

Valley County Planning & Zoning Commission

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Scott Freeman, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission
December 12, 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:	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 November 14, 2019. Commissioner Cooper seconded the motion. Motion carried unanimously.

D. NEW BUSINESS:

- 1. C.U.P. 19-32 Knife River Asphalt & Concrete Plant:** Knife River Corporation is requesting a conditional use permit to establish a portable asphalt plant and concrete plant. No permanent structures are included. Operation of the asphalt plant will be seasonal and the concrete plant may be operated year-round. New utilities will include electric and a well. Access is from Loomis Lane, a public road. The site is 31.16 acres, addressed at 16 and 18 Loomis Lane, and located in the SWSE Section 23, 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; Commissioner Defoort replied affirmatively. Chairman Cooley excused Commissioner Defoort.

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

the following exhibits:

- **Exhibit 1** – Valley Soil & Water Conservation District has the following concerns:
 - DEQ approved Stormwater management and Wastewater Management Plans needed,
 - traffic safety,
 - noise and light abatement,
 - concrete plant waste water has high pH values; high pH water is conducive to cyanobacteria growth.

- **Exhibit 2** – Donnelly Rural Fire Protection District’s requirements listed in the letter of December 9th supersedes those included in the staff report.

- **Exhibit 3** – Mike and Arlene Griffiths, 12960 Farm to Market Road, are opposed. Their ranch is approximately a half-mile from the site. The noise generated by the plant and the associated truck traffic will greatly impact the agricultural nature of our area. The industrial use should not be allowed to infringe on the peaceful environment along Gold Fork. Adding heavy industrial traffic will create a traffic safety hazard.

Administrator Herrick said she would like the applicant to state the maximum number of trucks parked on the site and the maximum quantities in stock piles stored at the site.

Chairman Cooley asked for the applicant’s presentation.

Joseph Smith, Knife River, 5450 West Gowen Road, Boise, ID, described the application. Expected operation of the seasonal asphalt plant is May thru October. Concrete plant operation may be year round. This location has good access to Highway 55 and space for stock piles. They will use the existing entrance onto Loomis Lane. They did contact Idaho Transportation Department (ITD) prior to applying for the conditional use permit. ITD prefers access to the site via the intersection of Loomis Lane and Highway 55. If the conditional use permit is approved, a study on traffic numbers and turning movements will be completed which will dictate if turning lanes or road improvements are needed. Average daily truck traffic expected is 35 trucks inbound and 50 trucks outbound. For larger highway jobs, it could be as many as 80 outbound in a 24-hour period. Hours of operation generally will be 7 a.m. to 7 p.m., Monday through Saturday. However, some agency contracts will require 24-hours of operation, especially when public safety necessitates nighttime work. The portion of the site not used for stockpiles or equipment will maintain current vegetation. There are man-made depressions on site used to collect and maintain stormwater. The Army Corps of Engineers stated the water on the site does not fall under U.S. jurisdiction. It is outside FEMA-mapped floodplain areas. The site does not have wetlands according to the national wetlands database. Idaho DEQ requirements will be met. A fugitive dust plan will be implemented. These are portable plants. All lighting on the site will conform to Valley County light ordinance. The conditional use permit is the first of many permits they have to apply for to operate at this location. Additional requirements include ITD traffic study, a stormwater pollution and prevention plan, erosion control, EPA monitoring of discharge, and installation of a clean-out system for concrete plant which will reuse process water. Reporting will require updating the Donnelly Fire District with information including type, quantity, and location of fuels and chemicals on site, a hazardous mitigation plan, a list of fire-suppression equipment on site.

To limit the dust from the stock piles, they will not bring in extra aggregate. Water can also be used to reduce blowing dust. Limiting dust is required per other agency operating permits. They will be required to limit emissions from the plant as well as from the haul roads and stock piles.

The operation of 24 hours per day will only occur when required by ITD. The company will not be providing gravel commercially from this site; aggregate brought in will be used solely by the plants at the site. There won't be an office at the site. Each plant has a control house. Portable restrooms will be used. He is not familiar with the irrigation pipe mentioned but will reach out to Mr. Kleint. He does not anticipate much subsurface work; therefore, the buried canal won't be disturbed.

Mr. Smith responded to questions from the Commissioners. The locations from where the inbound trucks will be bringing gravel are currently unknown. It is expected that seven or eight trucks will be used to make the multiple daily trips. The top soil moved from the site can be used to create berms along the property boundary. The company anticipates a variety of public and private projects and estimates that 50% will be state "public works" projects. Not all the public works projects will require the 24-hour operation.

Josh Smith, Knife River, 5450 West Gowen Road, Boise, gave the Smiths Ferry Highway 55 project as an example of work that will require 24-hour operation to complete the work quicker and safer by working at night because no weekend work is allowed on Highway 55. In general, 24-hour operation won't be common in Valley County.

Mr. Smith replied to questions regarding the source location of the raw material. Material for higher volume work will come from the Donnelly area; the State of Idaho quarry aggregate will be used for ITD work. Sand and gravel for concrete may come from Garden Valley or Horseshoe Bend or the local area. For economic reasons, they would prefer a local source. This site will have a short haul route to Highway 55.

The company can provide public notice of the 24 hour operation periods. Lighting can be controlled. They will use line electric power at this site, not noisy power generators. In the Boise area, the company ran night operations about 15 times in 2019.

Chairman Cooley asked for proponents. There were none.

Chairman Cooley asked for undecided.

Paul Kleint, Donnelly, said this area is for multiple use. He'd rather not see this project but they have discussed how to take care of issues. There needs to be a turning lane and reduction in speed limit. Berms would be good. He would like to see more trees planting for screening.

Chairman Cooley asked for opponents.

Kendra Brown just recently purchased the house to the east. Traffic is a major concern. There was a crash at this intersection last Sunday. May thru October is busy traffic time. Turning

lanes and/or acceleration lanes are needed. Noise and lights should be mitigated, including additional landscaping.

Terry Stone Mahoney, 12823 Highway 55, lives about a half mile south of the site. She is very concerned. She is a fifth generation of the Donnelly/Roseberry area. She read from Idaho Code 67-6512. Knife River's environmental history in other areas has not been the best. This is a tourist and recreational area, camping area, and residential area. A drainage pipe feeds into her property from this site and into a protected bird area. The elk herd in the area provides tourist dollars. This will damage the view of Tamarack and the Needles and add pollution to the area.

Chairman Cooley asked for rebuttal.

Joe Smith said that truck traffic is a huge concern; it needs to be safe. There will be a traffic study for ITD to determine requirements. In regards to noise, back up alarms can be mitigated by adding "white noise" backup alarms to equipment. A security light will be only light on when the plants are not in operation. Upon approval, the company will get appropriate permits. Any water used on the site will be maintained on site. Pollutants will remain on site. Knife River is a large organization and environmental protection is important. They will add landscaping and trees to mitigate. The staff report recommended additional trees to west and north; there are existing trees along Highway 55. Adding berms will also mitigate concerns. The need for security fencing has not yet been determined; usually a light will deter people from stealing from the site.

Administrator Herrick listed suggested conditions of approval in addition to those within the staff report. Mr. Smith replied that the company can discharge clean stormwater per EPA permit; they will have customers on site due to sales of asphalt and concrete to third parties; and may need night lighting to do repairs. In response, the suggested COAs were modified.

COA: Maximum number of trucks stored on site will be 10.

COA: Letter from Army Corp of Engineers required stating the site does not have waters under the jurisdiction of U.S.A.

COA: ~~No customers on site~~

COA: No commercial sales of rock aggregate to individuals.

COA: When operating 24/7, the applicant shall place a public notice in the *Star News* a minimum of seven days prior to operations.

COA: Shall water vegetation on berm.

COA: ~~Stormwater maintained on site.~~ Shall comply with Stormwater Pollution Prevention Plan.

COA: During non-operational times, the only light will be a motion-detected security light.

COA: Shall use white noise backup alarms.

Modify COA #10: Trees shall be planted along the boundaries in intermittent groves to provide screening. The trees should be sized in accordance with the ordinance at one tree per every 25 feet, spaced amidst the berms and not in a straight line.

In response to questions from the Commissioners, the applicant stated that the tallest proposed structure will be 45 feet at the tallest part of stock. The plants will be portable. The

plants will not be lit. There will be no rock crushing at this site. They will be using generators at this site. The highest decibel noise rating will be caused by back up alarms and truck traffic. There will be tumbling of small rocks.

Josh Smith referred to the site plan. Stock piles work as noise buffers. The company will meet ITD requirements; a turn lane requirement is expected.

Chairman Cooley asked for comments from the public in regards to new information from the applicant.

Kendra Brown inquired about the expected lifespan of portable plant operations at this site.

Terry Stone Mahoney said that berms should be on all boundaries of the property.

Josh Smith replied that all equipment is portable. Use of the site will be market-driven. The need for the product is currently here. If the economy changes, then the equipment will go elsewhere. No end time period has been determined at this time. Their intention is to berm the entire property.

Chairman Cooley closed the public hearing.

The Commission deliberated. Traffic safety is a concern; it already is a busy intersection. Applicant will have to comply with the ITD requirements that will be based on existing and projected traffic. They support "white noise" requirement. There was discussion on the secure storage of fuel, etc. The applicants have stated that they will place berms around the perimeter. There was discussion of the location(s) of the source of aggregation; however, this would be covered by separate permits. Highway 55 is a short distance from this site. Most of grandfathered gravel pits are in Koskella area. The existing line power will make a huge difference in noise generated. There was discussion on the need for a turning lane; access from site will be onto a County road. Concerns of noise can be mitigated with berms, landscaping, and back-up alarm restrictions. Dust must be mitigated. Dust, pollutants, etc are regulated under other required permits. This is a central location in the valley. It is close to the highway. This location is good. The current air quality in this area during the summer is good. This location; the prevailing wind direction will dissipate air concerns.

COA: Shall place a gate at the entrance to the site.

COA: Valley County shall require improvements to Highway 55 based upon the recommendations of ITD after traffic study using existing trip numbers and projected increases.

Commissioner Allen moved to approve C.U.P. 19-32 Knife River Asphalt & Concrete Plant with the stated conditions. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

Commissioner Defoort returned.

[07:35:39 PM \(01:34:55\)](#)

2. C.U.P. 19-33 Gebhards Subdivision – Preliminary/Final Plat: Stacy Gebhards is requesting a conditional use permit for a 1-lot residential subdivision on approximately 12 acres. An individual well and septic systems proposed. Access is from Potter Lane (public) and Hollenbeak Way (private). The site is located in the NWNE Section 2, T.17N, 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.

Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Revised plat received on December 9, 2019, and updated lot closure sheet

Administrator Herrick discussed the previous illegal split. The cure for this site is to do a subdivision plat which will allow a building permit to be obtained for the twelve acres.

Chairman Cooley asked for the applicant's presentation.

Verna Vanis spoke on behalf of the applicants. She is a realtor. She discussed the history of the splits. The extra four acres will be combined with the adjacent property owned by the applicant's daughter. This subdivision will make the 12-acre piece buildable.

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 Freeman moved to approve preliminary and final plats of C.U.P. 19-33 Gebhards Subdivision and authorize the Chairman to sign. Commissioner Allen seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

3. C.U.P. 19-34 No Business Lodge: Ed Anderson of ARRTI LLC is requesting a conditional use permit to add two additional detached rooms to the existing vacation rental. The site will continue to be rented out to guests for vacations, weddings, reunions, and other gatherings. The site is 5.5 acres of a ten acre holding addressed at 296 Smylie Lane. It is parcel RP17N03E198650 located in the S ½ Section 19 2, T.17N, 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.

Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – R. Steve Smylie stating that Belinda Provancher had addressed his concerns; He has no objections to the application.

Administrator Herrick would like clarification on how the 4500 sq.ft. short-term rental is being used for weddings, events, etc. The Planning and Zoning Commission approved the manager's apartment in 2015. Administrator Herrick does not recall why a conditional use permit was not required at that time. Current application is for the two bedroom addition to be used in conjunction with the existing short-term rental.

Chairman Cooley asked for the applicant's presentation.

Belinda Provancher, 296 Smylie Lane, is representing the applicant. This property is a vacation rental and hosts weddings, family reunions, fundraising events, etc.. A minimum three-day stay is required. In 2019, three weddings were held; three are currently booked for 2020. Only one weekend is not reserved for 2020. They would like to move away from doing large weddings and increase the number of corporate events. The additional bedrooms would help with this. There are porta-potties that are maintained weekly. Central District Health stated that the detached unit will require an additional septic tank and addition to the drainage area. Music has been allowed until midnight which has been okay with adjacent neighbors; however, she has since learned that 10:00 p.m. is the cut-off time for noise. This change will be made.

Commissioner Allen asked about sound as outdoor amplified music has been a concern for weddings.

Ms. Provancher said she has not seen the proposed ordinance for short-term rentals. She is on site during wedding events and is at the site nightly. She lives in the apartment above the garage (C.U.P. 15- 09).

There was discussion on whether a conditional use permit is required for the event venue use. Administrator Herrick believes it may be "grandfathered use". Ms. Provancher said that the owner has said that there is a conditional use permit for a bed and breakfast. Administrator Herrick confirmed that the Commission is only looking at the application; not the venue use. Commissioner Cooley believes that the described uses require a conditional use permit.

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. The use has increased to the point where a conditional use is required for the commercial venue uses.

Administrator Herrick recommends tabling a public hearing to February and re-notice for an application that contains all uses of the site.

Commissioner Allen moved to table C.U.P. 19-34 No Business Lodge to February 13, 2020 with a request for additional information. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

Short recess

(01:51)

4. C.U.P. 19-35 – Lake Fork Landing Preliminary Plat: Payette Financial Services LLC is requesting a conditional use permit for a 10-lot residential subdivision on approximately 21 acres. Lot size would range from 1.95 to 1.99 acres. Individual well and septic systems are proposed. The existing irrigation ditch would be piped. Access would be from Pleasant Acres Drive (public) onto a private road. The site is RP17N03E034205 located in the SENW Section 3, T.17N, 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.

Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Jim and Ana Egnew, 73 Rogers Lane, are opposed.
- **Exhibit 2** – Dave and Patti Pfof, 71 Pleasant Acres Drive, are opposed.

08:26:03 PM (02:01:24)

Chairman Cooley asked for the applicant's presentation.

Cody Draper, 2589 S Groom Way, Meridian, stated that in response to the denial of previous application, we decided to apply for a more compatible subdivision. He has met with the irrigation district. Soil testing has been done. Buildings will be 200 ft. from the creek. He has met with Mike Reno [CDH] who does not anticipate issues with the upcoming spring runoff testing. Single septic systems and individual wells will avoid DEQ requirements on community wells. The Valley County Road Department will only require the \$50 driveway approach permit. The location of the required water tank is to be chosen by the Fire Department. The Homeowner Association will be financially responsible for the maintenance of the irrigation pipe. He proposes a reduced speed limit on Pleasant Acres Drive and a stop sign at the intersection into the subdivision. Single family residential parcels are on three sides of this property. The two-acre lots will allow more passage of wildlife than one-acre lots. There are similar sized lots in the adjacent Pleasant Acres. He has suggested other road names to Administrator Herrick.

Chairman Cooley asked if the developer plans to retain ownership or sell individual lots. Mr. Draper replied that neighbors have expressed interested in purchasing some of the lots. At this point, the applicant plans to build single family homes on each lot. Good views exist on the lots. Fencing was discussed. After discussions with CDH, Mr. Draper believes 10 individual systems should not be an issue for the area.

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

Chairman Cooley asked for opponents.

Kraig Newcomb, 38 Pleasant Acres Drive, has safety concerns; the access location is in 90 degree corner with poor line-of-sight. Valley County Road Department Jeff McFadden stated to Mr. Newcomb that line-of-sight is one of the biggest concerns; he prefers not to place access sites on corners. McCall Public Works Staff also told him that line of sight is important and placing access on corners should be avoided when possible. Mr. Newcomb referred to Valley County Code 9-5-2. The proposed access road is right thru Mr. Newcomb's driveway.

Harlen Flemmer's, 43 Rogers Lane, family owns property just north of the subdivision. He is concerned about conflicts with his operation and new residents. He grows hay and pastures cows. Adding houses will push the elk herd north into his property and increase depredation issues.

Barr Quarton, 71 Rogers Lane, owns property to the northeast. He has talked to Mr. Draper. If the use is approved, what recourse do people have to make sure conditions are met? Information on building plans is incomplete. He inquired if neighbors have anything that can be addressed after approval such as HOA rules, landscaping, fencing, dogs, etc., other than the 10-day appeal process.

Administrator Herrick replied upon approval, neighbors are done. Single-family subdivisions do not have fencing or landscaping requirements. A condition requiring wildlife-friendly fencing could be added. Setbacks would be the same as required for other buildings in the county.

Sally Nutt, 81 Rogers Lane, questions what exactly will be built there. Rentals have a different impact than owner-occupied homes. She counted 80 elk recently on her adjacent property. She fears "party rental" homes. Two-acre lots that are owner-occupied are somewhat compatible to the neighborhood. She asked for clarification on setbacks. Cynda clarified the setbacks are for individual lots, not the boundaries of the parcel, and will be 20' from her property line.

Jim Newcomb, 31 Pleasant Acres Drive, thought a landscaping plan was required. He just had a well permit put in for a single-family dwelling; the well permit states that it is for a single-family dwelling only. Will vacation rental use violate the single-family dwelling requirement for individual wells? Tom White (CDH) told him that if the homes are used as vacation rentals, then multiple people will have a greater impact, and septic systems will need to be built differently. Piping the ditch requires an engineered plan. Plastic pipe can be damaged by a grass fire. The

irrigation plan does not contain info on depth distances or materials to be used. The Lake Irrigation District required stipulations during a meeting earlier today. The application incorrectly states that there are no irrigation rights to the property. People will be charged for irrigation water whether they use it or not. He questions how irrigation would impact the septic drainfields. The applicant needs to identify how the property will be used (owners, rentals, etc.) He refers to requirements in Valley County Code regarding subdivision requirements. CCRs have not been submitted. Math on the lot size does not add up. The lots are also smaller than two acres. He discussed the proposed connection to the public road

Administrator Herrick stated that a landscaping plan is not required for a residential subdivision application.

Chairman Cooley asked for rebuttal.

Mr. Draper said he has spoken to Jeff McFadden about this proposal. Mr. Draper is recommending reducing the speed limit to 15 mph. Ten single-family lots will not have a significant increase in traffic. He will do CCRs. Any use that is not single-family residence will require a new conditional permit. He is willing to require wildlife friendly fencing. Mr. Draper did put together a materials plan for the Irrigation District; it includes piping two feet underground and 12 inches diameter. The property is given 20-24 inches of water annually from the lake. The Irrigation District suggested adding two-inch conduit connections for every lot in case future owner want use of the irrigation water. However, Mr. Draper stated that people purchasing the property will know that they won't have use of the water. Drainfield locations will be determined by testing by Central District Health. These are not multi-family units.

The developer's preference is to pipe the water thru the property and not have it be used on this property. This would avoid arguments over water use by lot owners.

Chairman Cooley closed the public hearing.

The Commission deliberated. Commissioner Defoort likes this plan better than the previously denied plan. A subdivision application does not require determining whether lots will be rented or owner-occupied.

Administrator Herrick clarified that this meeting is for the approval of the conditional use permit and preliminary plat. The applicant will need to meet requirements in the conditional use permit before the final plat can be recorded. These include engineering of the proposed road, a stormwater pollution plan, irrigation district approval, and sanitary restriction release on each lot. Before building permits can be issued, the plat must be recorded and a septic permit approval obtained.

Administrator Herrick also clarified that subdivision applications do not require CCRs. However, there are circumstances with this specific plat that will require CCRs and homeowner association documents to be required. These include: private road declaration, irrigation pipeline maintenance, and maintenance of the water tank required by the Fire Department.

The Irrigation ditch and water tank plans could be in recorded CCRs or as separate recorded documents. Thus, future purchases will know who is responsible to take care of these items.

There was discussion on the irrigation pipeline easement. The water flow cannot be impeded. Above ground irrigation ditches are maintained by the Irrigation District. Once irrigation water is moved to an underground pipe, it becomes the property owner's responsibility not the Irrigation District.

Chairman Cooley is concerned about the road; adding 10 more lots has more of an impact than just adding 10 people and 10 vehicles. The Commissioners discussed on the impact of rentals versus owner-occupied homes and the proposed ordinance. Potential impacts need to be considered. However, the impact of rentals is a concern for all subdivisions in Valley County, not just this proposal. There are multiple 90 degree road turns in this area. A reduction in speed limit is good idea. Commissioners discussed whether to require items in CCRs or on the plat. Easements were discussed. The preliminary plat shows utility and snow easements along the road. Minimum density requirements are met. It is adjacent to an existing subdivision. There was discussion on proposed lot sizes and adjacent lot sizes. Carefree Subdivision also has similar sized lots. There was discussion on wildlife corridor and impacts on adjacent landowners. The access location was discussed; the proposed location is best to eliminate a jog in entrance points.. A stop sign will be required at intersection.

In addition to the conditions of approval contained in the staff report, are the following:

COA: CCRs should provide for repairs to tiling, tank maintenance, and wildlife-friendly fencing if constructed.

COA: Wildlife-friendly fencing is required.

COA: Shall place conduit for fiber optics.

COA: Shall place notes on face of plat addressing the private road declaration, irrigation ditch maintenance, and buried water tank maintenance

COA: The irrigation ditch easement shall be shown on plat.

Administrator Herrick referred to the conditions of approval within the staff report and confirmed that all engineering will need to be in place before the applicant can do anything.

Commissioner Allen moved to approve C.U.P. 19-35 Lake Fork Landing Preliminary Plat with the stated conditions. Commissioner Defoort seconded the motion.

Commissioners discussed the proposed irrigation connections/hook-ups and determined they are not necessary.

COA: Shall place note on the face of the plat concerning maintenance of the irrigation ditch. An easement shall be shown on the plat for the ditch that allows repair by the ditch company if necessary.

Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

09:42:43 PM (03:18:04)

5. Ordinance Amendment – Singletrack Sidewalks This proposal would add to Title 5 County Roads and Property, Chapter 8 Singletrack Sidewalks. It would allow singletrack sidewalks within the public road right-of-ways. These trails would be non-motorized except where uniquely permitted, and are generally not meant for winter or wet season usage. Design guidelines would include widths of 24-48 inches, would not hinder roadway drainage, and would allow meandering around natural features, driveways, and mailboxes. *Action Item*

Chairman Cooley introduced the item. This is a legislative issue.

Chairman Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – additional comments received in support.

Staff clarified that any decision made tonight would be a recommendation to the Board of County Commissioners

Andrew Mentzer spoke as a representative for this ordinance. This proposal has been in works for a few years. It will help provide pathway connections between the north and south ends of the valley. The proposed railroad bed trail has had issues. These pathways would be done via MOU partnerships between agencies and non-profits. It will not burden the tax payers nor the Road Department. It will benefit community health, recreational tourism, and economic development.

Commission Allen stated that Electric bikes (e-bikes) should be included in the discussion. The proposed definition of singletrack sidewalk includes only “non-motorized” and does not include the words “unless uniquely permitted”. Mr. Mentzer recommends that the County should have the ability to adjust regulations. Each individual trail will be uniquely permitted. Commissioner Allen thinks the use of electric bikes should be included now. Administrator Herrick suggested adding the words “(unless uniquely permitted)” into the definition. There was further discussion. Electric bikes are currently allowed on the Weiser River Trail. “Non-motorized” wording would exclude motorcycles and electric bikes. Commissioner Defoort recommends adding “Must designate allowed uses on each individual trail.” to the permitting process. This ordinance is proposed to allow construction of these trails in the right-of-way.

A modification to the ordinance is:

- 5-8-4A9 Allowed uses for each segment shall be designated in regards to e-bikes, powered wheelchairs, etc, based on the width and safety of each trail segment.

There was discussion on the liability insurance mentioned in 5-8-4A5. For example, the North Valley Rail Trail liability policy is held by Valley County Pathways. Homeowner associations, non-profits, or cities could hold these liability insurance policies.

Chairman Cooley asked for proponents.

Andy Olavarria, 13960 Nisula Road, is representing Valley County Pathways INC which supports the ordinance. It would help connect the communities in Valley County and New Meadows and the Weiser Trail. He referred to the results of the feasibility study. The Valley County Pathways group will work with the Road Department. This ordinance will allow for trails that will not interfere with existing drainages, driveways, private lands, utilities, etc.

Tom Reinhard, CEO Cascade Medical Center, supports this proposal. Fresh air and exercise improves mental and physical health. This would allow for separation of motorized and non-motorized traffic and increase safety.

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 Defoort moved to recommend approval of Singletrack Sidewalk Ordinance to the Board of County Commissioners with the changes indicated. Commissioner Allen seconded the motion. Motion carried unanimously.

Chairman Cooley explained the ten day appeal period.

E. FACTS AND CONCLUSIONS - Action Items:

- C.U.P. 19-30 Worthen Family Cemetery

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.

Chairman Cooley adjourned the meeting at 10:18 p.m.