



Valley County Planning & Zoning Commission

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Rob Garrison, Chairman
Bryan Cooley, Vice-Chair

Ed Allen, Commissioner
Johanna Defoort, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission

June 8, 2017

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

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

P&Z Administrator - Cynda Herrick:	Present
P&Z Commissioner - Ed Allen:	Absent - Excused
P&Z Chairman - Rob Garrison:	Absent - Excused
P&Z Commissioner - Bryan Cooley:	Present
P&Z Commissioner - Scott Freeman:	Present
P&Z Commissioner- Johanna Defoort:	Present
P&Z Assistant - Lori Hunter:	Present

B. MINUTES: Commissioner Defoort moved to approve the minutes of May 11, 2017. Commissioner Freeman seconded the motion. Motion carried, unanimously.

C. OLD BUSINESS:

- C.U.P. 17-07 Crawford Landscape Services:** Luke Crawford is requesting approval to establish a landscape and property maintenance business at his home. Activities include storage of landscape materials, a plant nursery, and parking for employee and work vehicles. A single-family residence and outbuildings currently exist; no new construction is planned. The 3.5-acre site is addressed as 13975 Rustic Road and contains Lots 21A & 21B of Eld's Country Subdivision located in the S ½ Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. [Tabled from May 11, 2017.]

Vice-Chairman Cooley introduced the item. Commissioner Defoort motioned that C.U.P. 17-07 be removed from the table and public hearing reopened; Commissioner Freeman seconded. Motion carried, unanimously.

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

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

Exhibit 1: Stormwater Management Plan with large map from applicant.

Conditions of Approvals in the most recent Staff Report were revised based on testimony and discussion during the May 2017 Planning & Zoning meeting. Administrator Herrick read the revised COAs from the June Staff Report.

Commissioner Defoort asked staff about COA #12 requiring employees to observe the speed limit as everyone is required to abide by posted speed limits. Administrator Herrick responded that vehicle speed was a concern mentioned during the previous testimony.

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

Ben Reeder, 945 Lick Creek Road, and Luke Crawford, 13975 Rustic Road, discussed the new stormwater plan and updated site plan (Exhibit 1). They will pull the berm on the west end further away from the existing natural slope. Berm height will be a maximum of six feet with a slope of 3:1. Will seed the berm in fall; there will be no irrigation on the berm. A solid six-foot fence in front of parking area will be added along lot line with Lots 22 & 23. The site plan includes a silt fence form stormwater management. Steve Millemann pointed to location on Exhibit 1. The applicants are concerned about condition of approval #8 limiting business hours. The mow crew does return after 6 p.m. There will be no dumping after 6 p.m.

Commissioner Defoort asked if the applicants discussed the application with the neighbors.

Mr. Reeder replied that the neighbors don't all agree. They have not talked with the neighbors since the meeting night but did take requests into account in the updated berm plan. They have discussed speed limits with employees.

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

Vice-Chairman Cooley asked for uncommitted. There were none.

Vice-Chairman Cooley asked for opponents.

Craig Murrant, 13961 ½ Rustic Road, understands that the applicants are trying to have a successful business. Previous business was small. This company has been very successful with 60+ accounts and is much more than a home business. Over half of property is being used for business. It is too big for this residential neighborhood. The company has outgrown the area and has plans for future expansion. The previous Teufel nursery location on the highway would be a better location.

Greg Topliff, 13977 Rustic Road, lives at adjacent Lot 22. The business has gotten big for residential area. He stated that it is a big impact on him and his view from his backyard which

includes trucks and equipment. Fencing to screen the site would be a plus if it has to be there. Driving speeds have decreased. He asked Staff about the new site plan for behind his house. Administrator Herrick replied that a six-foot fence would be behind his lot. The berm would be north of bunkhouse and from there will be a six-foot tall fence about 170 feet in length. Greg wants to sell property in near future and is concerned about ability to sell. When he bought his place 20+ years ago, all the area was pasture and he never expected such a business adjacent to him.

Deanna Flemmer, 21 Garden Lane, appreciates the mitigation plan. She questioned why condition of approval #3 states use shall be established within 1 year or permit will be null and void; isn't it already in existence? In reference to condition of approval #10, dust abatement doesn't last long and should be repeated a couple of times per year at a minimum. The County does not need to provide access to a business. Business should be responsible to deal with effects on infrastructure, not the County. The effects of the property maintenance business portion of the business have not been discussed. It is time to move the business so it can continue to grow. Last year's snowplowing across the County road was a violation; Idaho Code regulates plowing across a county road. Dryland seed mix will not result in a nice green berm.

Vice-Chairman Cooley asked for rebuttal.

Mr. Reeder and Mr. Crawford replied to previous comments. There is no expansion plan. No greenhouse is planned; only temporary holding of trees. He was not previously aware of the snowplowing issue. There are 10 employees and six trucks; the company has not grown larger.

Steve Millemann, 706 North First Street, McCall, representing the applicants, stated that the business is on a large-sized property with a ton of open space. There has been a landscaping business at this location for approximately 18 years. Staff has proposed a growth limitation by restricting the number of employee vehicles. The applicants have been responsive to concerns and have proposed ways to deal with the neighbors' comments. Dryland seed does work. The applicants have proposed a mitigation plan which includes dust abatement. The entire neighborhood could participate in increased dust abatement. The applicants have addressed all concerns brought up: dumping (all but compost will go to transfer site), chemicals, views (moving berm back from the sloped area and adding fencing) and road conditions. This property is maintained much better than most other lots in the neighborhood. The applicants have done what you asked.

Craig Murrant asked what the limit is for the number of employees a residential business can have. Administrator Herrick replied that a specific limit doesn't exist. Mr. Murrant said that trucks with tanks are on property and, therefore, chemicals are present. He asked if any of the Commissioners have been on the property. His property is on the back of this site. "Is this something you would want next to your house?" It is too big for neighborhood. The Commissioners are welcome to look at it from Mr. Murrant's property.

Mr. Millemann replied that chemicals are not being dumped on properties; the only thing dumped is water from hydro seed equipment.

Mr. Crawford added that one truck with a broadleaf [chemical] tank and one truck with a Roundup tank are stored at the site, but not used or cleaned. The tanks are cleaned out at end of season.

Vice-Chairman Cooley closed the public hearing.

Herrick recommended two additional conditionals of approval:

- COA: Shall store snow on site.
- COA: Shall be no greenhouse.

She added that the Valley County Ordinance 9-5B-1 Performance Standards concerning noise for commercial or industrial activities limits hours of operation from 7 a.m. to 7 p.m.

The Commission deliberated.

Commissioner Defoort stated that they have outgrown their location. She would not want to live next to this. The small company has grown to six vehicles and ten employees and is a big operation to have in a residential neighborhood.

Commissioner Freeman disagrees. This is not a factory. The business is quiet during the day and is primarily a staging area and parking spot.

Commissioner Cooley added that one of the nice things about not having zoning is ability to look at things at a case by case situation. Property owners have certain rights to use land and a responsibility to neighbors to mitigate impacts. There are a lot of things going on in this subdivision. Applicants have addressed issues and we have set limits with conditions to size and hours. No retail customers on site. We can work with the steps they have made to lessen impacts to neighbors.

Commissioner Defoort agreed they have done a good job of mitigation. She thinks employee cap should be 11 or 12 not 15. She appreciates the planning but strongly feels that this is enough of a commercial business that it doesn't belong. The residential area is cluttered.

Commissioner Cooley stated that this lot will be forced to be one of the nicer lots in the area due to the conditions of approval in the conditional use permit. Mixed uses already exist in this area. The applicants have addressed concerns.

Commissioner Defoort said that it would be an advantage to applicant to move to a less residential area as they grow. She would not want this as neighbor. She believes in private property rights but doesn't think this is a good location for this business.

Commissioner Cooley replied that the business will not be able to grow based on conditions of approval without modifying conditional use permit or moving to another location.

The Commissioners discussed limiting numbers of employees and the number of employee vehicles parked on site. This would limit size of business. The site plan limits the size of business. No new buildings or nurseries allowed without modifying conditional use permit. The applicants are asking to continue business as they have been. Most of work day happens off the site. The business currently has six employee vehicles with 10 employees. The applicants have mitigated neighbors' concerns.

Change COA #8: Business hours are limited to 7 a.m. – 7 p.m., Monday thru Saturday.

Change COA # 17: Shall be no more than 12 employee vehicles on-site.

Change COA #11: Shall implement site plan according to time line on plan dated 3/30/2017 [Exhibit 1].

Add COA: Snow stored on site.

Add COA: No greenhouse on site.

Commissioner Freeman moved to approve C.U.P. 17-07 Crawford Landscape Services with the stated conditions. Commissioner Defoort seconded the motion. Motion carried, unanimously.

Vice-Chairman Cooley explained the ten day appeal period.

D. NEW BUSINESS:

[06:58:15 PM \(00:57:01\)](#)

1. C.U.P. 17-10 Trabert Subdivision – Preliminary & Final Plat: Steve Callan is requesting approval for a two-lot residential subdivision on four acres. Each lot will be two acres and each has an Individual well and septic system. Access will be via existing driveways to Trabert Lane, a public road. Two residences currently exist and are addressed at 2 and 4 Trabert Lane. The site is located in the NESW and the NWSE of Sec. 10, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

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

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

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

Steve Callan, 817 Reedy Lane, McCall, purchased this property and originally hoped to do a lot line adjustment. This will result in two lots.

Commissioner Defoort asked if the two existing houses would have separate access.

Mr. Callan replied that each house would have separate access to Trabert Lane. The oddly shaped lots allow for current septic systems to remain.

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

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

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

Vice-Chairman Cooley closed the public hearing.

The Commission deliberated and discussed changes that are mentioned in the Staff Report.

Commissioner Defoort moved to approve C.U.P. 17-10 Trabert Subdivision preliminary and final plat and authorize the chairman to sign the final plat. Commissioner Freeman seconded the motion. Motion carried unanimously.

Vice-Chairman Cooley explained the ten day appeal period.

[07:06:26 PM \(01:05:12\)](#)

2. VAC 17-01 Johnson Utility Easement Vacation: John and Pamela Johnson are requesting a vacation of the 10-foot wide utility easement that is centered on the original lot line between Lots 8 and 9, Block 2, in Clear Creek Acres Subdivision. They own both lots and wish to build over the original lot line as platted. The site is addressed as 43 and 53 Coyote Trail and is in the SESE Section 4 T.12N R.4E, Boise Meridian, Valley County, Idaho.

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

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

Exhibit 1 – Ken Crouch, Idaho Transportation Department, replied via letter dated June 2, 2017. ITD has no objection to the vacation of the utility easement.

Staff was asked what is the effect of a lot line adjustment on the utility easement?

Administrator Herrick explained that a lot line can be adjusted but a platted easement does not go away or get moved without a vacation of the easement. This applicants will keep two separate lots and the approving vacation will remove the easement. Idaho Power will require the easement to be where the power pole actually exists.

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

John Johnson, 53 Coyote Trail, stated this vacation will not affect neighbors. He added that the

cost of this application is too much. Idaho Power wrote off their charge. Moving the lot line allows them to build a shop in the location of original lot line.

Administrator Herrick stated that the cost of any vacation is \$500 which covers the cost of two public hearings and the mailing of certified notice letters. May want to review the application procedure for a simple utility easement vacation versus a proposal to vacate a road.

Vice-Chairman Cooley asked for proponents. There were none.
Vice-Chairman Cooley asked for uncommitted. There were none.
Vice-Chairman Cooley asked for opponents. There were none.
Vice-Chairman Cooley asked for rebuttal. There was none.
Vice-Chairman Cooley closed the public hearing.

The Commission deliberated.

Commissioner Freeman moved to recommend approval of VAC 17-01 Johnson Utility Easement Vacation with the stated conditions to the Board of County Commissioners. Commissioner Defoort seconded the motion. Motion carried, unanimously.

This request will be added to the Board of County Commissioners' agenda and noticed for additional public hearing as required.

Vice-Chairman Cooley explained the ten day appeal period.

E. FACTS AND CONCLUSIONS:

- C.U.P. 17-05 Small Engine Service
- C.U.P. 17-08 Rustic Edge Retail
- C.U.P. 17-09 Kesler Storage

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

ADJOURNED: 7:18 p.m.