



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

July 13, 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:	Present
P&Z Chairman - Rob Garrison:	Present
P&Z Commissioner - Bryan Cooley:	Absent - Excused
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 June 9, 2017. Commissioner Allen seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 06-02 Settler's Mill #1 Subdivision – Update:** Knife River Corporation will update the Commission as required. This subdivision received a two-year extension of the conditional use permit in June 2016. The original approval was to establish a 64-unit subdivision comprised of 50 single-family homes and 14 condominiums, community wells, and on-site waste water treatment facility. The 31.167 acre site is located at the northwest corner of Highway 55 and Loomis Lane in the SWSE Section 23, T.16N, R.3E, Boise Meridian, Valley County, Idaho. *[Not a public hearing.]*

Chairman Garrison introduced the item

Administrator Herrick said this C.U.P. was given an extension in 2016 with the caveat of a work session with P&Z Commission within one year.

Dave Yorgason, 14254 West Battenberg Drive, Boise, spoke for the applicant, Knife River. He was not involved in original application nor was Knife River [current owner]. He was hired to help them through the process. The application received an extension in 2016. Every month he reviews the market sales in an approximately five-mile radius of the site. He has determined that the market is not warm yet for this type of high-density development with condominiums. Sewer is over a mile away. They are looking at options, have hired an engineer, and have talked to CDHD. Are considering larger lots (1 - 3 acres each) but analysis is still ongoing. Available inventory still exists in the area: approximately four to five-year supply of smaller lots and a two-year supply of larger lots. They do not plan to give up on the site and will make a final decision in a few months and will then contact staff.

No questions from Commissioners or staff.

2. **P.U.D. 04-02 Gold Fork Bay Village – Final Plat:** Gold Fork Bay LLC is requesting final plat approval. The Commission will review the final plat, conditional use permit, and density to determine conformance with the preliminary plat. This plat consists of 10 single-family residential lots, dedicated open space, stormwater and pond infrastructure, and walking trails. The site is accessed from Old State Road and Paradise Lane. It is 30 acres located in the SESE Section 34, T.16N, R.3E, Boise Meridian, Valley County, Idaho. [*Not a public hearing.*]

Chairman Garrison introduced the item.

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

- Exhibit 1: Letter from Chip Bowers, Valley County Surveyor, dated July 5, 2017. He had 11 comments.
- Exhibit 2: Email from Dan Dunn, Surveyor, with a revised final plat based on previous comments.
- Exhibit 3: Revised final plat that Administrator Herrick has written comments on including:
 - wetlands not shown on plat
 - missing info
 - open space and Homeowners Association ownership
 - cluttered overall look to plat
 - floodplain info needs updated
 - discrepancy in legend for dashes
 - Block 2 should say “future development”
 - open space should be written on plat as there is enough space to write
 - use of Lot 11
 - difficultly understanding what circles on page 1 represent
 - sediment ponds not shown on plat
 - Note 12 regarding temporary drainfields - the applicant will need to vacate an easement; it won't just go away.
 - Rectangles drawn along the shoreline are not identified in the legend

- Page 3 – correct name is North Lake Recreational Sewer and Water District
- Page 4 – needs a line for date.
- State statutes require special conditions to be on page 1; therefore, sanitary restriction note should be on page 1 not page 4
- Sanitary restrictions should be removed before plat is recorded. Sanitary restrictions have not yet been released and the development is not hooked up to sewer and water.

Staff and the Commissioners discussed sanitary restrictions, sewer hook-ups, and requirements.

Chairman Garrison asked for the applicant's presentation.

Jim Fronk, of James Fronk Consulting, 14028 Norwood, McCall, is sharing this project with Dan Dunn Surveying. The owner since 2010 is Steve Martinez of Gold Fork Bay LLC. Multiple extensions have been received. As originally approved this development was a 110 unit P.U.D. with amenities, open space, etc. Lot 11 is for a regional well; there was a lot of proposed development in the area at the time of approval although much of that development did not take place. Paved roads, utilities, and water (NLRWSD) has been completed.

The current proposal is 10 lots plus amenities (minus the approved clubhouse and pool) with dedicated open space to be given to the homeowners association. Block 2 is a future development area. The waterline is in the ground.

They have an ongoing dialogue with North Lake which does have capacity for these 10 lots. Still undecided if will use the existing community well (has water quality issues) or hook up to North Lake. The lift station is at the entrance, separated from the well.

Administrator Herrick's comments regarding sanitary restrictions, corrections to the plat, etc., will be taken into account. He will discuss the development with Donnelly Fire as the previous approval letter is now void.

The old homestead had an existing pond with wetlands. The farm pond has been turned into sediment removal area. The pond has been reconfigured and wetlands mitigated, vetted with 404 Permit approved by U.S. Corps of Engineers. Mitigation has been completed; he will get a letter from Corps. The note on the plat will be better written.

The drainfield easement will be vacated once sewer is in to the lots in Golden Cove.

Commissioner Allen asked for clarification on the well. Mr. Fronk said the well will be given to North Lake once plat is done. He is unsure what North Lake will do with it at this time; if it will be needed immediately or used in the future.

Ponds already exist so they were left off final plat and a note included instead. Mr. Fronk agreed that the plat needs to be cleaned up.

Commissioner Freeman asked for clarification on the sewer. Mr. Fronk said road is paved with gravity sewer lines underneath. There will be a temporary lift station. Water, sewer, and phone utilities are already under roads. They need to design the lift station and get it approved by DEQ. He talked about North Lake's past plans concerns with capacity based on perceived growth. That growth did not happen due to market turn-down. Therefore changes have been made in timeline for sewer infrastructure.

Mr. Fronk said they will need to get letters from Fire District, Corps of Engineers, and CDHD sanitary release before going to Board of County Commissioners for final plat to record. There was further discussion on what needs to be done prior to going to Board of County Commissioners. The applicant would have one year from the P&Z Commission approval to bring the plat to the Board of County Commissioners.

Mr. Fronk said they have a timeline with Idaho DEQ and want to get the plat recorded by end of the year. They plan to have construction and approval all done by end of October 2017.

Chairman Garrison asked for clarification of the current sewer conditions. Mr. Fronk described locations of sewer and water lines. All that is needed at this time is a lift station which should be completed in the next few months.

Administrator Herrick asked for clarification on the wetland note and specifically if there are any wetlands on buildable lots? Mr. Fronk replied that wetlands are only on open space parcels. Administrator Herrick replied that in that case wetlands do not need to be shown on the final plat. There was discussion about the maintenance of the wetlands. Administrator Herrick said it would be good to show on the plat where exactly the two roads intersect to show separation. Administrator Herrick asked if the lake was open space. Mr. Fronk replied affirmatively. He added that the blocks drawn on the plat show where docks would be put. The applicant does not have to go through the Bureau of Reclamation as the land along lake is privately owned. Administrator Herrick suggested that a note be added to the plat stating "Lake area is privately owned and docks can be added".

Commissioner Defoort asked if Mr. Fronk had any concerns about the conditions of approval; he did not.

There was discussion on the length of time this project has been in the works.

Commissioner Allen moved to approve the final plat for P.U.D. 04-02 Gold Fork Bay Village with the stated conditions and with the understanding that the conditions will be resolved and authorize the Chairman to sign the plat. Commissioner Freeman seconded the motion. Motion carried unanimously

[06:57:41 PM \(00:52:48\)](#)

D. NEW BUSINESS:

1. C.U.P. 17-11 Highmark Subdivision – Preliminary & Final Plat: Highmark Properties LLC is requesting approval for a three-lot residential subdivision on 20 acres. One residence currently exists and is addressed at 13801 Raptor Loop. Three existing parcels would be subdivided into a total of three lots adding two additional building sites. Lot sizes vary from 5.68 to 6.82 acres and will have individual wells and septic systems. Access to each lot will be from Highmark Place, a new private road, which has direct access Raptor Loop, a public road. The site is located in the SWNW of 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 and summarized the following exhibits:

- Exhibit 1: Letter from Cody Janson, Valley County Engineer, dated July 12, 2017.
- Exhibit 2: Letter from Jess Ellis, Donnelly Fire Department, dated July 8, 2017.

COA: Must have approval letter from Donnelly Fire.

Chairman Garrison asked for the applicant's presentation.

Rod Kesler, 13801 Stewart Court [aka Raptor Loop], is trying to clean up an illegal split that was done. The roadway is already built. He would prefer to not center the road inside easement as requested by the Valley County Engineer. The utility easement is along the side of existing road. The 10-foot easement is not on the west side as shown on the plat but on the east side and utilities already exist. The existing driveway goes along front of all three lots and will be turned into a road. Ralph [Secesh Engineering] will submit data and work with Central District Health Department to get a sanitary restrictions letter.

Commissioner Allen asked about the corrections that need made to the plat. Mr. Kesler replied that the plat will be redrawn.

Administrator Herrick referred to the Valley County Engineer's [Parametrix] letter. A 12-foot easement along front lot line is required by Valley County Code Title 11. She recommends allowing utilities and roadway to stay in current location instead of the center of right-of-way.

COA: Note on plat shall state utilities run along east side of Highland Place.

COA: P&Z Commission approves of the right of way as shown on plat. The applicant will need to work with County Engineer to make sure the road is built to standards.

COA: A letter for an Idaho certified engineer is required certifying the road is built to Valley County Standards.

Administrator Herrick asked if power is available to each lot. Mr. Kesler replied that lots 1 & 2 have power. Lot 3 will need to tie into the transformer across the road but power is accessible.

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.

The Commission deliberated.

The conditions of approval added include:

- COA #10: Shall have letter of approval from the Donnelly Rural Fire Protection District.
- COA #11: Planning and Zoning Commission approves the right-of-way as proposed on the plat – the travelled way does not need to be centered in the right-of-way.

Commissioner Freeman moved to approve C.U.P. 17-11 Highmark Subdivision with the stated conditions and authorize the Chairman to sign the plat. Commissioner Defoort seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

[07:14:56 PM \(01:10:02\)](#)

2. V-1-17 Walcom Setback Variance: Michael & Dena Walcom are requesting a variance to relax the rear yard setback from the required 20 feet to 10 feet. The applicants assert that building sites on the property are limited due to a waterline easement crossing the property. The site is Crown Point Subdivision #2 Lot 15 addressed as 31 Robbins Drive. The 0.66 acre lot is located in Section 23, T.14N, R.3E, Boise Meridian, Valley County, Idaho.

Chairman Garrison introduced the item. Chairman Garrison asked if there was any *ex parte* contact or conflict of interest. Chairman Garrison has done work for the applicants at this site so he will recuse himself.

Acting-Chairman Allen asked for the Staff Report. Staff presented the staff report. Variances are given for topographic reasons, including steep slopes, big trees, and water easements, matters which the applicant does not have control over. If the P&Z Commission results in an unanimous decision, the proposal does not need another public hearing from Board of County Commissioners. The rear of this lot borders Idaho Department of Lands property.

Staff summarized the following exhibit:

- Exhibit 1: Email from Becky Zatzke dated July 3, 2017. She lives on the adjacent property and is concerned that the aerial view provided in the neighbor notice letter is incorrect as it is not a recent photo and does not show the trees that have been removed from the site.

Staff added that we have no control over the satellite imagery that exists in the GIS map.

Acting-Chairman Allen asked why water easement would go across the lot as it does resulting in a serious encumbrance to the lot. Administrator Herrick does not know but the easement does serve a number of people.

Chairman Allen asked for the applicant's presentation.

Mr. Walcom, 3599 E Judicial Drive, Meridian, purchased lot 15 in May 2016. There is a shared well house that services eight lots. The easement is there to service lot 14 only. He does not know why that particular location was chosen. The rear setback would only affect Idaho Department of Lands. A water line does exist in the easement and is used by Zatzke's.

Acting-Chairman Allen asked who owns the water line. Mr. Walcom replied that each of the eight lot owners have a 1/8 share.

Rob Garrison, 10364 Emma Loop, speaking for applicant, said the lot has challenges. The water line is probably there due to existing granite rocks and topography. The slope affects where the drainfield can go as well as setbacks from residences. The easement, topography, and soil type affect this lot.

Commissioner Allen asked for proponents. There were none.

Commissioner Allen asked for uncommitted. There were none.

Commissioner Allen asked for opponents. There were none.

Commissioner Allen asked for rebuttal. There was none.

Commissioner Allen closed the public hearing.

The Commission deliberated.

Commissioner Defoort moved to recommend approval of V-1-17 Walcom Setback Variance to the Board of County Commissioners due to topographic reasons. Commissioner Freeman seconded the motion. Motion carried unanimously (Commissioners Allen, Defoort, and Freeman).

V-1-17 will be added to the Board of County Commissioner's meeting agenda as soon as possible after the ten day appeal period.

Commission Garrison rejoined the Commission.

E. FACTS AND CONCLUSIONS:

- C.U.P. 17-07 Crawford Landscape Services
- C.U.P. 17-10 Trabert Subdivision
- VAC 17-01 Johnson Utility Easement Vacation

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.

F. COMMISSION DISCUSSION will be reassigned to the August 2017 agenda.

ADJOURNED: 7:30 p.m.