

Valley County Planning and Zoning Commission

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@co.valley.id.us

Katlin Caldwell, Chairman
Ken Roberts, Vice-Chairman

Sasha Childs, Commissioner
Scott Freeman, Commissioner
Gary Swain, Commissioner

MINUTES

Valley County Planning and Zoning Commission

June 8, 2023

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:02 p.m. by Chairman Caldwell. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Sasha Childs:	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Excused
PZ Commissioner – Gary Swain:	Present
PZ Assistant Planner – Lori Hunter:	Present

B. MINUTES: Commissioner Childs moved to approve the minutes of May 11, 2023, and May 18, 2023. Commissioner Swain seconded the motion. Motion passed unanimously.

C. NEW BUSINESS:

- P.U.D. 23-01 Garnet Valley and C.U.P. 23-10 Preliminary Plat:** Roseberry Park LLC is requesting approval of 306 multi-family units, 10 single-family residential lots, community amenities, and open space. Community amenities would include a clubhouse, sidewalks, pickleball courts, and a half basketball court within approximately 20 acres of open space. The multi-family units are clustered on the west side of the development. The net density of the multi-family component is 13.4 units an acre; the single-family net density is 4.9 units per acre. The overall proposed density is 8.1 units per acre. Therefore, a variance for density is part of the application.

Construction would occur in two phases. The site has designated snow-storage areas and preliminary stormwater management plan.

Access would be from W. Roseberry Road (public). In addition, Moore Road (private) and Price Street (private) would be extended to provide access to the multi-family units. The single-family residences would be accessed from Timberline Drive (private). Right-of-way for W. Roseberry Road would be dedicated to Valley County. Underground power and telecommunications would be included.

Occupancy of the homes is expected for Fall 2025.

Contained within the application is a combination of permits, as follows:

- Concept Approval and Planned Unit Development** in accordance with Title 9 Land Use and Development.

2. **C.U.P. 23-10 Garnet Valley PUD – Preliminary Plat** in accordance with Title 10 Subdivision Regulations.

The 39-acre site contains part of parcels RP16N03E170945, RP16N03E170965, and RP16N03E171485, and is in the NE ¼ Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Valley County Engineer's requirements; A U.S. Corps of Engineers 404 permit may be required. (June 8, 2023)
- **Exhibit 2** – Brandon Yallaly, owner of a home in The Meadows at West Mountain, is opposed. (June 7, 2023)
- **Exhibit 3** – Micah Adams, 11 Charters DR, is opposed. (June 7, 2023)
- **Exhibit 4** – Letter of support from West Central Mountain Economic Development Council. (May 15, 2023)

Chairman Caldwell asked for the applicant's presentation. The following were present and spoke on behalf of the application:

- Dean Warhaft, Roseberry Park LLC, applicant,
- Stephanie Hopkins, KM Engineering, land planning manager,
- Joe Pachner, KM Engineering, engineer, and
- Hethe Clark, attorney.

Stephanie Hopkins presented a slide show including past applications for the site, the February application, and modifications based on community comments (**Exhibit 5**). Modifications include decreased density, additional open space, a direct access to West Roseberry Road, and a bus stop. A neighborhood meeting was held in April 2023. Ms. Hopkins believes the proposed density fits the neighborhood.

The applicant and representatives have been coordinating with both North Lake Recreational Sewer and Water District (NLRSD) and Timberline Development INC, the original developer who is the current owner of the water system and roads (**Exhibits 6 and 7**). Timberline will require that the developer abide by the rules and meet conditions, including the installation of backup generators and meeting the Idaho Department of Environmental Quality (DEQ) requirements. NLRSD will require upgrading of the pumps, the electrical system, and backup generators for the sewer system. This will meet the requirements for this development and improve the systems overall area. They are working with NLRSD to build a regional water system.

Ten 8,000-sqft, single-family residential lots are adjacent, and similarly sized, to the existing single-family residences within The Meadows at West Mountain. Over 9-acres of open space will provide a buffer between these lots and the multi-family buildings. Lot 13 is 3.8-acres of open space located south of Price Street which will provide a buffer for the existing single-family homes on Hillhouse Loop. The multi-family area would include 306 units on approximately 22.81 acres, clustered on the west portion of the property. Each building would contain 34 units. The two-story buildings would be 35-ft high. The multi-family area is located on one lot which would be held by the same owner for a minimum of 10 years.

	Number	Proposed Density
Single-family Lots	10	4.9 units per acre
Multi-family Housing	306 units, 9 buildings	13.4 units per acre
Total		8.1 units per acre

The closest building in Hillhouse Subdivision is about 200-ft from the southern property boundary. Enclosed garages would be constructed along the south property boundary, between the apartments and the homes in Hillhouse Loop.

The proposal provides a variety of unit sizes, amenities, and open space. The clubhouse would not be rented for weddings or large events by the public, only residents. A basketball court, pickle-ball courts, and a tot lot would be provided. Typical renderings of color scheme and drawings of buildings were submitted (**Exhibit 8**).

They have been working with Timberline Development, the owner of the internal roadways to determine ways to mitigate impacts to the existing residents. The applicant would pay for maintenance of part of Timberline Drive and Price Street. The applicant's representatives have discussed a road development agreement with the Valley County Road and Bridge Department. One possibility is improving Norwood Road, south of Scheline Lane. The applicant has made a preliminary commitment to Donnelly Fire Department to rent one unit rent-free for 10 years for current employees or recruitment.

Hethe Clark and Dean Warhaft spoke about the proposed workforce and affordable housing. In addition to the rent-free unit for the Donnelly Fire Department, the applicant has proposed additional conditions for approval. The applicant would set aside 36 units as workforce housing at 80% Annual Medial Income (AMI) for a period of 10 years. In addition, the applicant would set aside one future building as deed restricted under Low-Income Housing Tax Credit (LIHTC) program administered by the Idaho Housing Finance Association, with such units anticipated to be up to 60% of AMI. A total of 71 units would be set aside for workforce / affordable housing. The remaining units would be rented at market rates. Private industry must step in to provide workforce housing which is subsidize with higher rental units. Increased density and multi-family units makes this possible.

Ms. Hopkins answered the questions listed in the staff report (**Exhibit 9**).

Dean Warhaft explained the competitive process for the LIHTC program. If the applicant never received the competitive approval, the building would not be constructed. The anticipated time is one to four years to be approved for this State of Idaho program. Having a mixed project of both affordable and market rate housing increases the competitiveness of the application. The exterior facade of all the multi-family buildings will the same; the difference will be the interior design, appliances, etc. Regardless, all residents will have use of the amenities.

Joe Pachner stated the internal streets would be designed to the full private road standards. No parking would be allowed along the "collector" to West Roseberry. They have worked with Donnelly Fire Department in designing emergency access to all buildings.

The applicant and representatives responded to questions from Commissioners.

Commissioner Childs stated that there are things she likes about this proposal such as the clustering and open space. However, she is concerned about impacts to infrastructure, including increase of water usage, sewer, roads, etc. The application is asking for a variance for higher density, an additional 82 units; therefore, is the applicant willing to commit to 82 deed-restricted units for perpetuity? Some of these units should occur in Phase 1.

Mr. Warhaft responded that they have committed one unit for 10 years for the Donnelly Fire Department. Each building is 34 units. LIHTC units cannot mix with other units in the same building; thus, one building would be only LIHTC units. Workforce housing is determined by

80% AMI. They could afford to do five (5) additional units for 10 years for workforce housing by increasing the number of studio apartments. Commission Childs stated that studios are for individuals; \$60,000 per year pencils for a family of four but not for an individual. Mr. Warhaft spoke about the proposed floor plans and number of units. It would be possible to increase the number of studio apartments within the LIHTC building. Between 30 and 40 units are expected to obtain LIHTC approval. If the LIHTC is not awarded, the building would not be built; thus, density would decrease. They have partnered with Atlantic Pacific Communities LLC in order to establish the LIHTC and workforce housing. This national company has successfully won bids throughout the United States.

In response to additional questions, Mr. Warhaft stated that Timberline Development is the original developer and currently owns the land. Roseberry Park LLC was created for this particular development and would buy the land for the project. The ten single-family residential lots would be sold. The apartments would be rented, typically with a one-year lease per unit. The lease would prevent subleases. Short-term rentals would not be allowed. The Meadows at West Mountain development was created as an affordable project.

The site plan shows multiple trash dumpsters within the multi-family for shared use; each single-family would have individual trash pickup. The design is in early stages. The applicant is looking at stick-built construction for all buildings, including single-family residential homes. Both stick-built versus modular construction are viable options; the applicant will look at which will be the best product for the time and price.

Mr. Pachner responded to questions regarding water and sewer. The ground is already annexed into NLRSD; the conditions are very specific. The applicant is considering de-annexation and then re-annexation to address conditions specific for this development. There have been many discussions with NLRSD regarding infrastructure. The applicant is also working with NLRSD for a regional water system which would include Hawks Bay and Crane Shore subdivisions. A regional system would provide redundancy and allow existing wells to feed a greater community. There are currently a lot of homes in the area on individual wells; having a central system ran by NLRSD will benefit the entire area. Technology has improved since the water system was installed in 2004 for The Meadows at West Mountain. The sewer lift station was sized for the overall area. The pumps need upgraded and enlarged, electrical needs upgrades, and an improved backup generator needs installed. NLRSD may have more conditions in the annexation request but that is unknown at this time. Mr. Pachner discussed drainage; the sheet flow in the area was eliminated by the West Roseberry Road addition. The U.S. Corps of Engineers normally do not accept man-made wetlands. The applicant does not want the standing water sitting for long periods due to mosquitos. The water will move in the way it was originally intended to in the original Meadows at West Mountain approval. There would be a detailed agreement with NLRSD prior to final plat approval. NLRSD has completed a conceptual review; the final list of requirements would be created after approval of the project by Valley County.

The internal roads were discussed. The sale of the property would include a purchase agreement allowing the use of the private roads.

Commissioner Childs asked about the proposed CCRs. What happens after 10 years and ownership of the multi-family portion changes? Commissioner Childs wants the use to be residents of Valley County, not out-of-area renters, both now and in the future. Valley County Code 9-9-2 states the purpose of a PUD. An increase in density must serve Valley County.

Mr. Warhaft stated that a development agreement discussion with the County will include discussions on perpetuity and off-site road improvements. The LIHTC approval generally

requires a minimum commitment of 15 years, often 20 years. This timeline is not controlled by the developer but by the State. Apartment buildings are generally refreshed every 10-15 years. There are many specific rules with the LIHTC program. Based on today's discussion, he will apply for 40 units in one building for LIHTC program. The workforce housing will be mixed throughout the other buildings.

Valley County cannot enforce CCRs but can enforce a development agreement. Proposed condition of approval 18 requires an annual review by the Planning and Zoning Commission.

7:53 p.m.

Chairman Caldwell asked for proponents.

Craig Groves, 154 Shadows Trail, said the applicant provided a fantastic presentation. The Commission should seriously consider this application versus others in the county. This would provide a lot of workforce housing and increased property taxes for the County.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents.

Therese Gibboney, Donnelly, said the request is too dense; 306 units would be greater than the current Donnelly population. It is not compatible with the surrounding neighborhood. The Commission is charged with protecting property rights and values. Concerns include daily traffic increase and the impact to S-Bridge due to a minimum of 650 drivers twice daily. Employee housing is needed but these units are too expensive. Transient renters are a concern. Single-family, stick-built homes should be constructed. No use of roads in Meadows of West Mountain should be allowed. There was no notice of the neighborhood meeting.

Chris Renfro, 44 Buckskin Drive, is the owner of Tamarack Vista Properties LLC which is a management company hired by the Board of Directors of the Meadows at West Mountain Homeowners Association (HOA). He patrols the streets and neighborhood. Timberline Development has no authority to grant use of the private roads that are maintained by the HOA. The HOA spends over \$60,000 annual to maintain the roads. Timberline Development pays no money, has not finished the entrances, and will not deed the roads to the HOA as required. Any attempt to use the private roads will be fought in court. He is also on the NLRSD Board. The 170 EDUs mentioned were for the proposed property plus the two five-acre undeveloped blocks, and the property on the west side of West Roseberry Road. Until substantial completion of requirements has occurred, NLRSD will not consider any will-serve letter for this project. Mr. Renfro will submit information to the PZ Director Herrick regarding the authorized users of the private roads with The Meadows at West Mountain.

Patty Scroggins, 36 Timberline Drive, will be directly impacted. She has many questions. She fears renters will be from Boise, not local workforce. Will there be manufactured homes on the single-family residential lots? Will these lots be rented. If building pads are built prior to construction of the multi-family buildings, what happens to these pads if the buildings are not constructed. Flooding and the need for sump pumps are concerns. There would be a large area of nonporous materials. There are a total of 36 units in the Donnelly apartments; this proposal is nine-times larger. The developer of The Meadows at West Mountain did not finish the requirements but owns the land. What agreement exists to require the infrastructure at The Meadows will be completed?

Brandon Roberts, 13144 Hawks Bay RD, stated many questions were answered by the presentation. He would like the applicant to clarify that the construction would be modular versus manufactured for the single-family residences as this affects future value of the property. The new AMI numbers for Valley County are \$60,800 for a family of four; thus, these units these are not affordable for the people working in Valley County.

Linda Eddy, 13041 Hillhouse Loop, submitted a letter for the staff report. In addition, NLRSD has 174 EDUs for all the remaining land owned Timberline Development. Garnet Valley needs 316 EDUs for only 39 acres of the total 69 acres. There are enough sewer hookups available to do first phase, let alone additional phases. The applicant may not be able to complete the entire project. Timberline Development owns the water system used for potable and fire suppression; the company is aware of the many previous well water quality violations. Do not allow a variance from density requirements. Quality of life and property values are important. Workforce housing should be constructed within Tamarack Resort.

Jackie Beverage, 32 Lakewind Road, stated high density housing does not fit the rural area. Concerns include impact to infrastructure, schools, Cascade Lake, and emergency response. This type of proposal should be inside city limits. It does not seem to be affordable housing. The Commissioners must think about legacy for future generations. It is a good idea in the wrong location.

Jeffery Jacobs, 13042 Hillhouse Loop, stated open space and agricultural lands should be protected. High density development needs to be walkable to critical services, hospitals, restaurants, schools, libraries, etc., not at this rural site. What does the community want in these areas in 20+ years from now. This development would not be affordable housing.

Alex Jones, 17 Buckskin Drive, is a delivery service driver. He has safety concerns. Valley County Sheriff department cannot hand out speeding tickets on private roads. There are no sidewalks within The Meadows at West Mountain; kids are walking in the roads and standing in the road for the bus stop. Tamarack Resort is in process of building housing for employees. Thus, the renters of these new units would be working in other communities. These apartments would be an island.

Camille Schiller, 52 Buckskin Drive, stated the density is too high. The market price will not be affordable. The units will turn into rentals for Tamarack Resort visitors, not locals. This is valuable property and should be a different type of proposal.

Art Troutner, 193 W Lake Fork Road, is the Valley County Soil and Water Conservation District Chairman and has been on the Board for 37 years. Water quality in Cascade Reservoir is a huge concern. At the time he started on the Board, most issues were from point sources such as the McCall sewage and poor riparian area grazing practices. This was the Board's main focus, including fencing off riparian areas to reduce impact to the tributaries of the Cascade Reservoir. Water quality improved for many years. The main change since then is more human activity. The reservoir is at a tipping point. Toxic blooms are occurring due to too much phosphorus. This applicant would only be treating one-third of the stormwater produced from a two-year event. A more stringent stormwater plan is needed to control pollution. The cost and effort to protect the water should be on the developer, not the taxpayers.

Joey Pietri, McCall, is concerned with fuel flowing into the water; many parking lots around McCall recently had visible oil slicks. The proposal has significant blacktop for roads and parking will drain into our water. We need to respect the land, the people who lived here before us, those who live here now, and future generations. Nature also has rights.

David Gallipoli, McCall, stated the presentation was all public relations and not a lot of details. Lot of applications are reviewed in isolation of the other applications and approvals which is why we have a housing crisis in the County. One apartment for emergency services will not solve the housing issue. This development will actually negatively impact the housing issue. The McCall Housing Strategy report – that prove this is not an “affordable” project for the people that live in Valley County.

Mike Tari, 13044 Hillhouse Loop, is concerned about the ecological ramifications. The space will not be public space; however, the people will affect the existing residences due to increased noise, traffic, etc. Is there room for snow storage. His backyard is currently flooded. The application has a lot of holes. He is concerned about the cumulative effect of all approved subdivisions.

Ginger Hughes, 162 Platt Place, is concerned about snow storage. What type of structure will be on the single-family residential lots? Will there be foundations? Will the lots be rented? No three-bedrooms units are proposed for families. This is not affordable; local workers do not make \$34 per hour. The McCall-Donnelly School district needs staff which needs housing; thus, they are building employee housing. The school staff do not make enough money for these proposed units. Tourists would be renting, not full-time residents.

Patrick Hughes, 162 Platt Place, owns McCall Deliveries. He does not want to sell out his family and friends’ quality of life to make a buck delivering to these additional units. This would lower the quality of life of everyone around due to increased traffic, noise, and density. The roads are not designed for that amount of people. This is not an affordable housing project. He did not move to the country to stare at a two-story apartment. High density should be in a town, close to services, walkable, etc. He understands the need for housing as his daughter and her boyfriend recently graduated from college and are currently living with them as there are not affordable rentals. This development would not solve their problem as it would be too costly.

April Roberts, 13144 Hawks Bay RD, referred to the Planning and Zoning pamphlet. The purpose of the Land Use Planning Act is to promote the health, safety, and general welfare of the people of the State of Idaho. The applicant states that representatives have met with different entities but did not provide proof of meetings and agreements with the Fire Department, etc. Is rent control proposed? Will rent cost increase at the end of the yearly lease? More people leads to more crime; there is not enough enforcement currently in the area by the Valley County Sheriff Department. The infrastructure is currently inadequate and cannot support more traffic.

Shawn Hushman, 15 Buckskin Drive is concerned about the infrastructure. We need to optimize infrastructure. Money should be put towards improving Highway 55, not investing in the S-Bridge and area roads. Infrastructure should be in place prior to increasing the amount of people in an area.

5-minute break to 8:50 p.m.

Commissioner Freeman moved that P.U.D. 23-01 Garnet Valley and C.U.P. 23-10 Preliminary Plat be continued to later this evening after the public hearings for C.U.P. 23-20 Backcountry Equipment and C.U.P. 23-21 Moon View Ranch Subdivision Phase 2. Chairman Caldwell seconded. Motion passed unanimously.

2. **C.U.P. 23-12 Moss Landing Subdivision – Preliminary Plat:** Living 4M Ranch LLC is requesting a conditional use permit for a 14-lot single-family residential subdivision on 39.39 acres. Proposed lot sizes range from 1.45 acres to 4.09 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from new private roads onto Elk Haven Lane (private road) and Highway 55. The site is located in the SE ¼ Section 15, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **[Postponed Indefinitely.]**

This public hearing has been postponed indefinitely.

3. **C.U.P. 23-20 Backcountry Equipment:** Backcountry Equipment INC is requesting approval of a conditional use permit to store equipment for sale within seven shipping containers and a shed. No utilities are proposed. Access would be from Herrick Lane, a public road. The 5-acre site is parcel RP12N04E208565, addressed at 78 Herrick Lane, and located in the SWSE Section 20, T.12N, R.4E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; Commissioner Freeman excused himself as he knows the applicant.

Director Herrick presented the staff report, displayed the site, the application, and the GIS map on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Valley County Engineer's requirements. (June 8, 2023)

Staff clarified that the use is not a home-based business as there is no home on the property. There are no utilities on the site. Equipment is stored at the site; the applicant primarily works from his home. This is an existing use that the applicant did not realize he needed a permit for. No comments from neighbors have been received. The violation was found by staff (code compliance) and was not from a complaint.

Chairman Caldwell asked for the applicant's presentation.

Micah Hoopes, Cascade, sells equipment online. He is at the site approximately three times per week and has about one customer visit the site per week. A trucking company comes once or twice per week. He has used the site for almost three years. Neighbors have not complained. The site is leased from the property owner. His long-term business plan will depend on economy; the business has grown. Previous to using this site, he stored the equipment at his residence. He did not know he needed a conditional use permit when he moved the storage to this site as he mainly works from home. He does not plan on having open hours to public. Maximum use would be the trucking company arriving once per day. He sells firewood processing equipment, portable sawmills, woodchippers, ATV trailers, and product for Range-Road.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Staff recommends a change to COA 17 as the applicant is not the property owner.

Chairman Caldwell closed the public hearing. The Commission deliberated. If approved, the use is allowed into perpetuity unless there is a change in nature or scope. Condition of Approval 17 could be modified so the conditional use permit would expire if Backcountry Equipment no longer leased the site; the property owner would not be allowed to continue the use. The applicant was commended for an attractive site. Shipping containers being used in

lieu of buildings is a concern. The combustibility rating received negative scores for the first three questions. All surrounding land uses are agricultural. A one-year review of the impact would be appropriate. Approval of commercial uses is by a case-by-case basis. These shipping containers are all the same color. The neighbors were notified and did not respond.

Commissioner Childs moved to approve C.U.P. 23-20 Backcountry Equipment with the stated conditions.

Revised COA # 17: The use of this site is only for Backcountry Equipment Inc. / Micah Hoopes. If the property is sold, the conditional use permit will expire.

COA: A one-year review at a public hearing is required.

Commissioner Swain seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

9:07 p.m. Commissioner Freeman returned to the Commission.

- 4. C.U.P. 23-21 Moon View Ranch Subdivision Phase 2– Preliminary Plat:** Emmers LLC is requesting a conditional use permit for a 9-lot single-family residential subdivision on 20 acres. Proposed lot sizes range from 2.0 acres to 2.3 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from a new private road onto Big Moose RD (private) which accesses onto Moonridge DR (public). The site is parcel RP18N03E297955 and a portion of Moon View Ranch Subdivision located in Section 29, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Valley County Engineer's requirements are stated; a U.S. Corps of Engineers 404 permit may be required. (June 8, 2023)
- **Exhibit 2** – Kelly Copperi, Valley County Communications Supervisor, approves of the proposed road names. (June 1, 2023)
- **Exhibit 3** – Correspondence regarding an additional condition of approval regarding off-site road improvements. (June 8, 2023)
- **Exhibit 4** – Garrett de Jong, McCall Fire Chief, responded with requirements for roads and water storage tank for fire suppression. (June 5, 2023)
- **Exhibit 5** – Steven Millemann, representing the applicant, suggested a change to the proposed Condition of Approval 17. (June 7, 2023)

Staff confirmed that no sewer system exists near this site.

Chairman Caldwell asked for the applicant's presentation.

Mathew Falvey, representing Emmers LLC, stated that Phase 1 was completed approximately one year ago. Property buyers will be notified of the nearby Activity Barn operation. Minimum lot size is two acres; CCRs prohibit lot splits. Little Moose Court is a 454-ft long, fairly flat road. It is compatible with the neighborhood. Phase 1 and Phase 2 will have the same CCRs.

Chairman Caldwell asked for proponents. There were none.
Chairman Caldwell asked for undecided. There were none.
Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated. The flag lots meet requirements; the shared driveways will be approved as part of the final plat. Water rights and irrigation district requirements were discussed. The applicant is dealing with the water rights appropriately and will not impact the flow of water. Idaho State Code regarding irrigation water will be followed. The Lake Irrigation District will want the owners to know that they will be subject to fees even if they do not use the water rights.

Chairman Caldwell reopened public hearing.

Mr. Falvey stated there are about 20 shares of water available at one inch per acre. He recognizes the Lake Irrigation District requirements and the value of the water rights.

Chairman Caldwell asked for proponents. There were none.
Chairman Caldwell asked for undecided. There were none.
Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission returned to deliberations. This is a good area for residences. The proposal is not as dense as it could be under Valley County Code.

Commissioner Freeman moved to approve C.U.P. 23-21 Moon View Ranch Subdivision Phase 2 and preliminary plat with the stated conditions and following additions:

COA: Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. The discussion will be concerning current road conditions and potential mitigation for impacts caused by this specific development.

Commissioner Swain seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

9:30 p.m.

5. P.U.D. 23-01 Garnet Valley and C.U.P. 23-10 Preliminary Plat

This item was continued from earlier in the evening. Chairman Caldwell asked for rebuttal from the applicant.

Hethe Clark and Dean Warhaft commented on the density and Commissioner Childs' description of the P.U.D. standards. Commissioner Childs said an applicant should be able to justify why a higher density should be granted with specific numbers. Mr. Warhaft stated they can commit to 82 units for affordable and/or workforce housing. There are options depending on Commissioners' preferences:

- the buildings can be left as designed with 34 units for LIHTC building, 47 workforce units included throughout the additional buildings, and one unit for the Donnelly Fire Department; or

- The additional studio units could be added to the LIHTC building for a total of 40 units, 41 workforce units throughout the additional buildings, and one unit for the Fire Department.

The applicant can also commit to a perpetual deed restriction to 80% AMI or less.

The Fire Department unit agreement would last for 10 years and could be renewed by the Fire Department. If the Fire Department no longer wanted the unit, a deed restriction would limit it to workforce housing.

Mr. Clarke reviewed the P.U.D. standards from Valley County Code 9-9-3. The application meets Item A requirement of a positive compatibility score. It meets Item B as they have designed a proposal that works with the characteristics of the site, including water drainage and open space. The application also meets Item C requiring clustering and separation of different types of uses. He clarified that the ten single-family homes will be stick-built construction. Item D provides that the proposal's design and layout provides economics in the provision of roads and other site improvements. The applicant is not proposing any new county roads. Therefore, it is more desirable to have a P.U.D. than a subdivision. The site would not be a concrete jungle. The proposal has more open space than adjoining neighborhoods due to clustering. The site is a location where the County has previously tried to get workforce housing. They will continue to work with NLRSD; capacity is not an issue. NLRSD does not want to devote resources to determine all the fine details until after the project has been approved. This development will result in a regional water system that is better than the existing systems. Residential runoff is better than agricultural runoff. There is plenty of room in open space area for snow storage; this will be verified as required by COA #15. They are willing to improve a portion of Norwood Road as is desired by the Road Superintendent. There will be a subsequent agreement with the Board of County Commissioners and Road Superintendent as required by COA #19. There is a disagreement between the HOA and Timberline Development regarding the access and use of the private roads. The road ownership has not changed. This is a private dispute. They believe the seller has the ability to provide access. Valley County does not make this determination.

Mr. Pachner clarified that the Roseberry Road previously ran east to west, before the road was constructed to the south. This area would commonly flood until the new part of the road was constructed. There is ample room for stormwater drainage. The open grassy areas will be used for infiltration. The existing private roads were designed to serve both the existing Meadows at West Mountain and the remaining part of the original PUD. Traffic calming measures can be put in if speeding is a problem. There have been discussions with the Road Department; Valley County does not have the funds to take on projects such as Norwood Road improvement. Norwood Road to Scheline Lane is secondary access to Highway 55 and needs improved. Valley County adopted the Capital Improvement Program (CIP) to be able to fund these types of projects. Snow storage will be included in detailed site grading plans. The entire stormwater drainage would be contained within the property.

Mr. Warhaft clarified that the deed-restricted site would be graded with utilities stubbed to the site and covered with grass until construction. The pad site would be ready for construction purposes, not a concrete pad.

Mr. Clark stated that a mix of housing types in the community is important, including apartments.

The single-family residences will be stick-built and on foundations. The apartments will have washer and dryers, which is important as there are not laundromats in the near area. The rent

amount of the market-rate units would be dictated by market rates. The deed-restricted units are rent-controlled based on AMI.

Director Herrick answered Commissioners questions. If an agreement with the HOA cannot be reached regarding the private roads, there would be a change in scope. The Commission would determine if a substantial change occurred which would require a new conditional use permit. The Donnelly Impact Area stops on the east side of the S-Bridge. Commissioner Childs prefers to see a draft development agreement stating the deed restrictions the applicant has agreed to, market-rate definition, what happens at the 10-year mark when the ownership of the development changes, length of deed restrictions, and a phasing plan as only 174 EDUs have been approved at this point.

Director Herrick said that Commission Childs is asking for a draft Development Agreement that the Commission can recommend to the Board of County Commissioners. This draft would include the percentages of affordable units, the workforce AMI-based units, the LIHTC units, Fire Department unit, an audit of the units, and the phasing plan. Director Herrick recommended that the development agreement include a 10% allowance to adjust the number of LIHTC units.

Commission Swain asked why the development should be approved when the private road access is still unknown. Director Herrick clarified that the multi-family units would not access the existing current roads. Mr. Clark stated that if the applicant is unable to use the existing private roads, access would have to change. This would require the applicant to come back to the Commission to determine if there is a substantial change.

Mr. Pachner responded to further questions from the Commissioners. The applicant has had discussions with Jeff McFadden, Road Superintendent. Granite Construction has already bid out a mile of Norwood Road for another approved development that is working on improving Norwood Road. A traffic impact study will determine the amount of impact. Mr. McFadden prefers that the mitigation would be fixing part of Norwood Road and paving to the equivalent dollar amount. Timberline Drive and Price Street would be maintained by this applicant. The CCRs force the developer to turn over the roads at the completion of the project.

Chairman Caldwell closed the public hearing. The Commission deliberated. Different options are available. The Commission will make a recommendation to the Board of County Commissioners. The Commission can:

- Recommend approval,
- Recommend denial,
- Can table to later meeting for additional information, including rental agreement, draft development agreement, and draft CCRs, or
- Can recommend concept approval subject to final approval of a draft development agreement, tabled to a specific date and time.

The civil matter of the roads is not something the Commission can affect.

Commissioner Freeman is not in favor. This would not be affordable workforce housing for people who live here. In addition, he is not a fan of apartments.

Commissioner Swain would like to see CCRs and lease agreement form. He would like to know the current number of workforce housing within The Meadows at West Mountain. Most of the letters in opposition were from residents of Valley County. Of the 472 people listed in the petition, 327 were not Valley County residents but could be owners of property in Valley County, notably within The Meadows at West Mountain. Commission Swain believes The Meadows at

West Mountain is mostly second home ownership and is subleased out. By approving The Meadows at West Mountain, a body of housing was created outside city limits. He is concerned the proposed development would not be rented by residents. The civil dispute regarding the private roads should be resolved prior to a vote. Overall, the proposal is too dense for this location. Commissioner Swain referred to multiple parts of the Comprehensive Plan as reasons for denial, including goals encouraging urban-like development within and near incorporated cities; avoidance of housing concentration and the overcrowding of land; and retain the rural atmosphere of Valley County by protecting natural beauty and open characteristics. Page 4 of the Comprehensive Plan states that the will of community is part of the planning process. The Commission must consider that most of the opposition listed addresses near this site. The Meadows at West Mountain was supposed to be housing for Tamarack Resort employees. The developer has guaranteed 41 units (13%); the LIHTC units are not guaranteed and make take years to be completed. The S-Bridge is dangerous and adding hundreds of additional vehicles only compounds the problem. Idaho State Statute 67-6508 gives the Commission the power to consider transportation as a reason for denial. This proposal should be within city limits, not in the county.

Commissioner Childs understands this is a tricky application. What has been presented is an affordable housing project. She does not know if The Meadows at West Mountain was presented as affordable housing when the development was approved. The Comprehensive Plan contradicts itself; it can also be used to provide reasons for approval of the application including the need for diversity of housing types, clustering of housing, and affordable housing. Multi-family housing is needed. The incorporated area of Donnelly is tiny. Valley County Code states that we can approve PUDs. Tamarack Resort is a massive PUD that was approved in a rural area. The site could be developed with 234 units based on the Subdivision Ordinance. The development agreement must show that what was proposed as an affordable development is in fact what is constructed and maintained into perpetuity, regardless of ownership. She cannot approve at this time without seeing the development agreement. The applicant has done a good job with the PUD application. It is typical that people do not come to support projects. We have to look at the long time good for the County; housing is a crisis. The private sector is needed to solve this issue; however, the developer must make a profit. It takes developments like this to improve infrastructure including roads, sewer, and water systems. It will bring more traffic and other impacts; however, the \$90 million project will be able to improve the area's infrastructure.

More information is needed including a draft development agreement, CCRs, and additional information on the internal roads and sewer system.

Commissioner Childs moved to table P.U.D. 23-01 Garnet Valley and C.U.P. 23-10 Preliminary Plat to July 18, 2023, at 5:00 p.m. Commissioner Swain seconded the motion. Motion carried unanimously.

There will be new information and public testimony will be taken.

D. OTHER:

1. **Vault Privy Request:** Cougar MT. Subdivision No. I Lot 40, RP000510000400, 9801 Brian Way. Action Item.

Commissioner Freeman moved to allow a composting toilet at 9801 Brian Way. Commissioner Swain seconded. Motion passed unanimously.

2. **C.U.P. 23-09 Frost Management Storage** – Size of Building. Action Item

The application for the approved C.U.P. 23-09 requested a 10,000-sqft building. The applicant would like to construct a building that is 75-ft by 159-ft (approximately 12,000-sqft).

Commissioner Childs moved that this change in size does not significantly change the nature or scope of the previously approved conditional use permit. Commissioner Swain seconded. Motion passed unanimously.

3. **C.U.P. 23-07 Triple M Refrigeration:** Can an individual septic system be used instead of central sewer? Action Item

The sewer line that goes by the approved C.U.P. 23-07 Triple M Refrigeration site is a high-pressure line that they cannot directly hook into. A sewer line would have to be built across the creek. Thus, the applicant would like to install an individual septic system.

Commissioner Childs moved that the change to a septic system for C.U.P. 23-07 Triple M Refrigeration building does not significantly change the nature or scope of the approved conditional use permit. Commissioner Swain seconded. Motion passed unanimously.

E. FACTS AND CONCLUSIONS - Action Items:

- V-1-23 Franklin Building Supply Setback Variance
- C.U.P. 23-14 Big Boy Toys
- Tamarack Resort P.U.D. 98-1 Amendment and C.U.P. 23-17 Phase 3.5 - The Cottages at Trillium Creek
- C.U.P. 23-18 Montego Properties Multiple Residences and Solar Panels
- C.U.P. 23-19 Cascade Valley Estates

Commissioner Childs moved to approve the Facts and Conclusions as presented and authorize the chairman to sign. Commissioner Swain seconded the motion. Motion carried unanimously.

Chairman Caldwell adjourned the meeting at 10:34 p.m.