



# 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

April 13, 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](#)  
[Board Member - Ed Allen: Present](#)  
[Board Chair - Rob Garrison: Present](#)  
[Board Member - Bryan Cooley: Present](#)  
[Board Member - Scott Freeman: Present](#)  
[Board Member - Johanna Defoort: Absent - Excused](#)  
[P&Z Assistant - Lori Hunter: Present](#)

**B. MINUTES:** Commissioner Allen moved to approve the minutes of March 9, 2017;  
Commissioner Freeman seconded the motion. Motion carried.

**C. OLD BUSINESS:**

- 1. C.U.P. 17-02 Mountain Meadows Subdivision No. 4 – Preliminary & Final Plat:** Ron Platt is requesting approval of a one-lot residential subdivision on 3.066 acres. An individual well would provide water and North Lake Recreational Sewer & Water District would provide sewer services. Access is via Cameron Drive, a public road; no new roads are proposed. This proposal is for a replat of RP00163000000A currently platted as a common area for Mountain Meadows Subdivision No. 2 in the S ½ SE ¼ Section 8, T.16N, R.3E, B.M., Valley County, Idaho. *Tabled from meeting on March 9, 2017.*

Chairman Garrison introduced the item.

Commissioner Allen moved to remove C.U.P. 17-02 from the table; Commissioner Cooley seconded the motion. Motion carried.

Chairman Garrison reopened public hearing. Chairman Garrison asked if there was any *ex parte* contact or conflict of interest. Commissioner Freeman recused himself due to personal issues.

Chairman Garrison asked for the Staff Report. Cynda Herrick presented the staff report and

summarized the following exhibits:

- Exhibit 1: April 6, 2017 response from Greg Martinez, Corps of Engineers, stating that there have been no projects in that area that require a wetland delineation. The U.S. Fish and Wildlife wetland map has a large wetland just west of Mud Creek. The info is also 20 years old so the wetland area may have changed due to both natural and man-caused reasons.
- Exhibit 2: CDHD response dated 4/5/2017– No objections.

Chairman Garrison asked Cynda if the property value has not been on the tax bill for individuals. Cynda confirmed that the since the 1983 lots have not been assessed the value of the common area; unknown prior to 1983. After 1983, the individual lot was assessed and taxed separately.

Chairman Garrison asked for the applicant's presentation.

Ron Platt, 15311 Lavin Street, Caldwell, said that there are a few fallacies in the staff report. The transfer to a homeowner's association never happened as a HOA was never established. Lot owners want the privilege of having a common area but not the cost. The county sent the tax bill and we have been paying it since 1983. "I am trying to recover my investment." The Assessor's Office has valued this as a buildable lot multiple times. He is trying to sort it out. This application for a plat is the option that Board of County Commissioners gave. The lot owners can buy the lot if they want. The CCRs set up how to do an HOA, but it was never done by the lot owners. There is room to do a buildable lot without affecting anyone else.

Commissioner Allen said he is trying to understand what happened between developer and lot owners. Were the people who owned the lots notified in 1983 by you? Mr. Platt replied that the closing documents state that the lot owners could create a HOA. Whose responsibility was it to contact the owners - us or the County?

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for opponents.

Marilyn McGraw, 138 Cindy Lane, bought three lots 30 years ago prior to the existence of P&Z. She has never been notified except for a sewer situation. Ballentyne, the realtor, had the responsibility to make it into a common area. She would be in favor of a HOA if that would resolve the issue. The taxes should be divided. Having the common area was a factor in her property purchase.

Betty Chatburn, 13158 Cameron Lane, stated that the Platts and Ballantynes were given notice in the letter from Assessor's Office to the Platts. She understands the applicant's reasoning, but the area is common area. Can the property be split into a building lot plus common area? My HOA in Boise does not pay taxes. This is not fair to either side. She would like to have property divided into a building site plus common area to make it fair. When she bought this property,

no one mentioned anything about a HOA. She has pictures taken yesterday of the wet areas and ponds. Why is this separate subdivision? Why didn't the Platts notify the lot owners?

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for rebuttal from the applicant.

Mr. Platt stated that this application was the Board of County Commissioners' solution. The lot would have the same CCRs as Mountain Meadows 2. Contacting lot owners was not one of the options given by the County Commissioners and P&Z staff in previous discussions.

Chairman Garrison closed the public hearing.

The Commission deliberated. Chairman Garrison said there are problems specific to this application. Firstly, this application as presented does not meet state codes based on state statute and case law [from staff report]. Commissioner Allen said this puts us into an awkward situation; the statute states two-thirds of property owners need to agree. If it is on the plat, then it is official. Chairman Garrison said the court cases had no mention of ownership of land. Once it is platted as common area, then it is common area. Commissioner Allen is sympathetic to Platts. There was discussion on how the state requires a vacation first, with two-thirds approval of lot owners, and then a replat.

Chairman Garrison stated that the Assessor's Office should start assessing these properties and common areas should show up on tax bills as common area and should increase a lot's value. Commissioner Allen believed the Assessor's Office does that for new subdivisions.

The 2001 letter from Gregory Cade, Division Administrator, to all the County Assessors was discussed. Commissioner Allen asked what is the avenue [for the Assessors] to distribute the value? Cynda replied whoever owns the lot is responsible for paying the taxes.

Options include a vacation and replat or deed it to a HOA or it goes to tax deed auction.

Commissioner Allen said that the homeowners should be picking up the burden.

During the 2015 discussion with the Board of County Commissioners, it was determined that a building permit cannot be issued as it is Common Area.

Commissioner Allen moved to deny C.U.P. 17-02 Mountain Meadows # 4 based on our discussion. Commissioner Cooley seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten calendar day appeal period.

A member of the audience asked if an HOA is required. Cynda responded that someone has to own the property.

#### D. NEW BUSINESS:

1. **C.U.P. 17-03 EnergySeal Office, Shop, and Employee Housing:** Joseph & Danielle Swinford are requesting approval to establish a 14,000 sq. ft. shop and office with multiple bays for their insulation business currently located in McCall. They would also like to construct a 4-plex with residences of 1000-1200 sq. ft. each for their employees. The 9.6-acre site is Oster Subdivision Lot 1 located in the S ½ NWNE Section 33, T.18N, R.3.E, Boise Meridian, Valley County, Idaho.

[06:31:54 PM \(00:32:52\)](#)

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: Email from applicant with Corps of Engineers response and application. Includes the process for filling in wetland to build driveway.
- Exhibit 2: CDHD response dated 4/6/2017 - applicant will need to obtain septic approval from CDHD.

Commissioner Cooley asked if the entrance was constructed. Cynda replied not for this lot; not at centerline. Oster Subdivision access is currently mostly on Lot 2. Commissioners should ask applicant the plan for the driveway access to Highway 55. A shared driveway was a conditional of approval for Oster Subdivision.

Commissioner Allen corrected staff report: east of application is Harlow's, west is Single-family Residential.

Chairman Garrison asked for the applicant's presentation.

Joe Swinford, 407 Rio Vista, McCall, said the company has been in business since 1996. Have not had any problems at current location in McCall but would have complications to expand at that location. More space is needed for equipment. The company is expanding; just finished building headquarters building in Boise and have land to build in Sun Valley. This is a family business. Have spoken with Ken Couch [Idaho Transportation Department] regarding driveway access. Must be a joint access with Lot 2. He has drafted an agreement with Crossley's. If the Crossley's doesn't agree, ITD will post it and close their driveway which is not in the right spot.

Staff report question 1 – lighting: Shop bays will have motion-controlled lighting. Timer lights along the long driveway access for safety. He does understand the requirements regarding fixtures.

Staff report question 2 – phasing plan: Phasing plan is 18 months for shop; Phase 2 is housing. Would like to sell existing shop in McCall before beginning construction of the new shop. Could do driveway access and pads prior to selling the McCall property. Would start housing one year after finishing shop.

Staff report question 3 – additional buildings: Would like to have a storage building with multiple bays to store equipment in. Wants to have an organized space.

Staff report question 4 – outside storage: Will have four 28-ft “pups” outside and 3-4 service trucks.

Staff report question 5 – A four-plex is most cost effective way of construction. Cynda added that sprinklers may be required in a four-plex; could give the ability of 4-plex or separate units.

Staff report question 6 – other agencies – Applicant has spoken with ITD and CDHD. Gary Swain did the septic testing of the property and is available to speak tonight. Corps of Engineers is mostly concerned with northwest part of the property and also want information on culvert, fill, etc. for driveway access.

Commissioner Allen asked for clarification of the joint access of Lot 1 and 2. Property line is location of shared access. ITD wants signed document that Crossleys are responsible for half of the access.

Commissioner Allen asked about the “pups”. Mr. Swinford said that “pups” are semi-truck trailers. Commissioner Allen suggested updating the site plan to include these.

Commissioner Allen asked about the landscaping plan. Mr. Swinford will make a more comprehensive landscape and site plan.

Chairman Garrison asked for proponents.

Gary Swain, 13675 Farm to Market Road, wants the outside storage and storage shed included in the conditional use permit. Joe will create the joint access onto Highway 55 as required by ITD and then will split off and create his driveway. Crossley’s will use the same access point off the highway, but have their own driveway once it crosses the property. Could do four-plex or four units or duplexes; will partially depend on CDHD. The site is currently approved for 600 gallons, which would accommodate 20 employees. Housing units will likely require a separate septic. If wetlands are an issue, they can be fenced off. He has known this family and company for over a decade. If Joe makes a commitment, he will get it done.

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 recommends open housing options up to 4 units in any configuration to give alternatives based on fire department and CDHD requirements. The lot is back off highway, almost hidden. Good location for this project. Commissioner Allen agreed. Applicant should work with Cynda to improve site plans. Commissioner Allen recommends a 5-year timeline. Chairman Garrison agrees. The applicant can come back to P&Z with a phasing plan and accomplishments. Recommends an annual review with staff. It is nice to see business owners helping with employee housing. Our workforce needs a place to live.

COA: Change current # 3 to 5 years with annual review of staff.

COA: Update site plan to show location of parking, pup trailers, six-bay storage unit, and updated landscaping plan.

COA: Housing may be any configuration of four units.

COA : Stormwater management plan shall be approved by County Engineer prior to any excavation.

Commissioner Cooley moved to approve C.U.P. 17-03 EnergySeal Office, Shop, & Employee Housing with the stated conditions; Commissioner Allen seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.  
(Short recess.)

**2. C.U.P. 07-11 Gold Fork River Ranch Subdivision– Extension Request & C.U.P. 08-08 Gold Fork River Ranch Gravel & Sand Sales – Extension Request:** Gold Fork River Ranch LLC is requesting a five-year extension of the conditional use permits and preliminary plat that expire in May 2017. The approved preliminary plat contains 48 single-family residential lots with individual wells and septic. The projects last received extensions in 2012. The approximately 162 acre site is bordered by Davis Creek Lane and Koskella Road and is located in the SW ¼ Section 25, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

[07:13:30 PM \(01:08:50\)](#)

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 with original conditions of approval and summarized the following exhibits:

- Exhibit 1: CDHD response dated 4/6/2017– no objections

Roads are constructed; ponds exist. Some sale of materials has been occurring.

Chairman Garrison asked for the applicant’s presentation.

Bob Fodrea, 105 North Main, Cascade, said they are trying to maintain the site. Have sold gravel and sand. These funds pay for irrigation to supply ponds and maintain the site. Pictures show old barn cleanup. Old barn collapsed down due to heavy winds and was burned as training exercise for the fire department. He is trying to control knapweed and other noxious weeds and has participated in grasshopper control. Regarding development, they have the sanitary release from CDHD. They want to continue to wait for real estate market to move forward before recording plat and putting lots on the market. They do have an incredible investment in project.

Commissioner Allen asked if the ponds were created and finished. Mr. Fodrea replied that the ponds are done.

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 and discussed how well the area has been maintained. Effort is being made.

Commissioner Allen moved to approve an extension for C.U.P. 07-11 Gold Fork River Ranch and C.U.P 08-08 Gold Fork River Ranch Gravel and Sand Sales. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

**3. C.U.P. 09-01 Blackhawk Lake Estates Phases 3 & 4 – Extension Request:** LB Industries is requesting a two-year extension of the conditional use permit and preliminary plat that expire in April 2017. The original approval was for nine residential lots and 1 common lot. The 25.87 acre site is located on the west side of Blackhawk Lake in N ½ Section 2, T.17N, R.2E, Boise Meridian, Valley County, Idaho.

[07:25:46 PM \(01:21:07\)](#)

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: Idaho Transportation Department sent a letter dated April 3, 2017 stating they have no objections and do not require mitigation.
- Exhibit 2: William Carroll sent an email dated April 9, 2017. He owns a home on Lot 57, immediately adjacent to the Open Space Parcel 4 and proposed Blackhawk Lake Estates Phases 3 & 4. He questions how Parcel 4 would be affected. He also included three recent pictures of water flowing through the area. Hopes they don't decrease size of open areas. He also asks if the proposal includes moving the road lower to the wetland areas and the lake.
- Exhibit 3: CDHD response dated 4/6/2017– no objections.

Cynda said she spoke to William Carroll on the phone and sent him a copy of the plat previously recorded that affected open areas.

Chairman Garrison asked for the applicant's presentation.

Joe Pachner, 9233 W State Street, Boise, spoke on behalf of LB industries.

- The applicant wanted to finish this eight years ago.
- The problem is the sensitive nature of the lake. Other existing lots around lake have standard septic areas. Further study showed that much of the ground around the lake is basalt with a clear path to the water. Main issue has been the possibility of phosphorous blooms. They have researched how to mitigate this. Phosphorous removal is usually on a large scale; not just nine lots. Experimental methods are still being tested in Idaho. Don't yet have an approved alternate wastewater method for the site.
- Have met with HOA President Joe Klobucher [Blackhawk Lake POA]. The POA has an active wildfire mitigation plan and he will get a copy. The applicant agreed to adopt the newest CCRs that Blackhawk Lake HOA approved.
- The Open Areas/common lots are not changing. The gravel road will be paved and will not be moved.
- Wetlands will not be affected.
- Each lot will treat effluent and then the effluent will be treated for phosphorous removal and pumped to a common drainfield.
- A fire hydrant will be included. There is currently only one fire hydrant for the existing subdivision.

There were no questions for the applicant.

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 and discussed drainfields and requirements of DEQ and CDHD.

Commissioner Freeman moved to approve an extension of C.U.P. 09-01 Blackhawk Lake 3 & 4. Commissioner Allen seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

#### **E. APPEAL OF SIGN PERMIT DENIAL – Mountain Meadow Rentals**

The applicant was out of town and unable to attend. He requested the issue be moved to the May meeting. Commissioner Cooley remarked that signs were discussed at the meeting the conditional use permit was approved. There was discussion regarding the picture of the signs taken March 28, 2017. The applicant says he is a commercial mall and, therefore, can have additional signs at the site. Commissioner Allen moved to table this administrative appeal to May 11, 2017. Commissioner Cooley seconded. Motion passed unanimously.



**F. FACTS AND CONCLUSIONS:**

- C.U.P. 17-01 Cascade Nordic Ski Club – Hasbrouck Ranch Site

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

**ADJOURNED:** 7:47 p.m.