



# Valley County Planning & Zoning Commission

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Ed Allen, Chairman  
Kathy Deinhardt Hill, Vice-Chairman

Rob Garrison, Commissioner  
Dusty Hibbard, Commissioner  
Bryan Cooley, Commissioner

## VALLEY COUNTY PLANNING AND ZONING MEETING MINUTES

DATE: July 10, 2014

TIME: 6:00 p.m. to 8:00 p.m.

LOCATION: Valley County Courthouse

ATTENDANCE: Commissioners present -- Commissioners Bryan Cooley, Rob Garrison, Dusty Hibbard, and Kathy Deinhardt Hill (acting Chairman). Staff member present: Cynda Herrick, AICP, CFM, Planning and Zoning Administrator.

### A. MINUTES: June 12, 2014

Commissioner Hibbard moved to approve the minutes for June 12, 2014, with the agreed upon changes. Commissioner Garrison seconded the motion. Motion carried.

### B. OLD BUSINESS

- V-1-14 Schunke Setback Variance:** David Schunke is requesting a variance from building setbacks to allow him to build a shop across property boundary lines due to the topography of the area. He is the owner of both adjoining properties. The properties involved are Landmark North Subdivision, Lot 25 and RP12N04E210760. The property is addressed as 10378 Emma Loop and includes the NENE Section 20 & NWNW Section 21, T.12N, R4E, Boise Meridian, Valley County, Idaho. *Tabled from meeting on June 12, 2014.*

Chairman Hill announced the item.

Commissioner Garrison moved to remove V-1-14 Schunke Setback Variance from the table. Commissioner Hibbard seconded the motion. Motion carried.

Chairman Hill asked if there had been any exparte contact or conflict of interest. There was none.

Chairman Hill asked for the Staff Report. Staff presented the additional information submitted by the applicant (exhibit 1) and the pictures submitted by Bob Morton (exhibit 2).

Chairman Hill asked for the presentation from the applicant.

The applicant, David Schunke, 1515 N. 19<sup>th</sup>, Boise, ID, made the following statements:

- Covered everything in second letter.
- Moving it at all creates fill and cost.
- Explained the locations on pictures shown by Morton.

Chairman Hill asked for proponents. There were none.

Chairman Hill asked for uncommitted. There were none.

Chairman Hill asked for opponents. There were none.

Chairman Hill asked for rebuttal. There was none.

Chairman Hill closed the public hearing.

The Commission deliberated.

Commissioner Hibbard commented on possible easement. Asked, since he owns lot and 74 acres can he just combine land. Commission said, no.

Commissioner Garrison said they would have to do a permanent easement from the rural parcel owner to the lot owner.

Commissioner Cooley said the perspective owner would have to know.

Commissioner Garrison said would be shown in a title search.

Commissioner Hibbard asked if Russell was in favor of easement – staff confirmed. Chairman Hill said he stated it would complicate things.

Commissioner Garrison said that is what would need to be done if we make the recommendation to the Board – we will have to trust the system that the easement will be identified on a title search.

Commissioner Cooley commented that the size of the property on the back side – would need the surveyor to show the lot lines. The 74 acres is a large parcel and is not like a small acre lot – no one would even know that the building was over the line.

Commissioner Hibbard confirmed that before you close on a house your property lines are verified.

Commissioner Cooley said that a buyer would be aware when property was purchased...it is large and can work around the easement.

Discussion ensued concerning distance between the buildings. Commission discussed an

envelope of 10' from all portions of the structure that goes across the property line.

COA: Must record an easement, approved by the administrator, from the rural parcel to the lot showing the distance of 10' surrounding the building prior to issuance of the building permit.

COA: Easement must be only for this specific use.

COA: Easement would need to be vacated in order to expire.

Commissioner Garrison moved to recommend approval of V-1-14 Schunke Setback Variance to the Board of County Commissioners with the stated conditions of approval. Commissioner Hibbard seconded the motion. Motion carried. Decision was unanimous.

## C. NEW BUSINESS

- V-2-14 Elitharp Setback Variance:** Thomas Elitharp is requesting a variance from building setbacks to allow a covered walkway/porch as part of a proposed addition. The property involved is RP00176002042A, a combination of Lots 41 & 42, Block 2, McLeod & Edwards Wagon Wheel Subdivision No. 3. The property is addressed as 208 Hereford Place and is located in Section 28, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

Chairman Hill announced the item. Chairman Hill asked if there had been any ex parte contact or conflict of interest. There was none.

Chairman Hill asked for the Staff Report. Staff presented the Staff Report.

Chairman Hill asked for the presentation from the applicant.

The applicant, Thomas Elitharp, 208 Hereford Place, Donnelly, made the following statements:

- Previously envisioned an apartment with the garage.
- No main entrance on main cabin.
- Site plan shows that the structure would be into setback 7 ½', but still 26' + feet from road.
- Roof is within 6 ½' of ground.
- When snow comes off it becomes a tunnel.
- This would allow a larger entrance and a visual walkway.
- There is a stake to the right of the evergreen and that would be the corner of the walkway, yellow is the right-of-way, orange re-bar is right-of-way.
- Picture 5 shows rendition of what is proposed.

Commissioner Garrison asked about Picture 5, indicating walkway. Elitharp stated addition was approved, but walkway will not be constructed if variance is not approved. Added they buried their utilities and the proposed roof is well outside the utility placement area.

Chairman Hill asked for proponents. There were none.

Chairman Hill asked for uncommitted. There were none.

Chairman Hill asked for opponents. There were none.

Chairman Hill asked for rebuttal. There was none.

Chairman Hill closed the public hearing.

The Commission deliberated.

Commissioner Hibbard verified neighbor's location.

Commissioner Garrison stated that the way the design is it will not appear to encroach into the setback. It will not drastically change appearance.

Commissioner Hibbard has no concerns.

Commissioner Hibbard moved to recommend approval of **V-2-14 Elitharp Setback Variance** to the Board of County Commissioners. Commissioner Garrison seconded the motion. Motion carried.

**Chairman Allen joined the meeting.**

#### **D. Comprehensive Plan Update**

Valley County Fire Working Group: John Lillehaug, Mark Woods – SITPA, Frank Yates – Donnelly Fire Department

- Covers most fire groups in Valley County, BNP, PNF, BOR, Cabin Creek, SITPA, Fire Departments, etc.
- Comp Plan does not mention wildfire.
- Their group educates.
- Read plan and want to recommend some changes.
- Every month of year in USA there is a fire season – we are in the fire season.
- Handed out portions of Comp Plan where wildfire can be introduced.
- Discussed Chapter 4 and Chapter 5

Affordable/Rental Housing: Staff asked the Commission to think about how to promote affordable housing and rental housing using such techniques as tax incentives, zoning relaxation, etc.

#### **E. Facts and Conclusions**

- C.U.P. 14-02 Donnelly Idaho Realty
- C.U.P. 14-03 White Cloud Phase 2 – 1<sup>st</sup> Amended Plat

Commissioner Hill moved to approve the Facts and Conclusions. Commissioner Garrison seconded the motion. Motion carried.

#### **F. Other**

- Reschedule meeting of October 9th to either October 2 or 16, 2014: The Commission chose, October 2.

- Determine if a C.U.P. is necessary for North Fork Championship (kayak race) held annually in June along North Fork of Payette River, south of Smith's Ferry.

Planning and Zoning Commission said it needs a conditional use permit.

- Determine if C.U.P. is required for Office Space use at Kessler Construction.

Planning and Zoning Commission said does not need a CUP.

- Determine if C.U.P. is required for yard sale on Spink Lane:

Josh Davis spoke. Grandpa worked at the landfill and collected items for years and filled the farm buildings. They are only selling items that have been accumulated over the years. They are not going out and gathering items. The sign will be removed when they are not open. Will keep neat and tidy and keep it just a yard sale and not a business.

MEETING ADJOURNED