



# 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

September 14, 2017

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

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

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

**B. MINUTES:** Commissioner Freeman moved to approve the minutes of August 10 & August 24, 2017. Commissioner Cooley seconded the motion. Motion carried unanimously.

**C. OLD BUSINESS:**

- 1. C.U.P. 02-14 Eagle Nest Subdivision No. 2 – Amended Plat:** A final plat has been submitted by property owners to amend elements of Eagle Nest Subdivision No. 2. This plat consists of 17 single-family residential lots currently platted as Lot 11, Blk 2, Lots 1-6 Blk 3, and Lots 1-10, Blk 4, Eagles Nest Subdivision No. 2. No new roads are proposed. The site is accessed via Joshua Drive, a private road. It is approximately 64 acres located in Section 20, T.14N, R.3E, Boise Meridian, Valley County, Idaho. [*Not a public hearing – POSTPONED until October 19, 2017*]
- 2. C.U.P. 05-57 Sweetwater Run Subdivision – Amended Plat:** Michael & Elizabeth Nuzzo and Bill & Nancy Arneson have submitted a final plat to amend elements of the plat recorded at Book 11, Page 26 on April 18, 2007. This plat consists of 6 single-family residential lots and contains Alana Drive, a private road. No new lots or roads are proposed. The site is accessed via Warm Lake Highway, a public road. It is approximately 24 acres located in Section 28, T.14N, R.3E, Boise Meridian, Valley County, Idaho. [*Not a public hearing.*]

Chairman Garrison introduced the item and asked if anyone had a conflict of interest; there was none.

Chairman Garrison asked for the Staff Report. Staff presented the staff report. An amended plat is requested due to a change in the sanitary restriction release.

The Commissioners deliberated. Central District Health District decreased the sanitary restriction requirements; therefore, applicants are requesting an amendment to allow for the new requirements. Recording the plat will reduce future confusion.

Commissioner Cooley moved to approve C.U.P. 05-57 Sweetwater Run Amended Plat and authorize the Chairman to sign. Commissioner Freeman seconded the motion. Motion carried, unanimously.

**3. C.U.P. 04-34 Jug Mountain Ranch – Phases 2 and 3:** The Carey Family Living Trust has submitted a preliminary and final plat. The Commission will review the plat to assure compliance with the previously approved density and uses permitted by the conditional use permit and P.U.D. 97-1. Phase 2 was recorded in 2006. Phase 3 was approved as the “Village” and will consist of mixed use, mixed residential, recreation, and open space – the current plat is for Phase 3A. Phase 3A contains 26 of the approved 125 residential units and is served by central sewer and water. It is located on approximately 27.25 acres in the W ½ Section 6, T.17N, R.4E, Boise Meridian, Valley County, Idaho. [*Not a public hearing.*]

[06:06:47 PM \(00:06:15\)](#)

Chairman Garrison introduced the item and asked if anyone had a conflict of interest; there was none.

Chairman Garrison asked for the Staff Report. Staff presented the staff report. Condition #3 was for Phase 2 and it was complied with.

Exhibit 1 - A letter from Parametrix, Valley County Engineer, with comments regarding the stormwater and site grading plans submitted by the applicant’s engineer.

Exhibit 2 - Email from applicant’s engineer in response to the Valley County Engineer’s letter stating that the approved P.U.D. allowed for a cul-de-sac longer than 900 feet. This exhibit also includes Administrator Herrick’s response stating approval letters are needed from the fire department and from DEQ.

Exhibit 3 - Parametrix’s letter dated September 14, 2017, addressing the applicant’s response and conditionally approving Phase 3A with the condition that Valley County issue an exception for the proposed road which was a deviation from the typical roadway section. Three discrepancies between the applicant’s submittal and the current Valley County roadway standards are listed.

Administrator Herrick stated that in 1997 when Jug Mountain was originally submitted, private road standards were less restrictive than the current standards. The P.U.D. allows the relaxation of some of those standards and is under the ordinance that was effective in 1997.

Exhibit 4 – A page from the original Facts and Conclusions stating:

*Cul-de-sacs will exceed the 900 foot limitation of the Valley County Subdivision Regulations. Precise road alignments and widths will be identified in the Final Plat for each Phase.*

Administrator Herrick added that we must review this under the previous submittal and approval, not the current standards.

This is an atypical application as the original preliminary plat for Phases 2 & 3 only showed the lines for Phase 2 (which has been recorded) and the approved density and uses for Phase 3 . Page six of the PUD application states that the applicant only has to come back for preliminary and final plat approval and not a public hearing. This is not a public hearing but agencies were noticed for their comments for application to the final plat. The Commission may speak to the applicant who is present regarding the final plat.

The Commission deliberated and questions from the staff report were discussed. The Declaration of Utilities has been submitted. Road names will need submitted for approval prior to sending plat to Board of County Commissioners. Sanitary restrictions were discussed; the health certificate will be the same as recorded with Phase 2. Jug Mountain Ranch has its own sewer and water systems. Chairman Garrison added that much of what is still needed is making minor corrections on the plat and obtaining letters from specific agencies; this requirement is covered by COA #4. Administrator Herrick added that financial guarantees at 120% will be necessary if the sewer, water, or roads are not in at the time the plat is recorded. Staff believes the original application addresses current concerns of the Valley County Engineer.

Chairman Garrison asked if the applicant would like to make a statement.

Steve Millemann, representative for Jug Mountain Ranch, said that at the current time they don't have anything to add. He and David Carey are available for any questions. Corrections will be made to the plat prior to going to the County Commissioners.

Commissioner Cooley moved to approve the preliminary and final plat of C.U.P. 04-34 Phase 3A and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried, unanimously.

#### **D. NEW BUSINESS:**

[06:23:12 PM \(00:22:40\)](#)

**1. C.U.P. 17-12 Sharon's Place Event Venue:** Sharon Rueth is requesting approval to establish an event venue site. The existing barn, parking area, and yard area would be used a maximum of twice monthly for events such as fundraisers and weddings. Her residence is also located on the site. The 6-acre site is addressed as 342 Cabarton Road and located in the NENW Section 6, T.13N, R. 4, Boise Meridian, Valley County, Idaho.

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 – phone call from Kelly Copperi in support of application.
- Exhibit 2 – email from Stephanie Reed in support.

There were no questions of Staff. Chairman Garrison asked for the applicant's presentation.

Sharon Rueth, 342 Cabarton Road, has had past events such as weddings and Chamber fundraiser events in the past and learned she needed a conditional use permit. She responded to questions in the Staff Report.

- There will be no signage.
- Music is inside the building.
- No access to the river for the public.
- There will be temporary use of a spotlight for the parking area during events.

Administrator Herrick added that recreational use of big lights is allowed as long as they are turned off after events.

Chairman Garrison asked for proponents.

Scotty Davenport, 101 N Main Street, Cascade, is the president of the Cascade Chamber of Commerce. The group has used the facility in the past for fundraisers. It is a good location.

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. Commissioner Cooley said that as long as questions in the Staff Report have been answered, it is a good location. Chairman Garrison stated there have been no complaints from past activities; this application is making the use legal.

Commissioner Freeman moved to approve C.U.P. 17-12 Sharon's Place Event Venue with the stated conditions. Commissioner Cooley seconded the motion. No further discussion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

**2. C.U.P. 17-13 Karsyn Business Park:** Kesler Properties LLC is requesting preliminary and final plat approval for a two-lot subdivision for commercial uses. Lot 1 has an existing shop and office. Lot 2 has been permitted for C.U.P. 17-09 Kesler Storage. No new roads are proposed. The 9.6-acre site is currently addressed as 14032 Highway 55 and located in the NENE Section 33, T.18N, 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.

Administrator Herrick referred to the Central District Health Department (CDHD) letter requiring engineering. There will have to be a note on the plat stating that sanitary restrictions are in place for Lot 2. The approved use of Lot 2 for boat storage does not require septic or water. CDHD has signed plats in the past with sanitary restrictions in place.

Regarding the Idaho Transportation Department (ITD) letter requesting withholding a building permit, Staff stated that ITD did not require an access permit for previously approved C.U.P. 17-09. The original application for the site was in 1997.

Chairman Garrison asked for the applicant's presentation.

Kristi Kesler stated that this application allows a property ownership split and believes Staff covered everything well.

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. Access is not changing; the property is being split. There is no need for sewer and water for the approved use on Lot 2. If the use was to change, then septic testing would be required.

Commissioner Cooley moved to approve C.U.P. 17-13 Karsyn Business Park Subdivision preliminary and final plat with the stated conditions and authorize the chairman to sign. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

**3. V-4-17 Carroll Setback Variance:** Aaron Carroll and Franklin B. Edwards Estate are requesting a variance to relax the front yard setback from the required 20 feet to 10 feet. The applicants assert the steep topography limits the buildable area of the lot. The site is Royal Scot Subdivision # 6, Lot 32 addressed as 2169 Lydia Drive. The 0.49 acre lot is located in Section 32, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

[06:45:07 PM \(00:44:35\)](#)

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. There were no questions for Staff; commissioners reviewed the site map. Administrator Herrick added that the subdivision was platted in 1974; setbacks were not required at that time.

Chairman Garrison asked for the applicant's presentation.

Aaron Carroll stated the lot is very steep. The road was built mostly on the far side of the road right-of-way; at least 25' from constructed road to edge of property line. The only buildable area is near the property line; there is a 9-foot difference from the proposed house front to the rear. He rotated the garage on the site plan to keep access to the side instead of big garage door facing the road.

Commissioner Freeman asked about the land between the built road and the property line. Administrator Herrick stated that the road and the road right-of-way are owned by the County. Buildings must stay within property line and may not be built on road right-of-way.

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 and agreed that a legitimate hardship exists due to topography.

Commissioner Freeman moved to recommend approval of V-4-17 Carroll Setback Variance to the Board of County Commissioners. Commissioner Cooley seconded the motion. Motion carried unanimously; therefore, there does not need to be a public hearing with the Board of County Commissioners.

Chairman Garrison explained the ten day appeal period.

## **E. COMMISSION DISCUSSION**

- Baum Shelter – 13876 Hwy 55, part of Lot 5 in Pleasant Acres Subdivision

In August, the Planning & Zoning Commission determined that a conditional use permit was necessary for the rental of boats and other vehicles at this site. The property owner said that C.U.P. 88-04 permits this use. Staff stated that C.U.P. 88-04 was for snowmobile repair and rentals. Commissioner Cooley stated that as previously discussed, all past conditional use permits for this site are null and void. A violation currently exists.

The outside sign structure along the highway is grandfathered (larger than allowed).

Commissioner Cooley moved that the Baum Shelter property at 13876 Highway 55 does not have an active conditional use permit for the rental of recreational vehicles; a new application is required. Commissioner Freeman seconded. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

## **F. FACTS AND CONCLUSIONS:**

- C.U.P. 17-04 Blackhawk on the River Event Venue

Commissioner Freeman moved to approve the Facts and Conclusions for the C.U.P. 17-04 and authorize the Chairman to sign. Commissioner Cooley seconded the motion. Motion carried unanimously.

Chairman Garrison adjourned the meeting at 7:00 p.m.