



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: November 12, 2015

TIME: 6:00 p.m. to 7:35 p.m.

LOCATION: Valley County Courthouse

ATTENDANCE: Commissioners present -- Commissioners Bryan Cooley, Rob Garrison, and Chairman Ed Allen were present. Commissioner Kathy Deinhardt Hill and Dusty Hibbard were not present. Staff member present: Cynda Herrick, AICP, CFM, Planning and Zoning Administrator.

A. MINUTES: October 1, 2015

Commissioner Cooley moved to approve the minutes for October 1, 2015. Commissioner Garrison seconded the motion. Motion carried.

B. NEW BUSINESS:

- C.U.P. 15-11 IDA-HOE Backhoe:** Lonnie and Charlene King are requesting approval for conditional use permit to park vehicles and equipment for their business including snow-removal equipment, backhoes, dump trucks, and skid steers. The site is 0.58 acres addressed as 14078 Hwy 55. It is located north of Pearson Lane in NE ¼ SE ¼ Section 28, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

Chairman Allen announced the item. Chairman Allen asked if there had been any exparte contact or conflict of interest. There was none.

Chairman Allen asked for the Staff Report. Staff presented the Staff Report and letters from Kathy Deinhardt Hill (exhibit 1), Carole Sackerman (exhibit 2), Zane F. Mangum (exhibit 3), and Department of Environmental Quality (exhibit 4).

Chairman Allen asked for the presentation from the applicant.

The applicant, Lonnie King, 9 Smylie Court, made the following statements:

- Been in business for 20 years – have grown since then.
- Have plowed Carefree Subdivision for 13 years and extend into McCall with 100 customers.
- Have 3 loaders.
- Had been renting a site from Goff south of here – bought this property 4 years ago.
- Currently has an entry given by ITD that is paved and a culvert underneath.
- It has power, a well, and a foundation – previous owner wanted a shop.
- Wants a more centralized location for his business.
- Can build a fence at the site.
- There is no gas storage and will be none, except back of pickup.
- Repairs are done at his home.
- This will be for parking.

Commissioner Garrison asked about the foundation and plans. Mr. King said it has been inspected by an engineer, but he has no plans.

Chairman Allen asked what the acreage is? Mr. King said it is ½ acre that includes the ditch bank, so it results in about .37 acres. He does comply with the 100' setback for the foundation.

Commissioner Garrison asked about alternative access. Mr. King said there is potential for access on Pearson. He has permission from the irrigation ditch master to build the road, but it would require a lot of fill.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for uncommitted.

Larry Shake said he lives on corner of Pearson and Samson. He has watched Lonnie at this location. There are other big construction companies along this stretch of highway. Says Falvey has dug 15 + feet into his land, processing material, and operating as gravel pit – there is no landscape equipment. He would like to see this use stay only as parking of equipment without additional buildings.

Chairman Allen asked for opponents. There were none.

Chairman Allen asked for rebuttal. There was none.

Chairman Allen closed the public hearing.

The Commission deliberated.

Commissioner Cooley stated that the size of the property is a small irregular shape. Traffic is a tough spot from Lake Fork to McCall. It is a fairly treed lot. With additional landscaping this could work.

Commissioner Garrison is concerned about the two access points even though it is paved and one is for the irrigation company. Building anything will not help. Hours described in application mediates the impacts to neighbors. The 6' fence would help screen along the highway along with the additional landscaping. It is good business sense at this location. He would rather see a berm than a fence.

COA: There shall be no fuel tanks on-site.

COA: There shall be no 24 hour lighting.

COA: Landscaping will be placed within one year. The landscaping shall be an undulating berm with evergreens along the highway and additional trees along the ditch.

Chairman Allen and Commissioner Cooley agree with evergreens and natural landscaping along the highway. No fence is required.

Chairman Allen said the scenic byway people just ask that the landscaping be required. Chairman Allen does not want to see a lot of buildings with the setbacks.

COA: There shall be no additional buildings. If existing foundation is built on in the future an additional conditional use permit will be required.

COA: The conditional use permit will be null and void if Ida-Hoe is not the business and Lonnie King is not the owner.

COA: Non-operable equipment will be removed from the site – parking at this site is only for convenience of the routes of the current operation.

COA: Parking and storage shall be on inside of the landscape barrier to the east.

Commissioner Garrison moved to approve **C.U.P. 15-11 IDA-HOE Backhoe** with the conditions of approval. Commissioner Cooley seconded the motion. Motion carried.

Chairman Allen explained the ten day appeal period.

2. C.U.P. 15-12 Johnson Subdivision – Preliminary & Final Plat: Karl Johnson & Crystal Johnson are requesting a conditional use permit for a two-lot residential subdivision. Proposed lot 1 is 4.34 acres of bare ground, while proposed lot 2 has an existing house, well, and septic drainfield on 2.3 acres. The site is located at the northeast corner of Pearson Lane and Samson Trail in the NWSW Section 27, T.18N, R.E., Boise Meridian, Valley County, Idaho.

Chairman Allen announced the item. Chairman Allen asked if there had been any exparte contact or conflict of interest. There was none.

Chairman Allen asked for the Staff Report. Staff presented the Staff Report and letters from John Kwader (exhibit 1), Larry and Monica Shake (exhibit 2), Dept. of Environmental Quality (exhibit 3), and revised Plat (exhibit 4).

Chairman Allen asked about depletion of water and contamination. Staff stated she had heard of neither from any agency.

Chairman Allen asked for the presentation from the applicant.

The applicant's agent, Joel Droulard, 278 Alta Vista, made the following statements:

- Corrections have been made as indicated by the assessor's office.
- Did look at well logs in Section 27 and there appears to be no shortage of water – they showed 10-25 gal per minutes and static water level was 50' to 100'.
- Josh Kriz is looking at the site and made recommendations. Was on site August 11 and recommends a cap and fill system for the septic.
- There is only one additional home proposed – there is an existing residence.
- The letter from John Kwader shows an attempt to amend the property – he is about ½ mile to the north and not part of the Cowden Survey that was done in 1993, all of which were without Planning and Zoning approval.
- This parcel is one of 7 that range in size from 5 to 25 acres.

Chairman Allen asked for proponents. There were none.

Chairman Allen asked for uncommitted. There were none.

Chairman Allen asked for opponents.

Larry Shake, 1612 S. Samson Trail, made the following comments:

- His letter was read into the record.
- The people to the north of the Cowden survey completely drain the Sackerman's well when they turn the pump on at night.
- There are water table issues.
- Adams County brought a guy in from Challis where they had to pay for a public system due to contaminated water from too many wells – that is why Adams County has a 5 acre limit.
- The configuration is just setting up to be split again.
- Most of parcels are 5 acres or more – his one acre was one of the first split.
- Didn't think another subdivision could be done.
- Urges the Commission to deny this application.
- Concerned that the building envelope and driveway entrance are not located.
- Most of the neighbors want to keep the open space.

Chairman Allen asked for rebuttal.

Joe Droulard stated that there is a variety of sizes in this area. There is a one acre right across

the street. Pearson Corners starts at 2+ acres. If subdivisions weren't done there would be no place to build. He is not an expert on ground water contamination, but the health department did look at this site. The CCRs originally in place on this property disappeared in the exchanges of title. The owner will agree to recommend the original CCRs with this property.

Chairman Allen closed the public hearing.

The Commission deliberated.

Commissioner Garrison said there is a lot of testimony against. Everything they are doing is completely within our rules. Staff clarified this was a record of survey with CCRs that don't prohibit splitting of property. Commissioner Garrison continued. Everything they are doing is legitimate, even with the concern of the well water. A lot of the water in the county is not an aquifer.

Commissioner Cooley agrees this is a tough deal. At any point along the progression of development, from the splitting of 80 acres into 20's into 5's it is a change and tough for surrounding land owners to accept. Both of these lots are larger than the adjacent one acre parcel. If it was ever split again, they would have to come back for further approval.

Chairman Allen is sympathetic; the reality is that anybody anytime can come ask for a subdivision. We can't just put our druthers on it – there needs to be substantial environmental reasons this can't be approved. He lives on 1.5 acres. We can't just sit here and say "we just don't like it". We would be in violation of the ordinances to not approve without a valid reason.

Commissioner Garrison moved to approve **C.U.P. 15-12 Johnson Subdivision – Preliminary & Final Plat** with the conditions of approval, and authorize the chairman to sign the plat. Commissioner Cooley seconded the motion. Motion carried.

Chairman Allen explained the ten day appeal period.

C. OTHER:

- 1. 14115 Ruska Road – Pit Privy:** MacKenzie & Brian Wood are requesting approval to establish a pit privy on RP18N03E261655. The site is 21.3 acres located in the NE ¼ Section 26, T.18N, R.3E, Boise Meridian, Valley County, Idaho.

Staff explained that at this time they are not putting in a septic system but plan on putting an alternative type of system in the future. They are building up a location for the drainfield and it is about a 3 to 5 year process.

Commissioner Garrison said the building department should take care to not allow the grey water to go into the vaulted privy.

Commissioner Garrison moved to approve their vaulted privy. Commissioner Cooley seconded

the motion. Motion carried.

D. FACTS AND CONCLUSIONS

- C.U.P. 15-10 Tall Timbers Sawmill
Commissioner Garrison moved to approve the Facts and Conclusions and authorize the Chairman to sign for C.U.P. 15-10 Tall Timbers Sawmill. Commissioner Cooley seconded the motion. Motion carried.

MEETING ADJOURNED 7:35 p.m.