



Valley County Planning & Zoning Commission

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

MINUTES

Valley County Planning and Zoning Commission

May 11, 2017

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. Meeting called to order at 6:05 p.m.

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

B. MINUTES: Commissioner Freeman moved to approve the minutes of April 13, 2017. Commissioner Allen seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

- C.U.P. 13-03 Blackhawk – Phase 1 – Final Plat:** Blackhawk on the River LLC is requesting final plat approval. This is a replat of Blocks III, VIII, IX, XI, XVII, XIX, and XX of Blackhawk Planned Unit Development and would allow the sale of 22 lots. The commission will review the final plat, conditional use permit, and density to determine conformance with the preliminary plat and P.U.D. 13-01 Blackhawk. The site is accessed from West Mountain Road and is located in Section 25 & 36, T.18N, R.2E and SW ¼ Section 30, T.18N, R.3E, Boise Meridian, Valley County, Idaho.

Vice Chair Cooley introduced the item. This is not a public hearing. There was no *ex parte* contact or conflict of interest noted.

Vice Chair Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

Exhibit 1: Ken Couch, Idaho Transportation Department, replied via letter dated May 3, 2017. ITD does not object to the replat and final plat of this project and does not require mitigation.

Exhibit 2: Ralph Miller, Secesh Engineering, emailed an updated plat on May 11, 2017. This revision is in response to the corrections recommended by Valley County Cadastral Specialist and P&Z Staff.

Exhibit 3: Garrett deJong, Assistant Chief, McCall Fire District, stated that the District has no comments regarding this request in a letter dated May 10, 2017.

Administrator Herrick provided a brief history on Blackhawk on the River and the Blackhawk P.U.D. The P.U.D. combined platted lots within blocks to save taxes. This plat proposal puts it back to the way it was to save money on sewer stubs. She does believe that this plat complies with the preliminary plat.

Vice Chair Cooley asked for the applicant's presentation.

Dianna Velder, 11 Shooting Star, McCall, stated they went back to the original lot arrangement to be able to sell lots this summer.

The Commissioners and staff discussed the history of Blackhawk and the P.U.D. Administrator Herrick is comfortable that this final plat matches what was approved in the original preliminary plat. Utilities are placed. These are buildable lots.

Commissioner Defoort moved to approve final plat and authorize the Chairman to sign. Commissioner Freeman seconded. Motion passed unanimously. Administrator Herrick would like to state for the record that approvals go with the land not a person.

Vice Chair Cooley explained the ten day appeal period.

D. NEW BUSINESS:

- 1. C.U.P. 17-04 Blackhawk on the River Event Venue:** McCall Associates LLC is requesting approval to establish an event venue at the Blackhawk River Lodge. The site would be available to rent by the public between 8 a.m. and 10 p.m. The existing buildings, parking lot, and lawns would be used. The 2-acre site is Blackhawk on the River Phase 2, Lot 99, Block 3 located in the SE ¼ Section 25, T.18N, R.2E, Boise Meridian, Valley County, Idaho.

Vice Chair Cooley introduced the item. Vice Chair Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice Chair Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

Exhibit 1: Applicant's response to Staff's questions in the Staff Report.

Exhibit 2: Lori Hunter, P&Z Assistant, noted that she called Dianna Velder of McCall Associates

LLC on May 9, 2017. She learned that the notification letter sent to the Blackhawk Community HOA was not forwarded on to the property owners in the HOA. Dianna did say that the info would be included in an HOA newsletter that was to be sent on May 9, 2017.

Exhibit 3: On May 10, 2017, Dianna Velder sent via email the HOA newsletter that mentioned the information on the public hearing. The email included the email addresses of those who were sent the newsletter.

Exhibit 4: Jim Pfeifer sent an email on May 11, 2017. Property owners are not being made aware of changes. They have been told that permits were in order but obviously they were not. He does not know any property owners who support public use of the lodge. He asks that the homeowners have an opportunity to discuss these issues at their annual meeting in early July prior to the P&Z Commissioners making a decision.

Exhibit 5: Gordon Heath sent an email on May 11, 2017, stating they were not notified.

Exhibit 6: Carl Feldhusen called on May 10, 2017. He is a property owner in Blackhawk on the River Subdivision 2. He is undecided but concerned and would like more time to research before commenting.

Exhibit 7: Garrett deJong, Assistant Chief, McCall Fire District, stated that the District has no comments regarding this request in letter dated May 10, 2017

Vice Chair Cooley asked for the applicant's presentation.

Dianna Velder, 11 Shooting Star, McCall, stated that the Blackhawk community landowners use the lodge. HOA members do not pay toward the lodge costs. It is funded by events. The president of the HOA stated in a letter included with the application that CCRs do allow for special events at the lodge. The HOA has no problems with the events and they can be continued. HOA president was notified. The HOA is managed by Riverside Management, not Dianna.

Commissioner Allen asked who owns the lodge. Ms. Velder replied it is Blackhawk Gold; the company she works for. The CEO was Sima but he has stepped down. The Lodge does not belong to the property owners. The HOA was notified in February prior to application. The intent of the Lodge is for property owners; i.e. the BBQ, pool, theatre room, etc., is available to them. There is no written contract or agreement. If there are no events, expenses can't be paid, and the Lodge will need to be shut down.

Commissioner Defoort asked about previous events. Ms. Velder replied that during last year there was one wedding by landowner and other events were for the public.

No HOA dues go to fund the Lodge.

Commissioner Allen asked if the application was for formal approval of events that have been happening. Ms. Velder agreed, adding that the events they have had for three years do bring value to McCall with businesses such as hotel, restaurants, etc.

Vice Chair Cooley asked for proponents.

Pam Prozen, 12550 Ridge Road, Boise, is a proponent as she has a wedding scheduled at the Lodge on June 17th. She doesn't know the issues surrounding this application but understood that the Lodge was a private facility.

Vice Chair Cooley asked for uncommitted. There were none.

Vice Chair Cooley asked for opponents.

Paul DeSchryver, 22 Arrowgrass Way, is a nine-year resident; the longest resident living in Blackhawk on the River. He received a call from the Barkers who did receive a letter from P&Z asking his opinion. Mr. DeSchryver was previously president of the HOA from 2008-2012. On Saturday, noticed the notice sign posted at the site. On Tuesday morning called P&Z and was told notice was in the local newspaper and was signed on May 3. The HOA did not contact the property owners within Blackhawk. At the bottom of the HOA newsletter (Exhibit 3) is the notice sent out by the HOA which admits they have been hosting these events without compliance. Have been doing so for over 5 years, even prior to the Lodge being built. The address Dianna Velder gave, 11 Shooting Star, is not her residence; it is the lodge's location. As a resident he has been listening to the amplified music. The letters of opposition in the staff report are from people outside the development who do hear the music. Called Chris Hobson, president of HOA, who said he was not aware of the issue. Exhibit 8: his letter of opposition.

Jim Pfeifer, 25 Moonflower CT, sent a previous letter and is concerned that people were not notified. This affects not only Blackhawk but other nearby subdivisions. The HOA member's meeting is in July; he would like to discuss at that meeting, prior to a P&Z decision. In the 4 ½ years he has been a resident of Blackhawk, Sima Muroff's company has not been maintaining or providing services (sewer, water, streets).

Diane Evans Mack, 230 Buckcamp Lane, has same complaints of Blackhawk residents: previously loud music and crowd noise heard from events. She is now in opposition to all events unless contained inside the building.

Exhibit 9: Email responses from Terri Hicks, 21 Moonflower CT, and Brett Whitaker submitted by Paul DeSchryver. They do not want expanded use of lodge. Already conflicts as a result of loud and disruptive events. If outside uses are inevitable, greatly constrained hours and noise limits should be required. Mr. Whitaker is a HOA board member.

Vice Chair Cooley asked for rebuttal.

Applicant's response: Ms. Velder replied that events go to 10 p.m., the same limit as anyone in their backyard. The president of the HOA said the events meet the guidelines of the CCRs. All owners use the facility free of charge.

Paul DeSchryver - They [property owners] were told that all required permits were approved. The HOA was misled.

Ms. Velder replied that she was not there when that was told; she is just trying to make things right.

Vice Chair Cooley closed the public hearing.

The Commission deliberated.

Commissioner Defoort stated that this is a privately owned lodge; homeowners don't pay. The P&Z does not enforce CCRs; that is a civil matter. She believes use is applicable for area. HOA could make a decision to buy the Lodge.

Commissioner Freeman asked Staff about the notification. Staff replied that agencies received notification 30 days in advance, property owners within 300' were noticed, as was the HOA. A sign was posted on the site. The letters were sent to the mailing address in the Assessor's records; the address where they receive their tax bills. It was in the *Star News* twice. Noticing complied with the letter of the law.

Commissioner Allen said that the Lodge is not owned by property owners. The property owners are "neighbors" similar to the neighboring subdivision commenters. Applicant wants to have events. Hosting events like weddings as a business requires a conditional use permit. The Commissioners discussed previous similar applications. Having two events per week is pretty extensive. Noise seems to be the big concern. Notification requirements were met. Other event locations have requirements. Gravel pits have noise requirements.

Commissioner Cooley agreed that notice requirements and CCRs are not an issue to discuss. Neighbors are affected. Lodge has been in operation and these events have been ongoing.

Commissioner Allen said that asking neighbors to be impacted two times per week is a lot. There may be way to decrease impact to neighborhood such as limiting number of events.

Commissioner Defoort stated that people who purchase property knew that the lodge is available for member use. This isn't like a new neighbor activity. This has been ongoing. However, two events per week is excessive, especially those with music. Restrictions are needed. Currently scheduled events should be able to continue.

Discussion continued. Commissioner Allen added this is a "for profit situation"; two times per week seems excessive.

Commissioner Defoort asked Staff about the original application of lodge. Administrator Herrick replied that the conditional use permit says no commercial use. She has been telling management that a C.U.P is needed if inviting public. The funds pay for running the Lodge; free use by property owners.

The commissioners discussed if the lodge is non-profit or for-profit entity. Commissioner Allen stated that the applicant is asking for commercial use; do not need a C.U.P. for property owner use. Commissioner Cooley said the scale of this does not differ whether a homeowner is using it or the public is using it. The impact is the same. Frequency is too much. Commissioner Allen replied that if homeowner using the Lodge for events, it would likely be used only a couple times of years. Commissioner Allen is opposed to application. Commissioner Freeman's concern is frequency and length of events. There was more discussion on the frequency of events. Application does not specify number of events.

The Commissioners discussed possible tabling application to August and asked Staff what would happen if the Commission denied the application or limited the number of events. Administrator Herrick said that the Lodge could not have events if denied and appealed until after public hearing. Commissioner Defoort asked if the application could be denied but the events with deposits still allowed to occur. Administrator Herrick said "no". She added that the Commission could table the discussion until August, after the July HOA meeting, allowing the HOA to work with the property owner, and allow only the events scheduled at this time. Commissioner Defoort liked this recommendation as it would not inconvenience the public who have events planned and neighbors know that an end is in sight. Commissioner Defoort suggested only events that have been paid for with deposits be allowed. Commissioner Allen stated "no new events".

Vice-Chairman Cooley asked Staff to read new conditions of approval. Staff replied:

COA: No new events can be scheduled.

COA: A list of scheduled events to be sent to P&Z office tomorrow [May 12, 2017].

COA: Recommend arbitration between the HOA and applicant.

Commissioner Allen moved to table C.U.P. 17-04 Blackhawk on the River Event Venue to August 10, 2017, at 6 p.m. with the stated conditions. Commissioner Defoort seconded the motion. Motion carried unanimously.

Vice Chair Cooley explained the ten day appeal period.

- 2. C.U.P. 17-05 Small Engine Service:** Brian Preiss is requesting approval to establish a small engine repair shop. A single-family residence, garage, and outbuildings currently exist; no new construction is planned. The 1.9-acre site is addressed as 40 East Prospectors Drive and contains Lots 49 & 50 of Gold Dust Ranch #1 located in the NESW Section 10, T.13N, R.4E, Boise Meridian, Valley County, Idaho.

Vice Chair Cooley introduced the item. Vice Chair Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice Chair Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

[07:10:29 PM \(01:10:27\)](#)

Exhibit 1: picture from road of house sent by applicant.

Commissioner Allen asked if this is a residential business. Administrator Herrick replied that a few customers will be coming to the site; therefore, a conditional use permit is required, allowing the Commission to address outside storage.

Vice Chair Cooley asked for the applicant's presentation.

Brian Preiss, 40 E Prospector Drive, Cascade, ID said the business would be in a residential garage. His responses to the questions in the staff report are as follows:

1. Will you ever burn debris associated with the business? No
2. Will there be any outside storage? Service will be first come, first served. There is a small section for outside storage.
3. Will you be creating a salvage yard? How many vehicles will be stored on property at one time? No salvage yard. Largest equipment will be snowmobiles, atv, utv. About 30 x 30 ft. fenced section. About six vehicles maximum can fit. Location of fenced section is east of barn on Lot 49, surrounded by trees.
4. What type of lighting do you have? The current floodlight does not work. Will add a light to the garage that meets lighting ordinance.
5. How will you dispose of oil waste and solvent waste? It will be taken to the landfill recycling spot and also auto places in Cascade such as Thunder Mountain Auto.
6. Do you have a fire protection plan? He has one created but not in writing. Has discussed fire protection with neighbors. Building is surrounded by sandy area that is not likely to burn. Has equipment to manage fires.
7. Do you have plans to construct other commercial buildings in the future? Will the shop

by the house be the location of commercial activities? He will be using the shop by house. If finances allow, would like to add addition but no current plans to do so.

Discussion on signage; one sign and 32 sq. ft. allowed.

Vice Chair Cooley asked for proponents. There were none.

Vice Chair Cooley asked for uncommitted.

Matt Bannon lives nearby and owns adjacent lot to the south. He originally sold house to Brian. Regarding fire, neighbors have discussed mitigation due to past issues. Previously the Kennedy's have trimmed trees on the adjacent property and the lawn is kept mowed. He would be concerned with excessive outdoor storage. As long as Brian keeps it cleaned up, then he should be allowed to do what he wants on his property.

Jeff McFadden, 514 Sawyer Street, is the Valley County Road Department Superintendent. Dust is major issue in residential areas. If traffic will increase due to business, then recommends dust control by applicant. Not against the business.

Vice Chair Cooley asked for opponents.

Jeffrey Wagner, 1918 Gold Dust Road, is concerned about signage and lighting. His bedroom window faces this business. Will it resemble business by Wellington's [in Cascade]? It will compete with businesses in town. Will there be open parts and equipment for sale on site? Hours of operation? Noise? Where will vehicles be tested, on subdivision streets? This business should be in town.

Diane Wagner, 1918 Gold Dust Road, received letter notification. This is a residential subdivision. She does not want commercial use in a neighborhood.

Patrick Hopper, 49 E Prospectors Drive, lives about 450 feet away. He is opposed due to previously stated comments. His father owned a small-engine repair shop. There will be noise. CCRs show intent and state that no commercial structure or no commercial use allowed in CCRs. He moved here for the peace and quiet.

Vice Chair Cooley asked for rebuttal.

Brian Preiss responded to the fore mentioned issues. Dust is not enjoyable; Gold Dust already has a problem with many vehicles creating dust. He will not be testing on the streets in Gold Dust. He also has kids and understands the safety desires of the neighbors. The noise will be generated indoors, not outside the shop. He doesn't want to work late in the evenings. He wants to keep the business small and still pay bills.

Vice Chair Cooley closed the public hearing.

The Commission deliberated.

Commissioner Allen recommends that staff works with applicant on answers to questions in staff report and add COAs regarding noise, fire plan, fire extinguisher requirement, and specific hours. Commissioner Defoort adds that hours are stated in impact report. Commissioner Allen adds that dust is an issue but this is a public road. No outside storage except for designated area. Other commissioners agreed with these statements.

Commissioner Defoort asked how Conditions of Approval are enforced. Administrator Herrick replied by neighbors comments and random checks. If the site is in violation, then Planning and Zoning will send letter. If the business doesn't comply then the violation is forwarded to County Prosecutor. Planning and Zoning can also revoke conditional use permit.

The Commissioners discussed hours and days of operation.

COA: Shall not test vehicles on subdivision roads.

COA: Business hours should be 8 a.m. to 7 p.m., Monday thru Saturday.

COA: Shall have operable fire extinguishers on-site.

COA: There should be defensible space around shop.

COA # 6: Change to say there shall be no outside storage of equipment or materials except the 30 ft. x 30 ft. screened area.

COA: Shall abate dust on-site.

Commissioners discussed limiting the testing of vehicles and equipment on private property within subdivision and the difference between vehicle and chainsaw testing.

COA – shall not test vehicles outdoors within the subdivision.

Similar use in area includes a residence that stores equipment but work is done off-site.

Commissioner Defoort moved to approve C.U.P. 17-05 Small Engine Service with the stated conditions. Commissioner Freeman seconded the motion. Motion carried unanimously.

Vice Chair Cooley explained the ten day appeal period.

[07:44:09 PM \(01:44:06\)](#)

3. C.U.P. 17-06 Wood Dreamer Shop: Richard Kay is requesting approval to establish a woodshop and retail store in a 10' x 20' trailer. The trailer would be parked at the Rustic Outlet store located at 14118 Highway 55. The 4.8-acre site is located in W ½ N ½ N ½ SENE Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. **[Withdrawn]**

- 4. C.U.P. 17-07 Crawford Landscape Services:** Luke Crawford is requesting approval to establish a landscape and property maintenance business at his home. Activities include storage of landscape materials, a plant nursery, and parking for employee and work vehicles. A single-family residence and outbuildings currently exist; no new construction is planned. The 3.5-acre site is addressed as 13975 Rustic Road and contains Lots 21A & 21B of Eld's Country Subdivision located in the S ½ Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho.

Vice Chair Cooley introduced the item. Vice Chair Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice Chair Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

Exhibit 1: Mike Leedom expressed his support via a letter dated April 27. He owns a house two doors down from the location; Luke maintains his property better than anybody else on the road and neighborhood. He has not noticed any increase in traffic.

Exhibit 2: Jeremy and Kimberly Onthank expressed their support in a letter dated May 10, 2017. They purchased their home at 13974 Rustic Road directly across from this property in December 2002. At the time a landscape company already existed at 13975. They are concerned that the County has stopped oiling Rustic Road and it does get very dusty in the summer months.

Exhibit 3: Craig Murrant of 13961 ½ Rustic Road called and left a message on May 8, 2017. He is strongly opposed. He referred to the site as a landfill and said there are wetlands. He questioned where equipment is repaired, where lubricant is stored, and if oil is buried. He is concerned with contamination of the wetlands and Mud Creek. The berm is 10-12 feet tall and contains more than debris and dirt, including mattresses and plastic. Equipment was running for 3 hours last Saturday.

Exhibit 4: Deanna Flemmer sent an email with a letter and twelve pictures of the site. She is opposed and states that the property is being used as a landfill for large woody debris, household garbage, lawn clippings, rock, wire, weeds, and chemicals. These materials comprise the berms which exceeds seven feet in height. This material should be going to the Valley County Transfer Station. She adds that there is a bunk house in addition to the single-family residence. Well water that supports the residence would be used to accommodate nursery trees, plants, and shrubs; the water would be from the same aquifer that supports other houses in the subdivision. The neighboring wells are much less than 100 ft and chemicals can seep into the aquifer and Mud Creek. The Valley County Weed Supervisor has visited the site on two occasions due to the spread of untreated noxious weeds to adjoining landowner properties. Rustic Road is not set up for commercial use but is in a residential neighborhood.

Exhibit 5: Garret deJong, Assistant Chief of McCall Fire District, responded by letter dated May 10, 2017, and has no comments regarding this project.

Commissioner Defoort asked Staff about the history of the site. Administrator Herrick replied that she has known about a landscaping business at this site for years. She was under the impression that it was just a home-based business. She became aware last year that employees are parking at the site and, therefore, a conditional use permit is needed. Mr. Crawford bought the property because the previous property owner had a home-based landscaping business.

Vice Chair Cooley asked for the applicant's presentation.

Ben Reeder, 945 Lick Creek Road, and Luke Crawford, 13975 Rustic Road, introduced themselves. The site has had continued use over 18 plus years. Luke bought it in 2009. Mike Leedom previously used the site as landscaping business. Currently no retail use at the site. It is essentially a staging area. No customers at site. The season is typically April thru October. Business hours are 8 a.m. to 6 p.m. Occasionally work on Saturdays. Typically five employee cars arrive about 8 a.m. Most work traffic goes north from site towards Highway 55, likely 75 %. All traffic from the lots in this subdivision creates dust. The applicant is willing to put down dust mitigation treatment on Rustic Road from property north to highway. Landscaping materials are stored on the site: shrubs in buckets, some aspen trees, rock, chip rock, and sand. Equipment is used on the property to load materials. Recently the equipment has been used to build berms. Contrary to one response letter, no chemicals are dumped on the property. They hydroseed product they use -- includes seed, mulch, and water, not chemicals. The bunkhouse is not currently rented to employees; one did stay there last year. Only organic materials are buried on property; there is a compost pit for pine needles, grass, etc. The berms screen the site; they do include slash and tree rounds but not a mattress. Part of the berm has already been seeded with dry-land pasture grass.

Exhibit 6 – picture of berm used for screening.

The applicants have planted aspens in front of the property. The applicants want berms to look nice but they are currently a work in progress. Discussed height of berms; they are six-feet in height from the inside. On the Mud Creek side, they would appear higher. There are no activities within 100 feet of Mud Creek. In regards to the comments about oil, equipment maintenance is done at off-site businesses. They have burned on the property two times in eight years. Employees don't camp on site. The compost pile is comprised of organic materials. Drivers use speed limits; the applicants know dust is an issue. There is a shop light on top of barn and an outside house light. No new construction planned. Currently use six employees and six business trucks. They would like to do dust mitigation once per year after the road is graded by County.

Vice Chair Cooley asked for proponents.

Mike Leedom currently owns a house two doors down from Crawfords' and sold the property to Luke Crawford in 1998. He had approval from neighbors at the time. Luke has made the business larger but he has also made it look nice.

Vice Chair Cooley asked for uncommitted.

Bill Batten, 13959 Rustic Road, lives about 600 feet south of site. This has always been a business. He bought his property in 1999 and business existed then. Rustic Road is “crap” and has deteriorated every year. This year, large river rock is appearing in the road. Until road was graded, potholes were very bad and noisy. The Commission needs to consider infrastructure that needs to be in place for a commercial area. Residential areas should be residential.

Jeff McFadden, 514 Sawyer Street, Cascade, said most of his concerns were already addressed. Speaking as Valley County Road Superintendent, the road is down to base rock. He does not want heavy semis in April on the road. Requests applicants discuss timing of dust mitigation with him.

Vice Chair Cooley asked for opponents.

Craig Murrant, 13961 ½ Rustic Road, has several concerns. From the front it looks good but he lives to the west of the berm. Fences are only allowed to be six-feet high. Why fence the property with this high berm that is higher than six feet? He has lost his view and now looks at a solid wall of dirt. Two-thirds of the property is business, not residential. On Saturday, the equipment was running non-stop. Mike Leedom had a much smaller business. Leedom burned a lot. The current owners don't burn but they do dump. If looking to the north, it looks like a landfill, not a landscaped berm. Wetlands exist with wildlife in the area. The berm has an effect on water movement. The site should be subject to DEQ and EPA requirements. He questions if herbicides are stored on site? His house is in the back of his property and the view is not pretty. The noise from heavy equipment is a concern. He is also concerned about what kinds of materials are in the berm and says it looks like a dump from his house. The road is pretty bad and full of rocks and potholes. This business will increase the damage to the road.

Greg Topliff, 13977 Rustic Road, lives next door on the north side. This area is residential and agricultural zoning. He assumed that the neighbors had a C.U.P. and just learned they did not. The road is bad. The business runs seven days a week, including Sunday, and late at night. He is concerned where the stuff they haul in is going to go. Exhibit 7: seven pictures of site. There is a huge knapweed infestation. The front side by the road looks beautiful but the other sides do not. He is planning on selling his property in future and a realtor said the neighboring property will be a problem. He would like a fence instead of berm. Mike Leedom ran a small business but now there are lots of equipment and employees.

Deanna Flemmer, 21 Garden Lane, is opposed to this conditional use permit. She knows that Mike Leedom never had a conditional use permit as she spoke to Cynda years ago. When the property owner sold, it should have been known that a C.U.P. was needed. This is a request for forgiveness. In its current condition, this site is an unregulated landfill in the middle of subdivision. She referred to pictures in exhibit # 4. This stuff should be going to the Transfer Facility. Neighbors treat for noxious weeds including knapweed and toadflax but weeds keep coming from this property. During the winter, the road becomes so narrow but still non-stop activity at the site. Granting this C.U.P would send a message that illegal activities are rewarded. The berm is higher than draft horses. The culvert needs to be enhanced. Trees in the front are blocking irrigation water to Larry Jarvis's property.

Mike Johnson, 13963 Rustic Road, agrees with previous comments. This is a business in a residential area. The right thing to do is to not let them be there.

Lori Bateman, 13970 Rustic Road, is concerned about the road. She appreciates the fact they are willing to do dust abatement, but Rustic Road from their property south to Heinrich is also being used by their trucks and should be taken care of it too.

(Short break)

[08:38:56 PM \(02:32:58\)](#)

Vice Chair Cooley asked for rebuttal.

Steve Millemann, 706 North First Street, McCall, is representing the applicant.

Ben Reeder added that the road is not good but the company is not using heavy equipment except for backhoe for snow removal. They are using pickups, 1-ton trucks, and two dump trailers. These are public roads used by 50 lots. Mr. Crawford added that it is not feasible for them to take care of the roads in the entire neighborhood. They do have necessary licenses for chemicals. There is equipment on many lots in the subdivision, not just ours. They will spray for weeds. They are not bringing more slash in. The berms were built to screen area. Compost pile for clippings is needed.

Steve Millemann stated that he walked the entire property and drove through the entire neighborhood. This is an extremely clean site. Only a small part of the property is being used for business, not two-thirds. Most of the site is open space. There were no signs of water or wetlands on property inside the berms. The berm would help keep any surface water from running into Mud Creek. Under the County Ordinance, the County is not zoned. Project impacts are mitigated. When contacted by Cynda, the applicants contacted Mr. Millemann. He believes that it is a fine line if a C.U.P. is required at all. It is utter nonsense that this is a landfill. Only 10-15% of the total berm is what is shown in those photos, the portion that is unfinished berm. Now that the berm is made, larger slash will go to landfill. Only thing the applicants need to bring to site is clippings. The roads are typical County dirt roads. The neighborhood has lots of traffic; people going to and from work. The applicant is willing to do dust mitigation north of their property, which is beyond the impact the company has on the road compared to the total traffic on the road. The only permit they need is for applying chemicals to lawns. The only pit on the property is where they do the compost. Issue at question is compatibility; staff has given a positive rating. This is a single-family residential subdivision with a lot of stuff going on. There is a lot of equipment on numerous lots that people use to make a living. The applicants want to be responsible neighbors.

Craig Murrant questioned the height of the berm. What height is allowed? He disagrees with amount of property used.

No rebuttal from applicant.

Vice Chair Cooley closed the public hearing.

Commissioner Allen said this is a business in a residential area; we don't have commercial zoning. We look at the actual application and mitigate the effects. This is a long operating business. What can we do to mitigate? No dumping allowed. In regards to the berm, we ask people to screen things. But in this case, there are complaints. It is a better looking place than many others in the area. Street issues are County issues.

Commissioner Allen asked about road agreements. Administrator Herrick stated that the agreements based contribution amounts on the numbers of lots and the number of trips for a business. The County stopped entering into these agreements because we were getting sued; the Board of County Commissioners passed a resolution stopping these agreements.

Commissioner Allen is not opposed to application but wants to mitigate the impacts.

The Commission deliberated. They discussed berm height. The County Code has a slope requirement (3:1) but not a height limit. Cynda read from Title 9-5A-4 & 9-5A-4-B9.

Commissioner Defoort stated the road is not business owner's responsibility. They are increasing the traffic in the neighborhood. She thinks their offer to do dust mitigation is good. Having customers come to site would have a greater impact.

The Commissioners discussed the size of business. In past, they have put a ceiling on C.U.P.s. If the businesses grow bigger, then they need a bigger place. There was more discussion on berm height, size, and appearance. They also discussed environmental effects and restricting future dumping. There was also discussion on requiring an improved site plan. The berm does block equipment and noise. Business hours were discussed.

COA: Business hours limited to 8 a.m. - 6 p.m., Monday thru Saturday.

COA: No dumping on site.

There was discussion on tabling the application to the next meeting. Can the berm be cleaned up? Will they landscape the berm? The applicant can finish the berms prior to next meeting.

Requirements for the next meeting:

- No further dumping on site. Yard clippings, mulch, pine needles, etc., are still allowed on the site.
- Detailed landscape plan.
- Stormwater management plan approved by Valley County Engineer to show that there is no runoff into Mud Creek.

Commissioner Allen moved to table C.U.P. 17-07 Crawford Landscape Service to June 8, 2017, at 6:00 p.m. Commissioner Defoort seconded the motion. Motion carried unanimously.

[09:17:16 PM \(03:11:18\)](#)

- 5. C.U.P. 17-08 Rustic Edge Retail:** Jerry & Christie Grob are requesting approval to establish a retail store in their home. A separate entrance currently exists into the store area. No new construction is planned. The 1.34-acre site is addressed as 13813 Hwy 55 and is located in NW ¼ Section 10, T.17N, R.3E, Boise Meridian, Valley County, Idaho.

Vice Chair Cooley introduced the item. Vice Chair Cooley asked if there was any *exparte* contact or conflict of interest. There was none.

Vice Chair Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

Exhibit 1: Ken Couch, Idaho Transportation Department, replied via letter dated May 5, 2017. ITD does not object to the establishment of a retail store in the home. The existing approaches appear to have been paved in a previous project but have not been properly documented with an ITD permit. The applicant will need to apply for access permit. The current accesses do not meet standards for spacing on a “regional” “rural” route. A traffic impact study will be required if there are 100 or more new trips in the peak hour or 1000 new trips in a day. Advertising is not allowed within the right-of-way of any State highway.

Exhibit 2: Jim Jones called on May 9, 2017. He says the property line goes thru the house and requests that the applicant have a survey done verifying the property lines. He also states that the applicant trespasses on his property to reach the applicant’s property on the west side of the canal.

Vice Chair Cooley asked for the applicant’s presentation.

Christie Grob, 13813 Hwy 55, Lake Fork, stated they want to sell woodcraft items, candles, etc., at their residence. She once operated a hair shop at this location. She doesn’t expect much traffic; much less traffic than Rustic Outlet which has more vendors. There is plenty of parking. Her husband uses an Alaskan chainsaw jig. They did operate a portable mill to do their siding. Items are stored in shop for drying purposes. Occasionally use outside storage. Have spoken to Jim Jones and trespass will stop. Lot line issue will be taken care of; they will be appealing to the title insurance company. House was built by someone else in the 1970’s. It was bought with the good faith understanding that the pins at the fence lines were correct. They have gotten accessory use permit from CDHD. Only additional lighting would be Christmas lights. They do have a motion sensor security light. Regarding handicapped access, there is a porch that is 4-inches above the ground. Since they are not serving food nor offering a public restroom, Anne says handicap accessible is not required. Business hours are 10 a.m. – 6p.m., Tuesday thru Saturday.

Vice Chair Cooley asked for proponents.

Jim Jones, 13802 Highway 55, was concerned about the occasional trespass thru his property [see previous letter]. The Grobs proposed a solution. Property line discrepancy is an old mess that has not been addressed for years. With help of Laurie Frederick, he has researched the history of issue. The applicants and Mr. Jones are working toward a resolution. He is in support of their application and believes it fits in to the idea of a tourist town.

Vice Chair Cooley asked for uncommitted. There were none.

Vice Chair Cooley asked for opponents. There were none.

Vice Chair Cooley asked for rebuttal. There was none.

Vice Chair Cooley closed the public hearing.

The Commission deliberated. Nice to see neighbors work together to resolve issues.

COA: Hours of operation should be 10 a.m. to 6 p.m.; Tuesday – Saturday.

Commissioner Freeman moved to approve C.U.P. 17-08 Rustic Edge Retail with the stated conditions. Commissioner Defoort seconded the motion. Motion carried unanimously.

Vice Chair Cooley explained the ten day appeal period.

[09:31:52 PM \(03:25:55\)](#)

6. C.U.P. 17-09 Kesler Storage: Kesler Properties LLC is requesting approval to establish a public storage facility. The proposal includes four buildings with thirty-two 12-ft x 50-ft units and forty 10-ft x 34-ft units. Two building phases are planned. A maintenance shop/office and equipment yard currently exists on the property (C.U.P. 05-51); this use would continue. The storage units would use the same access as the existing business. 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.

Vice Chair Cooley introduced the item. Vice Chair Cooley asked if there was any *ex parte* contact or conflict of interest. There was none.

Vice Chair Cooley asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

Exhibit 1: Ken Couch, Idaho Transportation Department, replied via letter dated May 8, 2017. ITD does not object to the construction of a public storage facility on this parcel. The existing approaches appear to have been paved in a previous project but have not been properly documented with an ITD permit. The applicant will need to apply for access. The current accesses do not meet standards for spacing on a “regional” “rural” route. If new development at full build out generates 100 or more new trips in the peak hour, 1000 new trips in a day, or includes 35,000 sq. ft. of land use type “retail” building space, or 70, 000 sq. ft. of “industrial” building space, a Traffic Impact study will be required. The applicant will need to indicate

expected trip generations before ITD can make a final determination on requirements of a traffic impact study. No advertising with the right-of-way of the highway.

Exhibit 2: Garrett deJong, Assistant Chief, McCall Fire District, replied by letter dated May 10, 2017. The District will require 2-A fire extinguishers to be installed on the exterior of each building, within 75' maximum travel distance. The proposed security gate will be required to have a siren-activated switch installed for emergency operations.

No questions for Staff.

Vice Chair Cooley asked for the applicant's presentation.

Rod Kesler, 13801 Stewart Court, said this will be boat and RV storage not mini-storage rentals. The new fence will be a barrier between existing building and storage area. Fencing slats are not planned. The new fence will be chain-link like the existing fence. No yard lights. Motion-activated lights will be on buildings. He is expecting winter storage of boats and RVs. There will be no open storage. Landscaping is already in front of existing building.

Administrator Herrick asked if boats and RVs will be drained before storage?

Rod Kesler replied, yes. There will be gravel floor inside buildings. The units will be three-sided with an option to add rollup doors to make fully enclosed. It will be similar to storage at Mile High Power Sports buildings. Winterization of vehicles will be done off-site. Strictly dry storage. Entrances will be to the north to keep snow from blowing in from the southwest. Exhibit 3: Large site plan with phase. Snow removal areas are on site plan.

Vice Chair Cooley asked for proponents. There were none.

Vice Chair Cooley asked for uncommitted. There were none.

Vice Chair Cooley asked for opponents. There were none.

Vice Chair Cooley closed the public hearing.

The Commission deliberated and discussed snow storage, traffic, and lighting. This storage is a needed service.

Commissioner Allen moved to approve C.U.P. 17-09 Kesler Storage with the stated conditions. Commissioner Freeman seconded the motion. Motion carried unanimously.

Vice Chair Cooley explained the ten day appeal period.

[09:48:37 PM \(03:42:39\)](#)

E. APPEAL OF SIGN PERMIT DENIAL – Mountain Meadow Rentals – tabled from April 13, 2017

Applicant is not present and has not responded. The site still looks like the previous pictures. The applicant's argument is that he is a "mall" and gets one sign per building. Administrator Herrick disagrees as it is one business. He could have one sign on the shop OR one on the other building. The Sign Ordinance allows one sign total. Sign permit requirements were discussed at original hearing for the C.U.P. application. A mall contains multiple businesses. Commissioner Defoort moved that the P&Z Commission deny the appeal of the sign permit denial and enforce that only one sign is allowed, a maximum of 32 sq. ft., for his business. Commissioner Allen seconded. Motion carried unanimously

F. FACTS AND CONCLUSIONS:

- C.U.P. 17-02 Mountain Meadows Subdivision No. 4
- C.U.P. 17-03 EnergySeal Office, Shop, and Employee Housing

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.

G. IS CONDITIONAL USE PERMIT REQUIRED?

Interstate Electric, 13788 Hwy 55, is requesting the addition of a chain-link- fenced area on the east side of the building for outside storage. The existing conditional use permit states no outside storage. This site has always been kept clean. P&Z Commission agrees that a fenced area for outside storage is acceptable.

H. MIDAS GOLD – Do Commissioners wish to have a presentation by Midas Gold?

The consensus was no as the Commissioners have attended previous presentations/open houses and will have the option to attend more.

ADJOURNED: 9:58 p.m.