

MINUTES

ADAMS COUNTY PLANNING & ZONING COMMISSION

Regular Meeting

July 20, 2020, New Meadows Community Center

7:00 p.m.

Members Present: Al Becker, Julie Burkhardt, Dennis Nau, Mark Peterson

Members Absent: Kip Kamerdula, Joe Warner

Others Present: Meadows Valley Fire Chief Jeff Luff, P&Z Administrator Wendy Green

Public Present: Ryan & Heidi Schneider, McCall; Mike & Tracie Adkins, McCall; Kevin & Judy Muir, New Meadows; Kim Helmich, New Meadows; Randy Branstetter, New Meadows; Eddie & Joyce Brown, New Meadows; Mary Boone, New Meadows; Kevin & Teresa Tams, New Meadows; Cynthia Holbrook, New Meadows; Michael & Sherry Summerfield, New Meadows; Suzie Budge, Samuel Parry via teleconference

1. **Call to Order:** Chairman Dennis Nau called the meeting to order at 7:07 p.m.
2. **Review Agenda:** Julie Burkhardt moved to approve the agenda as presented; Mark Peterson seconded; passed.
3. **Approval of Minutes:** Julie Burkhardt moved to accept the minutes of the June 15, 2020 regular meeting and public hearing as presented; Al Becker seconded; passed.
4. **New Business:** At 7:09, Chairman Nau opened the public hearing on the Valley Knolls preliminary plat for a 12-lot subdivision on 153 acres north of New Meadows. Chair asked the administrator if the hearing had been properly noticed; Administrator Green confirmed that it had. Nau asked if any commissioners wished to declare a conflict of interest and recuse him/herself; none did. Green presented the staff report (on file). The Chair reviewed the procedures, criteria and standards for evaluating the merits of the application and its conformance with ordinances and comprehensive plan.

Statement from Applicants Heidi & Ryan Schneider

- Applicant requests a variance from Section III requirement of at least two points of ingress/egress.
- They wish to withdraw their request for variance on the hillside development; they have contracted with an engineer who produced a limited geotechnical report as required by the ordinance.
- County's engineer, Trevor Howard, has received the drainage and grading plans but has not yet reviewed those documents. Heidi quoted Howard's letter, saying he could recommend approval of the preliminary plat based on his reviews to date of the

- geotechnical report. Further review and certification will be required prior to approval of final plat.
- Applicant intends to retain the remainder parcel as “a whole” of 103 acres with no plans to further divide.
 - Average lot size in Valley Knolls is 11.25 acres, compared to a neighboring subdivision with 17 lots and average lot size of 5.63 acres. Applicant envisions a low-density development to retain the rural feel and natural landscape in accordance with the county comprehensive plan.
 - Heidi cited a letter from Jeff Batten of Southwest District Health dated October 1, 2018 regarding actions developer needs to complete. Applicant repeated groundwater monitoring in spring 2020 and is awaiting preliminary plat approval before having their engineer move forward with the report to SWDH. Applicant believes the SWDH engineering report is part of final plat and should not affect preliminary approval.
 - Utilities will be shown in an easement along the road in the final plat. “Until we have preliminary approval, we can’t show exact locations” of utility easements. Idaho Power will work with developer to determine exact route of utilities once the preliminary plat is approved. Developer will have phone lines installed.
 - Applicants feel they have addressed emergency services through on-site visits and the technical review committee and disagreed with the staff report listing that as an omission of the application.
 - There will be a shared road maintenance agreement; an example was sent to administrator on October 23, 2018. Applicant cannot finalize that agreement until they have received preliminary plat approval, but the applicant offered to share that sample with the commission.
 - Applicant stated the development will not affect existing water rights. They believe the draft CC&Rs adequately protect irrigation conveyances and water rights. Applicant reiterated that the CC&Rs submitted are in draft form and cannot be finalized until there is approval of preliminary plat.
 - Applicant has not constructed and does not plan to construct driveways. What appear as driveways on the preliminary plat are access for logging. Applicant’s surveyor will provide additional data to Trevor Howard regarding suitability of all lots for location of driveways that meet county specs.
 - Cited Adams County Road Ordinance/Drainage requirement that all areas larger than 16 acres shall be evaluated by professional engineer for appropriate culverts. Table showing 18-inch minimum culvert size is for areas up to 16-acres. Applicant’s engineer determined that 12-inch culverts would be adequate in two locations; other culverts are larger. However, Trevor Howard has not yet reviewed the contributory areas to confirm adequate culvert sizing.
 - Applicant is waiting for preliminary plat approval to finalize plans for on-site water for firefighting and whether to require residential sprinkler systems.

Chairman Nau reviewed some specific requirements of a preliminary plat, including at least two points of ingress/egress, for which applicant has requested a variance. He pointed out that a single road into the subdivision could be blocked by wildfire, stranding residents in an emergency. Adams County has a responsibility to protect citizens from wildfires that are becoming increasingly common. Approval of the variance could place the county at risk of

liability. The reason for requiring at least two points of egress is in part because of the high wildfire risk. The applicant clarified that the proposed points of egress stated on the preliminary plat and addressed in the staff report are being withdrawn, as applicant has requested a variance from that requirement.

Chairman Nau opened the hearing to public comment at 7:44.

- **Mike Adkins of McCall** spoke in favor and is interested in acquiring a lot in the development; believes lot size preserves open space.
- **Tracie Adkins, McCall:** In favor—landowners assume certain risks when buying property in timbered areas; government should not try to protect people from themselves; buyers should be able to make that choice.
- **Josh Davis, Cascade:** In favor—encouraged commission to consider private property rights in accordance with county comprehensive plan. Believes lot size and open space enhance public safety, especially as Schneiders have logged the site in recent years. ITD reviewed the Valley Knolls Road approach to Highway 95 and found it acceptable/approved.
- **Randy Branstetter, New Meadows:** Not opposed to the development, but believes the fire issue is important; many people could be stranded in the event of wildfire; wants to make sure safety issues are addressed.
- **Teresa Tams, New Meadows:** Opposed—clarified that Bear Paw Court is private road, not an ingress/egress to Valley Knolls. Residents of Black Bear Subdivision pay for maintenance on their private roads. Concerned about safety of Valley Knolls Road traffic turning on and off Highway 95.
- **Ed Brown, New Meadows:** Opposed—Bear Paw Court is private road, not to be used for Valley Knolls access. Asked about the process for future development of the unplatted remainder of Schneiders' property. **Administrator Green** referenced subdivision ordinance: Contiguous land that is part of the ownership and not platted in this subdivision cannot be developed for five years.
- **Cynthia Holbrook, New Meadows:** Opposed--According to Fire Chief Jeff Luff, this development would create new potential for fire ignition, so it is appropriate that there be on-site water for firefighting. What would be the source of that water? Holbrooks hold a water right on Schneider parcel. Holbrooks built wildlife-friendly fence on their property across highway from Schneiders, as this area is big game habitat. How is wildlife habitat being addressed in Valley Knolls CC&Rs? Who will enforce CC&Rs?
- **Kevin Muir, New Meadows:** Opposed—Asked how comprehensive plan affects evaluation of this development.

Chairman Nau/Administrator Green explained that commission will consider the comp plan as well as the ordinances in considering the suitability of this application.

Applicant Rebuttal: Believe they have improved the safety of the area by improving the logging road on the property. Making Valley Knolls Road wide enough to allow passage of emergency vehicles ought to be sufficient for these 12 lots, in lieu of two points of egress. Referenced a letter from Paul Wagner with Southern Idaho Timber Protection Association as to the quality of Schneiders' logging and clean-up. **Commissioner Burkhardt** asked about adding requirement for landowners to maintain fire defensible space around homes. **Heidi** said they could add such language to the CC&Rs. **Ryan Schneider** said they have water right they intend to use on their property. He doesn't anticipate any reduction in wildlife habitat or travel corridors. **Applicant** believes this proposal conforms to comp plan and brings more services

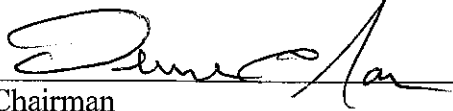
(utilities) to the area. Design affords relative privacy while being close to services. **Heidi** suggested that a homeowner could build a home larger than 3600 square feet if he provided additional on-site water for firefighting.

Chairman Nau reiterated requirements of the preliminary plat that still need to be addressed, as stated in the staff report:

- **Site report from SWDH: Applicant** stated they had a site visit with Jeff Batten; paid fees; submitted application to SWDH and county is in receipt of those documents; completed the groundwater monitoring in accordance with SWDH regulations. The only item they have to complete is the engineering and payment of individual lot fees prior to final plat approval. She cited a letter from Jeff Batten dated October 1, 2018 referencing site visit and monitoring schedule and items required prior to SWDH *final* approval.
- **Utilities, irrigations ditches, etc. are to be shown on the preliminary plat.**
- **Study of anticipated impacts to public schools and emergency services from which a development agreement can be negotiated between the developer and the county to mitigate these impacts**
- **Plans that address ongoing funding for maintenance of shared facilities**
- **Plans for language in deeds to protect water rights and irrigation ditches:** Because covenants can be changed by a vote of the homeowners, they do not adequately protect water rights. Holbrook, Helmich, and Muir have water rights that could be affected by lot owners in the subdivision. Language should protect both water quantity and quality.
- **Additional professional input from Trevor Howard after his review of hydrology/drainage and grading plans.**
- **There is no water supply identified for firefighting.** Jeff Luff, MV Fire Chief, referenced International Fire Code: Required minimum amount for the 12 lots proposed is 60,000 gallons for dwellings up to 3600 square feet that do not include residential sprinkler systems. A 13D standard residential sprinkler system requires a water flow of 5 gal/minute for 10 minutes. The intent of residential sprinkler systems is to keep a fire contained until firefighters arrive. Code recommends a water flow of 1500 gal/minute for two hours, but that would require 180,000 gallons of water storage on site, which the chief deemed impractical. Deed restrictions that limit dwelling size to 3600 square feet and/or require residential sprinkler systems would augment the on-site water storage. How will applicant provide the 60,000 gallons of water on an ongoing basis?

Julie Burkhardt moved to continue the hearing to the next P&Z meeting; Mark Peterson seconded; passed. Date was set for Monday, August 10th at 7:00 p.m. in New Meadows.

5. **Old Business:** Due to the lateness of the hour, the Commission deferred discussion of ordinance amendments.
6. **Upcoming Meetings:**
Next Meeting: August 10, 2020 at 7:00 p.m. – Continuation of public hearing on Valley Knolls preliminary plat at New Meadows Community Center
7. **Adjournment**
Meeting adjourned at 9:17 p.m.


Chairman

8/10/20
Date

