



Valley County Planning & Zoning Commission

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Rob Garrison, Chairman
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Ed Allen, Commissioner
Johanna Defoort, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
March 9, 2017
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

- A. OPEN:** Meeting called to order at 6:05 p.m.
[P&Z Administrator - Cynda Herrick: Present](#)
[Board Member - Ed Allen: Present](#)
[Board Chairman - Rob Garrison: Present](#)
[Board Member - Bryan Cooley: Absent](#)
[Board Member - Scott Freeman: Absent](#)
[Board Member - Johanna Defoort: Present](#)
[PZ Assistant - Lori Hunter: Present](#)

Commissioners Cooley and Freeman excused for an out-of-town heavy equipment conference.

- B. MINUTES:** Commissioner Defoort moved to approve the minutes of January 12, 2017. Commissioner Allen seconded the motion. Motion passed unanimously.

C. NEW BUSINESS:

- 1. C.U.P. 17-01 Cascade Nordic Ski Club – Hasbrouck Ranch Site:** The Cascade Nordic Ski Club is requesting approval to establish and expand a seasonal, one-acre base area for the Nordic ski and snowshoe trails. The site would only be used during the winter. The proposal includes a plowed parking area, portable toilets, a warming hut, signs with maps and trail sponsors, and a fee tube. The site is immediately adjacent to and south of Cabarton Road in a portion of Hasbrouck Ranch's dry pasture land in the NE ¼ Section 6, T.12N, R.4E, B.M., 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 and summarized the following exhibits:

- Exhibit 1: Email from Gloria Bate, 1022 Cabarton Road, asking that the porta-potties, warming hut, and signage be moved to the east of the plowed parking area, out of her direct line of sight. She also requests a seasonal-use limit, perhaps December 1 – April 1 and the porta-potties, signage, etc should be removed promptly.
- Exhibit 2: Email from Steve Bate, 1022 Cabarton Road, has the following comments:
 - No fence to obstruct the view
 - Move outhouses, warming hut and billboards about 200 ft to the east to be out of the view from his house.
 - No overnight camping allowed (motorhome was parked overnight during winter carnival weekend).
 - No shooting allowed.
 - Months of operation should be Dec. 15 – March 1.
 - Dogs should be allowed, at least on the weekdays.

Chairman Garrison asked for the applicant's presentation.

Lori Emerson, 335 Warm Lake Road, president of the Nordic Ski Club, handed out copies of Exhibit 3: applicant's response to Staff Report, aerial map of site, and pictures of warming hut and signs, and made the following comments:

- She would like to clarify that directly north of the parking area is agriculture and a gravel pit. The residential homes are to the northeast of the parking lot. The parking lot is 0.4 acres and is drawn onto the aerial photo.
- The applicant asked for clarification of finding # 7 - Civic Commercial Service. Administrator Herrick described the difference between a recreational business and a civic service use.
- The ski area did not receiving funding from Recreation District this year. It costs approximately \$200-300 per grooming.

Commission Allen asked applicant to show location of house of those who commented [exhibits 1 & 2].

- Ms. Emerson read questions and responses on Exhibit 3.
- She would like a correction on conditions of approval #6 – no outside storage of equipment and material. They need the ability to store grooming equipment although one is not currently on site. Commissioner Garrison asked about the future storage location of groomer. Ms. Emerson said the club may switch to snowmobile and trailer to do grooming versus large groomer depending on cost. It is currently unknown.

Commissioner Allen asked if there is an agreement between Hasbrouck Ranch and Nordic Ski Club. Elt Hasbrouck, 50 Hasbrouck Lane, stated that there is an Memorandum of Understanding (MOU) with the Southern Valley County Recreation District (SVCRD).

There was much discussion on the current and future signs desired by the Ski Club. Administrator Herrick stated that the Sign Ordinance is fairly restrictive in Valley County. The internal signage needs to be only seen from within site. The applicant may want special approval of a bulletin board; sponsor signage would also need to be permitted in conditional use permit. Ms. Emerson responded that the Club would like special use signage for sponsors and for bulletin board. Mr. Hasbrouck added that the idea of sponsor signs were from snowmobile parking areas; however, these are located on state property and County sign requirements don't apply.

Chairman Garrison asked for proponents.

Harry Stathis, 935 Cabarton Road, agrees with what Llori has already said.

Elt Hasbrouck stated that the ski area was originally started to increase places to nordic ski in the area, about 10-11 years ago. Everything is portable and removable.

Chairman Garrison asked for uncommitted. There were none.

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 said that this is a positive use; he likes the idea of the conditional use permit to tidy up the use. Commissioner Garrison has never heard of a complaint in 10+ years. Commissioner Defoort said this project is a great idea. The Commissioners discussed signage. Bulletin board will be turned to the inside; the Ski Club will consolidate signs onto bulletin board which makes it a "message board" not a sign. No camping sign could be posted on the entrance, similar to "no trespassing signs". Internal signs, including rules, and sponsors signs discussed.

COA: The entrance sign with the name will be limited to 32 sq. ft. and would require a sign permit. Internal message board of rules and screened sponsor signs limited to 48 sq. ft.

Chairman Garrison reopened public hearing.

The applicant is concerned with internal signs. They hope to sell more sponsorships to fund the program and currently have 4'x 6' signs for sponsors (see exhibit 3). Harry Stathis believes they will need more space than 32 sq.ft. There was discussion about putting sponsor signs

along trails; would increase the amount of stuff to pull out and put up at beginning and end of season.

Trudi Hasbrouck, 50 Hasbrouck Lane, said that the idea of the sponsor signs is to raise funds for the site. At the parking lot is the rules, fee tube, etc. From the parking lot, two trails take off. Wants to have a sign at each trailhead. They want to increase the number of sponsors and, therefore, have more sponsor signs than this year.

The Commissioners agreed that the signs facing internally are “message boards” and do not count toward the 32 sq. ft. limit. Kiosk idea was discussed. Commissioner Defoort said that sponsors are necessary and need advertised. Chairman Garrison said that the rule signs should be able to face road and easily seen. Commissioner Allen agrees. Commissioner Defoort asked if the we are proposing a conditional of approval of an entrance sign up to 32 sq. ft., an internal message board, and screen sponsorship signs?

Mr. Hasbrouck added that there is a sign at the state highway and a county recreational sign exists across the street from the parking area. Chairman Garrison stated that those are allowed and do not count toward the 32 sq. ft. limit.

Cathy Mansell, 1108 Cabarton Road, added that they use a temporary sign at Clear Creek to advertise special events. Administrator Herrick said that for public safety reasons, temporary directional signs are used for events. However, the Idaho Transpiration Department may not want to approve such signage.

COA: Special event directional safety sign will be allowed at Highway 55 and Cabarton intersection.

Commissioner Defoort said that both comment letters requested a limited season, but snow is not that predicable. Commissioners Allen and Chairman Garrison agree.

Administrator Herrick read additions and modifications conditions of approval:

- COA #6. There shall be no outside storage of any equipment or materials, except the groomer.
- COA: The entrance sign with the name will be limited to 32 sq. ft. and would require a sign permit. Internal message board of rules and screened sponsor signs limited to 48 sq. ft.
- COA: Special event directional safety signs will be allowed at Highway 55 and Cabarton intersection.

Commissioner Allen moved to approve C.U.P. 17-01 **Cascade Nordic Ski Club – Hasbrouck Ranch Site** with the stated conditions. Commissioner Defoort seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period

- 2. C.U.P. 17-02 Mountain Meadows Subdivision No. 4:** Ron Platt is requesting approval of a one-lot residential subdivision on 3.066 acres. An individual well would provide water and North Lake Recreational Sewer & Water District would provide sewer services. Access is via Cameron Drive, a public road; no new roads are proposed. This proposal is for a replat of RP00163000000A currently platted as a common area for Mountain Meadows Subdivision No. 2 in the S ½ SE ¼ Section 8, T.16N, R.3E, B.M., 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 and summarized the following exhibits:

- Exhibit 1: Email from David Ternes who owns property and a house adjacent to the common area, sharing a 370.57 foot border, and is opposed to this proposal. He states that the current common area is in a wetlands drainage connected to Mud Creek that floods every spring. There is also a seasonal stream that flows across this common area and into Mud Creek. To obtain a building permit, Ternes had to buy an adjacent lot to build on higher ground. An aerial map is attached to the email to show that land is relatively wet compared to nearby property. Someone should not be allowed to raise the elevation for construction as that would negatively affect the neighbors.

Chairman Garrison asked if there were questions for staff. Commissioner Defoort asked about floodplain designation. Administrator Herrick said that the new maps show only a sliver; but neighbor comments are referring to the drainage which is not indicated on the floodplain. The Corps of Engineers do wetland designations. Wetlands are more than just soggy ground; a professional must designate. If it soggy land that tends to get wet, a soil scientist determines if the ground is stable enough to build upon. In response to letters, Administrator Herrick recommends that wetlands are identified or a specific building envelope outside the possible wetland be designated. Chairman Garrison asked about Homeowner Association (HOA) for the subdivision. Administrator Herrick said the original intent was to deed this land to an HOA. However the HOA was never created. The subdivision plat says "Common Area" and therefore it is not buildable as determined by the Board of County Commissioners in October of 2015.

Chairman Garrison asked for the applicant's presentation.

The applicant, Ron Platt, 1552 Pride Lane, Caldwell, Idaho said that his family has been paying taxes since 1983. County Assessor's Office treated it as a buildable lot and it was taxed as one. He is only asking for one lot due to neighbor concerns and topography. There is a high point on the lot that is the best building site. The Platt family was the land owner not the developer of the subdivision; Ballantyne was the developer.

Commissioner Allen asked why the owners in the subdivision were not notified about ownership or taxes. Mr. Platt stated if property owners had created the HOA, this would not

have been an issue and it [the common area] would not have been returned to Platt family. Commissioner Defoort asked what the intent for the property is. Mr. Platt stated it will be sold.

Administrator Herrick stated that the lot was platted as common area. There was discussion on how this might have occurred.

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 asked for rebuttal. There was none.

Commissioner Defoort asked staff how long have lot owners known about this issue?
Administrator Herrick said it appears that subdivision lot owners believed this was common area and did not know about the issue until the recent notification letter was received. Mr. Platt said that there was a real estate sign on the property a couple of years ago.
Administrator Herrick responded that the P&Z Office response to any questions would have been it can be sold but not built upon. Administrator Herrick also spoke to Mrs. Platt's attorney years ago about this issue.

Chairman Garrison closed the public hearing.

The Commission deliberated. Chairman Garrison was in favor of approval; they are the legal owners. Commissioner Defoort asked how a lot owner would know if they had ownership of a common area. Administrator Herrick replied that common area value is allocated to a HOA or distributed equally to each lot owner in the subdivision. In this case, the value was not allocated. Commissioner Allen stated that the original agreement was that the common area was to be turned over to a HOA, but that never happened.

There was a question if a vacation application would be necessary. Administrator Herrick said that approval of the plat would vacate part of the current subdivision and replat it as a 1-lot subdivision. A separate vacation approval is not needed.

There was further discussion on common areas, the distribution of taxes, and homeowner associations. Jay Kilha, previous County Prosecutor, determined that a replat would be necessary to issue a building permit; the Board of County Commissioners agreed.

Commissioner Defoort recommends a wetland study. The Commissioners reviewed the topographical map of the lot.

Administrator Herrick said that the packet contains the 1983 letter which stated that the common area still existed at that time. The Platt family was still the owner of the property as it was never distributed between lot owners. It is the developers' responsibility to set up HOA; this was never done. Administrator Herrick said that the Assessor sheets [in the packet] valued the lot as buildable in some years and in other years said it had no taxable value.

Commissioner Defoort stated that neither side is getting a fair deal. There was discussion if it is civil matter since this is a common area. Chairman Garrison stated that the property owners can ask for this. Administrator Herrick added that it is up to P&Z Commission to decide whether to change land use.

It is possible to table the matter to obtain a wetlands designation.

Commissioner Allen would also like an opinion from the current County Prosecutor. The Commissioners agreed that the proposal would be a compatible land use with surrounding land use. A buildable site exists. A question for the lawyer: Is there an assumed ownership by the subdivision lot owners and, therefore, would approval be a taking?

Administrator Herrick asked if there could be a compromise by platting part as a buildable lot and part remains as common ground.

Commissioners deliberated. Truly seems to be a misunderstanding on both sides. There was more discussion on history. Only the Platt family was notified in 1983 by Assessors and they began paying taxes. But lot owners will have looked on the plat and assumed they had use of the common area.

Chairman Garrison would also like a letter from Assessor describing how common areas are shown on property tax bills/assessments.

Commissioner Defoort moved to table C.U.P. 17-02 Mountain Meadows Subdivision No. 4 to April 13, 2017, to satisfy additional questions. Commissioner Allen seconded the motion. The motion passed unanimously.

Chairman Garrison declared a five-minute recess, until 7:55 p.m.

3. Valley County Pathways Master Plan: Proposed amendments to the currently approved master plan will include pathway plans from each community, water trails, and the Big Loop.

Chairman Garrison introduced the item. This is a legislative issue and *ex parte* discussion does not need to be declared.

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

- Exhibit 1: Email from Andrew Mentzer, Executive Director of West Central Mountains Economic Development Council, stating that the Council fully supports the revised pathways update as the economic benefits are significant given the importance of recreation tourism to our economy.

- Exhibit 2: Email from John Driessen with the maps:
 - the Idaho Hot Springs Bike Tour Route
 - potential river access and potential trail access in McCall area
- Exhibit 3: Letter from David O'Brien, realtor broker at Cascade Lake Realty, who is in favor. However, he would prefer that Goal #6 encourages rather than requires developers to develop pathways.
- Exhibit 4: Email from Bill Wheeler, 10700 Hwy 55, Cascade, in support of the revised plan.
- Exhibit 5: Letter of support from Kurt Wolf, McCall Parks and Recreation Director, stating that the need for pathways will continue to increase. Pathways provide multiple benefits, including health and fitness, recreation, transportation, and safety.
- Exhibit 6: Letter of support from Brett Shepherd, 12902 Spring Valley Road, Donnelly. He is a member of the Donnelly Pathways Committee. The plan details the next in making practical improvements to area pathways. Pathways will connect communities. Investment in inexpensive infrastructure now will make Central Idaho 'the place to visit', enticing new businesses, vacation home purchases, and tax dollars to our area. The vision of the Pathways plan is critical for the recreational economy in the area.

Administrator Herrick and P&Z Assistant Lori Hunter have been reviewing and correcting minor errors. Administrator Herrick clarified that Goal #6 does state "should" not "shall".

Chairman Garrison asked for the applicant's presentation.

Steve Stuebner, 711 Broken Rein, McCall, is the Vice President of Valley County Pathways and is pleased to submit this plan.

Exhibit 7: Binder containing the Valley County Pathways Master Plan revision, March 2017. The binders include Executive Summary, Master Plan, Master Plan map (appendix A), McCall Area Pathways Master Plan (Appendix B), Greater Donnelly Area Pathways Plan (Appendix C), City of Cascade Bicycle and Pedestrian Plan (Appendix D), Idaho Bicycle and Pedestrian Plan (Appendix E).

This master plan revision is an initiative of the ABC [America's Best Communities] competition. The email sent earlier to P&Z Commissioners did include the master plan and Commission does not need to consider the city-specific plans.

It has been 11 years since the original plan was done and a lot has happened since 2005. The Valley County Pathways has formed as an official non-profit organization which allows them to receive donations of property.

Exhibit 8: Original pathways plan map from 2005.

Exhibit 9: Large version of proposed map; a smaller version is included in packet. The County GIS specialist will be able to update digital map. Valley County pathways are needed to make the links between the Cascade, Donnelly, and McCall. Initially the railroad right-of-way was the top priority; priorities also included Farm-to-Market as part of a popular biking loop, West mountain road, and around the west shore of Lake Cascade,

Have secured book-ends of rail road right-of-way between Cascade and McCall: The Crown Point trail to the border of Pine Lakes Ranch and River Ranch in McCall south toward Lake Fork. The next high priority is between Donnelly and Lake Fork. Idaho Power has given an easement on the properties owned by Idaho Power.

Mr. Stuebner gave an overview of Milestones (Page 5 in executive summary) including: The Strand in Cascade, Boulder Creek in Donnelly, North Valley Trail near Lake Fork, cross-country ski trails; improved highway signage, wider shoulders on Warren Wagon Road, a detached pathway from McCall to Bear Basin, Payette river water trails, and detached pathways along Deinhard to Spring Mountain Blvd. and from River Ranch to Lick Creek Road.

There is a connection to Adams County along Fish Creek Road going to head of the Weiser River Trail which goes from New Meadows to Weiser. Mr. Stuebner discussed a possible "Big Loop Trail" linking with the Weiser Rail Trail Road and looping thru Payette and Emmett and north back to Cascade. Railroad does not want to abandon railroad at this point. This may not happen but they want to be prepared in case it does.

Page eight of the Executive Summary explains benefits of pathways.

Long-distance trails will create a singular destination and are needed on the Valley Floor. These trails will be used by locals, tourists, and second home owners. The recently proposed single-track trail near Payette Lake is in sync with Valley County Pathways. Would like to do a study on the feasibility of a trail on the east side of Payette Lake.

Funding Sources are found in main master plan starting on page 30.

Future developers should be encouraged to develop pathways.

Chairman Garrison asked if the Idaho Hot Springs Bike Tour can this connect into our system. Mr. Stuebner replied "yes". Commissioner Allen complemented the organization.

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 asked for rebuttal. There was none

Chairman Garrison closed the public hearing. Commissions discussed the plan. In regards to Goals 3 and 6, they discussed the wording of "should require". Administrator Herrick stated

that when Commissioners amended the Comprehensive Plan, “should” and “shall” were defined. In past, have negotiated with developers to get pathways in subdivision developments. The State of Idaho does not allow eminent domain for a pathway.

The Commission thanks Steve for his hard work.

Commissioner Allen moved to recommend approval of the amendments to the 2005 Valley County Master Pathway Plan as presented with typo changes. Commissioner Defoort seconded the motion. Motion carried unanimously.

Chairman Garrison explained this would go forward to the Board of County Commissioners.

D. CORRESPONDENCE

- Determine if conditional use permit is required for 13110 B Cameron Drive.

This discussion is not a public hearing. Administrator Herrick has learned more information since adding this topic to the agenda. Justin Reiswig has a residence on one lot and a shop and residence on adjacent lot. He will be moving his equipment to the same lot as his current residence. However, she asked the Commissioners at what point is a conditional use permit (C.U.P.) required for people who run business with heavy equipment, concrete equipment, etc, stored on their residential lot. The Commissioners deliberated. In past, if a business has employees or invite customers to the site, then a C.U.P. is needed. A.S.A.P. does operate on site of residence (e.g. clean). Valley County Code does specify that sawmills require CUPs. If Justin was not living on site, he would need a C.U.P. Chairman Garrison stated that a guy with a skid steer to plow snow shouldn't need one. Commissioner Defoort said if there are employees, then a C.U.P. should be required. Commissioner Allen said if customers are coming to site, then need a C.U.P. Chairman Garrison stated that Administrator Herrick can continue to bring individual situations to the P&Z Commission to determine if a C.U.P. is needed.

E. FACTS AND CONCLUSIONS:

- C.U.P. 16-05 Mile High Showroom – Exterior Signs Amendment
- C.U.P. 16-21 Mountain Meadows Rentals

Commissioner Defoort moved to approve the Facts and Conclusions as listed and authorized the Chairman to sign. Commissioner Allen seconded the motion. Motion carried unanimously.

ADJOURNED: 8:50 p.m.