating. Much of their subdivision has home businesses. Until recently the neighbors who have complained had a business sign on their garage. After she talked to the Butlers, they agreed to move the containers from the southern portion which would have impacted her view and property values.

Vice-Chairman Freeman asked for undecided. There were none.

Vice-Chairman Freeman asked for opponents. There were none.

Vice-Chairman Freeman closed the public hearing.

The Commission deliberated. Commissioner Cooper said that after looking at the maps in the staff report and the pictures of the berms as well as the applicant relocating storage from the south portion of the lot, he believes this use "fits" the neighborhood. He appreciates that the applicant worked with the neighbor to the south.

Commissioner Defoort said that the landscaping and berms are favorable. There are many other commercial uses in this area. According to the Comprehensive Plan, this is the area for this type of commercial use. There is good access to Highway 55.

Vice-Chairman Freeman agrees with previous comments.

Commissioner Defoort moved to approve C.U.P. 19-27 with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Vice-Chairman Freeman explained the ten day appeal period.

06:29:14 PM (00:27:51)

**2. C.U.P. 19-28 Pole Storage and Maintenance Facility – Amendment to C.U.P. 12-02:** Ed Staub and Sons are requesting approval to amend a conditional use permit allowing propane storage tanks to add a 30 ft x 114 ft pole building for storage and repair of service and delivery vehicles. The amount of vehicle traffic would not change from the current use. Customers do not use this site. The 2.79 acre site is addressed at 13451 Highway 55, located in Big Valley Estates Lot 4, in the SE ¼ Sec. 27, T.17N R.3E, Boise Meridian, Valley County, Idaho. *Action Item.*

Vice-Chairman Freeman opened the public hearing and introduced the item. Vice-Chairman Freeman asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice-Chairman Freeman asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Donnelly Rural Fire Protection District responded via letter dated October 7, 2019, with the following requirement:
  - Garaging and servicing in garages of LP-gas tank vehicles shall be as specified in NFPA 58.
- **Exhibit 2** – Ed Staub & Sons replied to questions in the staff report.
  - Portable toilets will be used at this time.
  - No outdoor lighting is planned.
  - Although the original application included service area; the new structure will not be a “work area” but a parking area.
  - There are six employees.

Administrator Herrick referred to the Big Valley Estates plat, specifically Note 3. This application will not affect any of the easements. The applicant is using the easement from Highway 55 as shown on the plat. There was discussion about the septic buffer shown on the plat. The applicant could have a septic system closer to the highway. Administrator Herrick would like confirmation that the existing chain link fence is not in the access easement.

Commissioner Defoort referred to condition of approval #8 for C.U.P. 12-02 that states only a building for storing snow removal equipment may be built on the lot. Staff said no buildings

have been constructed. Administrator Herrick said the site plan shows a 12-ft building setback; 30 feet will be required.

Vice-Chairman Freeman asked for the applicant's presentation.

Dan DeWitt, Klamath Falls, Oregon, and Logan Staub, local manager, represented Ed Staub and Sons. The company would like a building to store trucks in winter to get out of the snow. The building would create safer work conditions. Employees don't stay at this site. The building will not be heated. The open bays are for compliance with the Fire District requirements. The existing trees are mature. Building colors have not been determined; they are willing to use natural colors. There is one porta-potty at the site. The campers in the pictures belong to the owner and they will be removed this weekend. Hours of operation begin at 7:00 a.m. The office is at the Lake Fork location. Employees park personal vehicles inside the yard while using the company vehicles. Snow removal is contracted out.

Commissioner Defoort mentioned setback requirement will be 30 ft., not 12 ft.

Vice-Chairman Freeman asked for proponents. There were none.

Vice-Chairman Freeman asked for undecided. There were none.

Vice-Chairman Freeman asked for opponents. There were none.

Vice-Chairman Freeman closed the public hearing.

The Commission deliberated.

**COA:** Color of building will be a natural color.

**COA:** Hours of operation will be 7:00 a.m. to 7:00 p.m.

Commissioner Defoort likes that the existing fence and trees screen the site. Commissioner Cooper believes the existing trees will screen a 19-foot high structure. The Commissioners agree that the addition of the building will improve the look of the area and increase equipment safety.

Commissioner Defoort moved to approve C.U.P. 19-28 with the stated conditions including the two additional ones. Commissioner Cooper seconded the motion. Motion carried unanimously.

Vice-Chairman Freeman explained the ten day appeal period.

06:51:17 PM (00:49:54)

**3. C.U.P. 19-29 Escosa Multiple Residence:** Maria Escosa Revocable Trust is requesting a conditional use permit for two residences on one parcel. The homes would be attached and share the well and septic system. The property is addressed at 35 Hait Lane. The 27.7 acre parcel is located in the SW ¼ Sec. 12, T.17N, R.2E, Boise Meridian, Valley County, Idaho.

*Action Item*

Vice-Chairman Freeman introduced the item and opened the public hearing. Vice-Chairman Freeman asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice-Chairman Freeman asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Donnelly Rural Fire Protection District responded via letter dated October 7, 2019; the District has no comments or concerns at this time.

The proposed apartment is only slightly larger than the maximum limit for accessory dwelling units. The apartment is on the second floor.

Vice-Chairman Freeman asked for the applicant's presentation.

Jeffrey Geibel, S|U Architecture, 415 S. 13th Street, Boise, is representing the Maria Escosa Trust. He is in agreement with Staff's recommendations. The apartment is within the building. In appearance, it won't be visible from the outside. It will be a caretaker residence. The living space is just slightly larger than allowed by an ADU permit.

Commissioner Defoort asked staff why a conditional use permit is required. Administrator Herrick replied that the apartment is a second residence and is over 1000 sq.ft. of living space. The determining factor for a second residence is a second kitchen (full refrigerator, range, laundry facility, etc.). The residences can share entrances and be attached or detached. A second kitchen is that more than just additional space used as a canning kitchen or for butchering.

Vice-Chairman Freeman asked for proponents. There were none.

Vice-Chairman Freeman asked for undecided. There were none.

Vice-Chairman Freeman asked for opponents. There were none.

Vice-Chairman Freeman closed the public hearing.

The Commissioners deliberated and had no objections to application.

Commissioner Cooper moved to approve C.U.P. 19-29 with the stated conditions.

Commissioner Defoort seconded the motion. Motion carried unanimously.

Vice-Chairman Freeman explained the ten day appeal period.

**E. OTHER ITEMS – Action Items:**

- C.U.P. 19-09 The Retreat McCall – Driveway Relocation

Staff wants the Commissioners to decide if the proposed driveway relocation is a substantial change that would require a public hearing. The driveway entrance will remain the same as previously approved. The proposal would result in a driveway with a flatter grade. The Commissioners concurred that a public hearing is not necessary.

**F. FACTS AND CONCLUSIONS - *Action Items:***

- C.U.P. 19-22 Collins Multiple Residence
- C.U.P. 19-23 Binnion Multi-family Dwelling Unit
- C.U.P. 19-25 Mountain Top Produce
- C.U.P. 19-26 CM Equipment Storage

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

Vice-Chairman Freeman adjourned the meeting at 7:04 p.m.