



Valley County Planning & Zoning Commission

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Rob Garrison, Chairman
Ed Allen, Commissioner

Bryan Cooley, Commissioner
Johanna Defoort, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission

July 14, 2016

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. OPEN: Call to Order at 5:58 p.m.

P&Z Chair - Rob Garrison: Present

P&Z Commissioner - Ed Allen: Present

P&Z Commissioner - Bryan Cooley: Absent

P&Z Commissioner - Johanna Defoort: Present

P&Z Commissioner - Scott Freeman: Present

P&Z Administrator - Cynda Herrick: Present

P&Z Assistant - Lori Hunter: Present

Bryan Cooley arrived at 6:04 p.m. due to road construction delays.

B. MINUTES: June 9, 2016

Motion: Moved to approve the minutes of June 9, 2016.

P&Z Commissioner - Scott Freeman: Motion

P&Z Commissioner - Ed Allen: 2nd

P&Z Chair - Rob Garrison: Approve

P&Z Commissioner - Ed Allen: Abstain

P&Z Commissioner - Bryan Cooley: Absent

P&Z Commissioner - Johanna Defoort: Abstain

P&Z Commissioner - Scott Freeman: Approve

C. NEW BUSINESS:

- C.U.P. 16-07 Boulder Creek Landscaping & Construction:** Kelsie and Ryan Baldwin are requesting approval to establish a storage area for landscaping materials associated with their business at their primary residence. There will be no public sales at this location. The site is 10 acres, addressed as 97 E Lake Fork Road, and located in Courtney Estates Lot 4B in the NW ¼ Sec. 11 T.17N, R.3E, Boise Meridian, Valley County, Idaho.

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report.

Chairman Garrison asked for the applicant's presentation.

The applicant, Kelsie & Ryan Baldwin, 97 E Lake Fork RD, introduced themselves and made the following comments:

- Materials will be stored on property.
- There will be equipment on site to move materials.
- No public sales.
- Slight increase in traffic due to employee trips.
- Can mitigate dust.
- Should be zero additional lighting other than residential lighting.

Commissioner Allen asked applicants to clarify location. Applicant described their location as south of the existing county gravel pit.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted.

Kristi Kesler, 13801 Stewart CT, would like hours of operation to end at 7 p.m. due to noise of equipment.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison asked for rebuttal. There was none.

Chairman Garrison closed the public hearing.

The Commission deliberated. Commissioner Allen commented about length of operation. It has been in operation for a short time moving from a single family residential use to requiring a conditional use permit due to impacts to neighbors.

Commissioner Allen agreed that hours of operation will mitigate impacts of noise and it is important. Discussion about hours of operation should be similar to nearby gravel pits requirements.

COA: Hours of operation to be from 7 a.m. to 7 p.m., Monday through Saturday.

Commissioner Cooley likes the layout and location as it screens the operation.

Commissioner Defoort agrees the time stipulation should be the same as other operations in the area.

Commissioner Allen moved to approve C.U.P. 16-07 Boulder Creek Landscaping & Construction with the conditions of approval. Commissioner Freeman seconded the motion. Motion carried.

Chairman Garrison explained the ten day appeal period.

2. C.U.P. 16-08 Clear View Subdivision - Preliminary & Final Plat: Robert Biechner is requesting approval of a three-lot residential subdivision on 5.72 acres. This proposal would be a replat of Lot 1 in Mountain View Estates No. 1 and Lot 4C in Lake Fork Acreages. Lots will range in size from approximately 1.078 acres to 3.6 acres. Individual well and septic systems will be used. Access will be via Finn Church Lane or Clear View Road – both roads are public roads. The site is located in the E ½ SW ¼ Section 11, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

[06:14:42 PM \(00:16:51\)](#)

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibits:

- Exhibit 1 – revised plat received 7-12-2016
- Exhibit 2 – Well logs from area
- Exhibit 3 – note from Jim Fitzgerald & Karen Olde, 13737 Clear View Road, Lake Fork Acreages Lot 6, in opposition
- Exhibit 4 – note from Pam Hawkins, 13754 Clear View Road, in opposition

Commissioner Allen asked Staff about combining the two subdivisions. Staff clarified that the applicant owns both lots and wants to replat which would automatically vacate the current subdivisions. Discussion of surrounding lot sizes followed. Applicant desires to get his all of his buildings on one lot and have two additional building sites for heirs.

Chairman Garrison asked for the applicant's presentation.

Joel Droulard, surveyor, 278 Alta Vista Drive, spoke as the applicant's representative. The CCRs state that no lot under two acres should be sold or conveyed; however, when platted, two lots were already less than two acres. Are they ineligible to transfer to different ownership? Since then one of those smaller lots has been split. There is a variety of lot sizes in the area. Proposed lot sizes are compatible with existing lot sizes.

Commissioner Allen asked for the average lot size proposed? Droulard responded 1.9 acres, ranging between 1.07 and 3.5 acres.

Commissioner Allen asked if Lakefork Acreages lot 15 is buildable? The lot was split in 1985. Cynda explains that in 1991 all previous lot splits became legal and buildable if the property owner can get a septic permit.

Commissioner Garrison asked about water monitoring on lots. Droulard replied that Lots 2 & 3 have been monitored and CDHD is working on the permit. Must have CDHD approval before plat can be recorded.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents.

James Lindsay has lived at 13745 Clear View Road since 1977, across the road from the proposed subdivision. Lot has already been modified twice. When he originally bought his land, he liked how lots had to be greater than 2 acres. Approving this subdivision would allow precedent to occur leading to increased sewage, people, etc. in the area.

Heather Larronde, 62 Finn Church Lane, Lakefork Acreages Lots 15 & 16, understood when she bought property that it couldn't go less than 2 acres in size. She agrees with the letter from the Leavitts; a precedent could ultimately allow the number of lots to double.

Chairman Garrison asked for rebuttal.

Bob Biechner, applicant, 13761 Clear View Road, discussed the neighbor's concern of lot size.

- County ordinances would allow people to split all their lots in half.
- Would only be adding a possibility of 2 new homes, not 3, as one residence already exists.
- CCRs are not actively enforced and are 30+ years old.
- Trailers exist in the subdivision even though they violate the CCRs.

Chairman Garrison closed the public hearing.

Staff clarified County Ordinance states that any lots that have not previously been split can be split one time as long as a minimum of 1 acre lots result and as long as plat does not state "no lot splits". CCRs are not enforced by the County.

The Commission deliberated and discussed density, lot size, neighbor opposition, if proposal met Valley County Code, and process to vacate subdivisions.

Commissioner Cooley stated that density increases do happen and there are other smaller lots in this area.

Commissioner Defoort stated that it is smaller than typical lots in the subdivision, there is a lot of opposition, we don't enforce CCR's, and it complies with the ordinances.

Chairman Garrison stated it is within the laws and ordinances to do.

Commissioner Allen looked at the compatibility of residential use with residential use and would prefer more evenly sized lots, but there are lots as small or smaller in the area. Commissioner Cooley moved to approve C.U.P. 16-08 Clear View Subdivision - Preliminary & Final Plat with the stated conditions and authorize the chairman to sign the final plat. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

3. C.U.P. 16-09 Milk Can Creek Subdivision - Preliminary & Final Plat: Will & Ardis Gough and Frank & Terri Maynard are requesting approval for a two-lot residential subdivision on 20 acres. Lots will be 6.77 and 13.08 acres. Individual well and septic systems will be used. The site is located approximately three miles east of Highway 55 on Gold Fork Road, between Davis Creek Road and Holmes Cemetery Road – all roads are public roads. A shared driveway easement is proposed. The site is currently a portion of RP16N04E294205 located in the NESW Section 29, T.16N, R.4E, Boise Meridian, Valley County, Idaho.

[07:03:48 PM \(01:05:57\)](#)

Chairman Garrison introduced the item. Chairman Garrison asked if there was any *ex parte* contact or conflict of interest. Chairman Garrison stated that he did do septic testing for previous owner.

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report. Staff recommended an easement for power to both lots and need for a condition of approval.

Chairman Garrison asked for the applicant's presentation.

Chip Bowers, 105 North Main Street, of Fodrea Land Group spoke as the applicant's representative.

- Displayed large version of page 1 of proposed plat (exhibit 1) and pointed out power easement to lot 2.
- Applicants do intend to reside on lots.
- This property was portion of previously proposed and expired Winchester Hills Subdivision.
- Donnelly Fire approves the design of shared driveway. Lot lines may be moved slightly to accommodate driveway. There are no slopes greater than 10% on the road.
- Water monitoring was not required by CDHD. There should be an adequate supply of water.
- He will add easement to plat for power. Shared driveway could work as a utility easement if needed for future phone lines.

- He will make changes requested by Laurie Frederick and John Russell. Explained difference between discrepancies in description and how it happened.
- Applicants will add fire mitigation in CCRs. There are notes on plat for lighting ordinance and wood-burning devices.

Staff discussed wildland urban interface plan required by Title 10; plan includes clearing fuels in area and identifying water sources for fire suppression. Applicant must submit plan to P&Z and fire department.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison closed the public hearing.

The Commission deliberated. Further discussion on wildland fire mitigation plan requirement.

COA: Wildland Fire Mitigation Plan is required

COA: Shall be a power easement to both lots.

Commissioner Allen moved to approve C.U.P. 16-09 Milk Can Creek Subdivision - Preliminary & Final Plat with the stated conditions and to authorize the chairman to sign the final plat.

Commissioner Defoort seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

- 4. C.U.P. 16-10 Post Ranches - Preliminary & Final Plat:** Sean Post is requesting approval for a three-lot residential subdivision on 20 acres. Lots will range in size from 4.68 to 8.89 acres. Individual well and septic systems will be used. A shared driveway easement is proposed for two of the lots. The site is RP16N03E032914 currently addressed as 13309 Highway 55 and is located in the NW ¼ section 3, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

[07:23:52 PM \(01:26:01\)](#)

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibit: Exhibit 1 – revised plat received 7-14-2016. Correction to staff report: surrounding area is rural residential parcels, not single-family subdivisions.

No questions for Staff.

Chairman Garrison asked for the applicant's presentation.

Sean Post, 13309 Highway 55, wants to subdivide to be able increase options for his property.

Discussion ensued concerning the shared driveway agreement requirement. It needs to be mentioned on the plat and also be recorded at same time as the plat. Discussion of utility easements; lot 1 has existing house and power easement are included for lots 2 & 3. There is an existing driveway on lot 1 to south with proposed shared driveway for lots 2 & 3. Idaho Transportation Department (ITD) responded to applicants' phone call this morning and changes are still in discussion. Will likely vacate current driveway and have one shared driveway for all 3 lots to appease ITD.

Discussion on why requirement exists for only one wood-burning device per lot. Staff explained that during the big boom days there was a concern that if every house put in several fireplaces or wood burning devices an air quality issue would arise. The applicant would like to have a stove in future shop as well as existing one in home.

COA: Only one wood-burning device per structure.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison closed the public hearing.

The Commission deliberated.

COA: Only one wood-burning device per structure.

COA: Shall have a shared driveway maintenance agreement.

COA: Must comply with requirements of Idaho Transportation Department.

COA All three lots may use same access for Highway 55.

Commissioner Allen moved to approve C.U.P. 16-10 Post Ranches - Preliminary & Final Plat with the stated conditions and added conditions of approval and authorize the chairman to sign the final plat. Commissioner Cooley seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

D. FACTS AND CONCLUSIONS

- C.U.P. 16-04 Asphalt Hot Plant
- C.U.P. 16-05 Mile High Showroom
- C.U.P. 16-06 Huckleberry Jam Camping Site

Commissioner Cooley moved to approve the Facts and Conclusions for C.U.P. 16-04 Asphalt Hot Plant. Commissioner Garrison seconded the motion. Motion carried.

Commissioner Freeman moved to approve the Facts and Conclusions for C.U.P. 16-05 Mile High Showroom. Commissioner Cooley seconded the motion. Motion carried.

Commissioner Cooley moved to approve the Facts and Conclusions for C.U.P. 16-06 Huckleberry Jam Camping Site. Commissioner Freeman seconded the motion. Motion carried.

E. OTHER

- Huckleberry Café – CUP Required?
A seasonal concessionaire stand is in operation in Yellow Pine. It is located on private lot and occasionally at Johnson Creek Airstrip. The business “invites traffic” so C.U.P. is required. An application has been received and will be added to the September agenda.
- Election for Vice-Chair -
Commissioner Allen nominated Commissioner Cooley to serve as Vice-Chair; seconded by Commissioner Garrison. Motion passed unanimously.
- John Russell has resigned as County Surveyor.

Adjourned at 8:00 p.m.