



Valley County Planning & Zoning Commission

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Rob Garrison, Chairman
Bryan Cooley, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission
September 8, 2016
Valley County Court House - Cascade, Idaho

A. OPEN: Call to Order

[P&Z Commissioner - Ed Allen: Present](#)
[P&Z Commissioner - Johanna Defoort: Present](#)
[P&Z Commissioner - Bryan Cooley: Present](#)
[P&Z Commission Chairman - Rob Garrison: Present](#)
[P&Z Commissioner - Scott Freeman: Present](#)

A quorum was present.

Also present was P&Z Administrator, Cynda Herick, AICP, CFM.

B. MINUTES: July 14, 2016

Commissioner Allen moved to approve the minutes of July 14, 2016. Commissioner Freeman seconded the motion. Motion carried.

C. OLD BUSINESS:

- P.U.D. 04-01 Meadows at West Mountain, Phases 4-6 – Extension Request:** Larry Mangum, representing Timberline Investment LLC, is requesting a minimum of a one-year extension of the conditional use permit for phases 4-6. Phases 1, 2, and 3 have been platted and recorded. Phase 4 is 39 single-family home lots on 19 acres; phase 5 is 39 single-family home lots and 7 townhome lots on 21.8 acres; and phase 6 is 20 single-family home lots on 9.2 acres and 11.2 acres of commercial area. The site is located in the W ½ NE ¼ Section 17, T.16N, 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. There was none.

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibits: exhibit 1 – Letter from Dept. of Environment Quality dated September 2, 2016; and exhibit 2 – e-mail from Kerry Hansen dated September 6, 2016.

Chairman Garrison asked for the applicant's presentation.

Larry Mangum, 36 Charters Drive, made the following comments:

- Continually monitor construction costs.
- Currently 4 homes on market, 3 of which are original owners being used as rentals.
- Cannot compete with current market values at 160K for homes and 80K for townhomes.
- There are people in the development with a voice on the HOA.
- Painting 6 of the townhomes this year and 6 next year with HOA fees.
- Have to attend HOA meeting to be heard.

Commissioner Allen asked if there is an active Board that manages the HOA. Larry said there is the developer, 1 home member, and 1 townhome member – they try to respond to all owners if they voice their concerns.

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.

Commissioner Defoort asked about the number of extensions. Staff explained the phasing plan, the lawsuit, and subsequent extensions.

Commissioner Allen would like to see longer than a one year extension.

Chairman Garrison would like to keep it fresh in our minds.

Commissioner Allen asked that a letter be sent to owners explaining how they can get representation on the HOA board.

Chairman Garrison would like annual updates to the staff.

Motion: Moved to approve a 2 year extension with annual update to the Administrator.

P&Z Commissioner - Ed Allen: Motion
P&Z Commissioner - Bryan Cooley: 2nd
P&Z Commissioner - Ed Allen: Approve
P&Z Commissioner - Johanna Defoort: Approve
P&Z Commissioner - Bryan Cooley: Approve
P&Z Commission Chairman - Rob Garrison: Approve
P&Z Commissioner - Scott Freeman: Approve

Chairman Garrison explained the ten day appeal period.

D. NEW BUSINESS:

- 1. C.U.P. 16-11 Moudy Mountain Summer Festival:** Nancy Moudy is requesting approval to establish an annual three-day summer festival. The festival will include a craft fair, flea market, live music, food vendors, and overnight camping. Hours are from 9:00 a.m. to 10 p.m. Porta Potties would be located on the site. The site is addressed as 14078 Farm to Market Road and is part of 73 acres in SWNW and NWSW of Section 25, T.18N, 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. There was none.

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibits: exhibit 1 – Letter dated September 2, 2016 from Dept. of Environmental Quality; and, exhibit 2 – copy of phone conversation with Marjorie dated September 8, 2016.

Commissioner Allen asked about question 1 on the matrix. Staff explained that when you compare residential business with single family residential it is a +2. The first three questions are based solely on the matrix.

Commissioner Allen asked for clarification about the substance of the application. Staff explained that the original application was for the Moudy Mountain Summer Festival. After the application was received, the advertisements for the other events were submitted to the office. These additional events were for the weddings, XMAS parties, and other events.

Commissioner Defoort asked if a new CUP would be needed. Staff recommended that this application is only for the Moudy Mountain Summer Festival and any additional activities would require a different permit since the neighbors and agencies were not given proper notice for the additional activities.

Chairman Garrison asked for the applicant's presentation.

Nancy Moudy, 14078 Farm to Market Road, made the following comments:

- Did not know they needed a permit when they planned the Mountain Moudy Festival.
- She did not know in advance – it was like two days ahead.
- She completed paperwork for just the June event. They held that event.
- There was no music after 7:00 p.m. It was a lot of work. They have decided that they only want to hold the Moudy Mountain festival the last Saturday in June.
- There would be a flea market with some music in the background and would be done by 8:00 p.m.
- The other events consist of the senior center people coming out at Christmas.
- The reason for the plant sale was to allow Dawn’s friends to come to the site and take her plants in memory of her and to meet her, since she had just married Ken.
- We then held a wedding because friends wanted to get married in the back yard and they allowed it. Others did the catering and the band played until 11:00 p.m. She understands people being upset. The advertising part was at the encouragement of others.
- She did put it in Facebook and her magazine, etc. It has all been taken down.
- She doesn’t want to fight with the neighbors about this. Ken has been their friend for years and they should have come and talked to them.
- Would like to do the Christmas show for the seniors and families who can’t afford it. Would like it as an old time Christmas.

Commissioner Allen clarified that they would like the one day June event and their Christmas event the first weekend of December to allow people to come make gifts for their families.

Nancy asked for clarification on whether she can allow relatives to get married at the site.

Commissioner Defoort asked about the Christmas Festival and if it generated revenues. She said mostly for anybody like a Santa’s workshop, but the seniors do sell their little doilies.

Chairman Garrison asked about the advertising. Is there an intention to run as a dude ranch event center? Nancy said it is in the magazine recently published, but too late to pull. Clarified the Moudy Mountain event would be 7:00 a.m. to 8:00 p.m.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents.

Daryl Cobb, 1550 Chriss Lane, made the following comments:

- Planning on building a house on Shaw Road next year.
- Does not want to see a public commercial venue.
- If this plan was approved and converted to camping and a band stand – would it open it up to previously advertised events?
- This quiet neighborhood is not where camping, bands, etc. should be located.

Commissioner Defoort asked Mr. Cobb if he is more opposed to the commercial use or just one weekend – if just one weekend would he still be opposed? He is opposed to converting the property and the effect of becoming a platform for commercial use. Doesn't believe this should be an event area.

Patricia Shaw, Shaw Road, made the following comments:

- She does not mind the event, but opposed to multiple events.
- Her backyard is up against their property.
- The dry camp was next to her barn.
- Very concerned with fire hazard and police control.

Chairman Garrison asked for rebuttal.

Nancy Moudy rebutted as follows:

- The dry camp people went beyond where they were supposed to go.
- There was no bandstand and there will be no bandstand.
- Dry camp was only for people who might drink.

Chairman Garrison closed the public hearing.

The Commission deliberated.

Commissioner Freeman stated it seems to have changed from the initial proposal.

Commissioner Allen would like to ask for a different application that is clear about what events would take place. He would recommend she spends time with the application and that it be re-noticed.

Commissioner Allen also said that people can allow friends to get married on their property.

Discussion ensued about the process.

Motion: Moved to table to November 10, 2016 at 6:00 and asked applicant to resubmit and clarify what she is requesting.

[P&Z Commissioner - Ed Allen: Motion](#)
[P&Z Commissioner - Johanna Defoort: 2nd](#)
[P&Z Commissioner - Ed Allen: Approve](#)
[P&Z Commissioner - Johanna Defoort: Approve](#)
[P&Z Commissioner - Bryan Cooley: Approve](#)
[P&Z Commission Chairman - Rob Garrison: Approve](#)
[P&Z Commissioner - Scott Freeman: Approve](#)

Chairman Garrison explained the ten day appeal period.

2. C.U.P. 16-12 Huckleberry Café: Cindy Fortin is requesting approval to establish a food service business using a mobile trailer and deck area on her property. The site is addressed as 270 Profile Street and is 0.276 acres on Lot 1 Block 1 of the Hillside Addition to Yellow Pine located in the SW ¼ Section 21, T.19N, R.8E, 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: #1 – DEQ Letter dated 8/11/2016, #2 – Lorinne Munn, #3 – D. Daniel Stiff, #4 – Kathleen Nace, #5 – Diana and Barry Bryant, #6 – Darlene and Robert Rosenbaum, #7 – Kathleen Hall, #8 – Letter dated 9/5/2016, #9 – Sundry Martin, and #10 – wsully.

Chairman Garrison asked for the applicant's presentation.

Cindy Fortin, 270 Profile, Yellow Pine, made the following comments:

- Put in her business because the restaurant was going to be shut down.
- She did not know that she had to apply for a C.U.P.
- She had to have Idaho Power put in a transformer for her use and other commercial businesses and users at a cost of over \$1000.
- Bought the trailer brand new and paid \$37,000 and took it to CDHD to inspect – he looked at it and inspected her gray water. He said this looks great. She explained her gray water system which is pumped by Honey Dippers.
- She has a porta potty.
- She keeps her place clean.
- In regards to Mrs. Munn, she helped her last year at her café and she was going to do the café, but not the bar. She had a disagreement with the owner and she left the premises. She spent money updating that kitchen.
- She has her trailer, she cooks, and she is competition. She does not sell beer. She likes to enjoy the people who come to visit.

Commissioner Freeman asked if it was outdoor dining. She said she has a sheepherder's tent with a table if it rains and she has an awning. She clarified that it is seasonal and her trailer is stored in a garage in Yellow Pine. She would like to open around May 15th and then close up around October each year. Her home is on this property.

Commissioner Defoort asked if she had a permit from the health department. She confirmed.

Cindy stated that her hours of operation are from 7:00 a.m. to as late as 8:00 p.m. depending upon clientele.

Chairman Garrison asked for proponents.

Corwin Carol, made the following comments:

- Have had no problem with the restaurant.
- He is a neighbor and the property has been improved.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents.

Steve Holloway, 455 Behne Ave in Yellow Pine, made the following comments:

- This is not a popularity contest, this is about codes.
- She has done a good job but have to think about codes and safety.
- All businesses should play by the same set of rules.
- Anne (Building Official) said he had to have engineered drawings for his porch repair.
- 3 years ago he had to pay for an icemaker – couldn't use a gray water system. He has to have a septic system pumped every 3 years.
- When they purchased the Silver Dollar they had to make huge improvements to everything.
- Wants all the rules to be the same.
- They pay more for water, power, and employees.
- Concerned with safety of facility – only 15 feet for people to enter.
- There is no parking.
- The restaurant is not a stop and go; it is a full menu served on a plate for up to 20 people.

Commissioner Allen asked for clarification of the discrepancy in regulations. Holloway said no parking, no septic, and a gray water system.

Susan Holloway, 455 Behne Ave. in Yellow Pine, made the following comments (exhibit 11):

- P&Z office called in May – there was no C.U.P.
- Stopped by office in June and told they would not stop her.
- Private citizen posted the property.
- There has been nobody from P&Z on-site.
- Only notice has been 3 times in Star news.
- Structures over 3 feet in height have to comply with setbacks.
- To clear up parking issues she showed an aerial and showed where her grandchildren play.
- Submitted pictures.
- Read from statutes.
- She investigated her payroll practices and could not find where she had paid employee taxes.

Chairman Garrison asked for rebuttal.

Cindy said she has lived there quite a while and have witnessed what the Holloways do.

- Everybody parks everywhere.
- People park along the road and her grandchildren run into the street.
- When you come to her place during harmonica festival there is parking everywhere and anywhere.

- There is a ditch along her property.
- Pictures were sent showing her property.
- She talked to the building department and it was judged to be a boardwalk, not as a deck. It was to prevent people from walking through the mud.
- Handicap people could come up the drive to the site.
- She paid to have the driveway dust abated to her home and in front of her business.
- Sometimes somebody drives into the drive to talk, but quickly move if Holloways come along. Holloways never pay for dust abatement.
- Would be glad to trim the tree on Behne.
- Bathroom has to be away from the food – they can walk there from her site.
- She has had no problems with the people at the Corner Bar.
- The equipment in the trailer is up to fire code and is brand new.
- Her hood fan is completely up to code. She has commercial hood, frig, salad unit, etc.
- Thought she was in compliance after working with the health department.

Chairman Garrison closed the public hearing. The Commission deliberated.

Commissioner Allen said most of the issues are dealt with through the health department. Concerning the parking and safety – it is a small community and there is parking provided by neighbor, etc. A lot of people seem to like her business. The same rules are most health department issues, etc.

Commissioner Defoort asked about setbacks. Staff explained setbacks are measured for structures over 3 feet in height, not boardwalks.

Discussion concerning parking ensued. There is random parking around the community; nobody has their own parking lot.

Business owner cannot control parking of customers. The village pattern parking is to park in the rights-of-way.

Commissioner Allen said it sounds like the business is a healthy business approved by health department and provides competition.

Commissioner Cooley said most of the issues are state regulation issues. We do not enforce state regulations except to state they have to comply. Taking into context the general area in the community, it seems to be a small business that fits back there. The parking is similar to all other businesses in the community. It is a remote community.

Commissioner Allen moved to approve **C.U.P. 16-12 Huckleberry Café** with conditions as stated. Commissioner Cooley seconded the motion. Motion carried.

Chairman Garrison explained the ten day appeal period.

E. OTHER ITEMS:

- **Interpretation of What Constitutes an RV Park**

Much discussion occurred. It was determined that people can recreate on their property in RVs. However, if somebody advertises an RV spot for rent it is an RV park and they need a conditional use permit.

- **Events at 277 Potter Lane**

It is private property and his friends can get married on-site. If he charges or takes donations he needs a conditional use permit. He should talk to his neighbor and perhaps mitigate the dust. The neighbor should call the police when it becomes a disturbing the peace issue.

- **Economic Summit Update**

The P&Z Commissioners have been invited to the Economic Summit on October 3 and their entrance fees have been paid.

- **Planning Conference in October**

If any of the Commissioners would like to attend, please let us know.

- **Interest in ABC Initiatives: Pathways, Kiosks, etc.**

P&Z Commission invited to participate.

1. FACTS AND CONCLUSIONS

- C.U.P. 16-07 Boulder Creek Landscaping & Construction
- C.U.P. 16-08 Clear View Subdivision - Preliminary & Final Plat
- C.U.P. 16-09 Milk Can Creek Subdivision - Preliminary & Final Plat
- C.U.P. 16-10 Post Ranches - Preliminary & Final Plat

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

2. Note: October Meeting has been rescheduled from October 13 to October 6, 2016

F. ADJOURN 8:35 p.m.