

Valley County Planning and Zoning Commission

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Katlin Caldwell, Chairman
Ken Roberts, Vice-Chairman

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

MINUTES

Valley County Planning and Zoning Commission

July 13, 2023

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 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 Staff – Jody Green:	Present

B. MINUTES: Commissioner Freeman moved to approve the minutes of June 8, 2023, and June 15, 2023. Commissioner Childs seconded the motion. Motion passed unanimously.

C. NEW BUSINESS:

- 1. C.U.P. 23-24 FedEx Hub:** FedEx Ground Package Systems INC is requesting approval of a conditional use permit for a package handling operation in an existing 2520-sqft commercial building. A variance from the 100-ft setback from Highway 55 is requested to allow parking of a trailer 80-ft from the property line. The existing individual well and septic system would be used. Access would be from a shared driveway from Highway 55. The site is addressed at 13873 Highway 55 and is the north portion of parcel RP17N03E035820 located in the SW ¼ Section 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Postponed from June 15, 2023.**

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** – Response from Steve Millemann addressing concerns on staff report.

Chairman Caldwell asked for the applicant's presentation.

Steve Millemann, agent for applicant, made the following comments:

- FedEx Ground will be responsible for performance and conditions.
- Requesting landscaping to be finished in 2024.

- Once the trailer is dropped off in the morning, it doesn't move until the next day. A variance is required to allow this parking within the setback area.
- The public does not use this site often. Customer parking is only for the few times per day that it would be needed.
- Mr. Millemann stated the fence would be replaced.

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.

Commissioner Childs moved to approve **C.U.P. 23-24 FedEx Hub and** recommend to the Board of County Commissioners for approval of the variance with the stated conditions and:

Remove COA #10: No hours of operation will be enforced.

Revised COA #12: Change landscape completion to July 2024.

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.

2. **C.U.P. 23-27 Lake Fork Merc Additional Fuel Tank:** Landon Rogers is requesting approval of a conditional use permit for an additional gas tank on concrete pads. The site is addressed at 13845 Highway 55 and contains parcels RP17N03E103055 and RP17N03E103021 located in the NWNW Section 10, T.17N, 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 plan and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Response from Donnelly fire district.

Chairman Caldwell asked for the applicant's presentation.

Landon Rogers stated his preference would be location 1. Septic would need to be relocated and a 4-ft barrier is need around tanks. Location 1 would only need screening on front. He is talking with Central District Health about moving septic. He would like to keep the gas tank flush with the building. The tanks are double-lined and are not permanent. The new tank would be accessible for vehicles to pull up and pump from it directly.

Commissioner Child asked staff if this is new conditional use permit. Staff explained the request would add to the current use; thus it is a change in scope.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents.

Barbara Pyle owns the property south of application. She wants to know the location of the tank. She is opposed to the locations of #2 and #3 since those would be in front of trailers. She supports the approval of location #1. She read recommendations from the Environmental Protection Agency (EPA) she found online. She has questions. Will there be a prevention plan as far as fire safety? Is there going to be a flow plan for additional traffic?

Chairman Caldwell asked for rebuttal from the applicant.

Mr. Rogers agrees with location #1 as that would be the best fit. Snow creates a barrier six months out of the year for locations #2 and #3. They can do a landscape barrier if 2 or 3 is used.

Chairman Caldwell closed the public hearing. The Commission deliberated.

Staff stated that a variance would need to be added for this application as each location is within in the 100-ft setback from Highway 55 as this is a grandfathered use and does not meet current setback requirements.

Commissioner Swain asked if we have an ordinance that states someone is entitled to view. Commissioner Caldwell wants landscaping to be added for locations 2 or 3 if that is what is decided. The Commissioners discussed impact and mitigation.

Commissioner Child moved to approve **C.U.P. 23-27 Lake Fork Merc Additional Fuel Tank and recommend the Board of County Commissioners approve variance** with the stated conditions.

COA: If location 2 or 3 is used, the applicant will need to work with staff to get an approved landscaping plan that screens the property between the tank and the mobile home park.

Commissioner Caldwell 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.

3. C.U.P. 23-28 Falconer Solar Panels: Mike Falconer is requesting a conditional use permit for detached solar panels for personal use. The residence is addressed at 505 Collier View RD. The 0.7-acre lot is Ponderosa Shores Subdivision No. 2 Lot 29 located in the NESW Section 12, T.13N, 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:

Chairman Caldwell asked for the applicant's presentation.

Mike Falconer stated that the placement of the solar panels was completed in 2015. He included pictures of the array. The site requires power year-round. The pictures of roof with snow load show that the solar panel has no snow. He had questions about the time frame of the permit. He wanted clarification that once approved, the permit is permanent.

Chairman Caldwell asked for proponents.

Ron McLean lives across road and feels this project was done well. Recommends approval.

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. Commissioner Childs said this application is what was asked for in order to comply with ordinance requirements. Commissioner Swain feels he does not need building permit. Staff stated that a placement permit is more for record-keeping purposes. Commissioner Freeman asked what the price was in 2015.

Commissioner Childs moved to approve **C.U.P. 23-28 Falconer Solar Panels** with the stated conditions.

Revised COA 6: Shall obtain a placement permit for the solar panel structure.

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.

4. **C.U.P. 23-29 Gearheard Glamping Site:** Wade and Karla Gearheard are requesting approval of a conditional use permit for short-term rental of a geodome on a wooden deck that does not qualify as a residential dwelling. There is an existing building with a toilet connected to the individual septic system. Water would be hauled to and from the site. The 0.9-acre site, addressed at 41 Stanley DR, is Crown Point Subdivision No. 9 Lot 14 Block 3, located in the NENE Sec. 14, T.14N 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 plan and GIS map on the projector screen. Page 5 of the Staff Report was duplicated and there was no Page 4. The Commission and Staff re-created conditions of approval and applicant agreed to abide by the conditions of approval:

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The use shall be established within one year of the date of approval, or a permit extension will be required.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.

5. All lights shall be fully shielded so that there is not upward or horizontal projection of lights.
6. Shall obtain a building permit for new structures, including the deck for the dome or yurt..
7. The minimum building setbacks shall be fifty feet (50-ft) front and rear property lines and thirty feet (30-ft) from side property lines.
8. Must comply with requirements of the Cascade Fire Department.
9. Must obtain approval from Central District Health.
10. Must clearly mark property lines.
11. Maximum occupancy of the site for rentals is limited to two (2) vehicles and six people.
12. Rules concerning fires, noise, loose pets, shooting, and limits on vehicles and people etc., must be posted on the site and also included in the rental contracts. A copy must be submitted to Planning and Zoning.
13. Guests must restrain animals to keep them from trespassing onto neighboring properties.
14. Shall give neighbors a phone number to contact someone 24 hours per day if there are issues.
15. No shooting of firearms on-site.
16. Campfires shall be maintained in an established fire ring. Water, shovel, and/or fire extinguisher must be in close proximity.
17. All noxious weeds on the property must be controlled.
18. A smoke detector shall be installed inside the dome or yurt.
19. The site must be kept in a neat and orderly manner.
20. Food should be stored in a manner that does not attract wildlife.
21. Shall clearly post the physical address at the driveway entrance.
22. Noise shall be kept to a minimum between 10:00 p.m. and 7:00 a.m.
23. No parking allowed in the public road right-of-way or in setback areas.
24. Cannot hold events, such as weddings, large family reunions, dances, concerts, etc.
25. Shall obtain a sign permit prior to installation of a sign.
26. Must comply with payment of sales tax in accordance with Idaho State Code, Chapter 36.
27. There shall be no RVs on-site in order to expand maximum of 2 guests.
28. Shall return in two years, in a public hearing, to determine if use continues to be compatible with surrounding land uses.

Chairman Caldwell asked for the applicant's presentation.

Wade Gearheard now owns the property. They spend time here in the summer and feel like there is not enough places for others to visit. Site will have one large bed. Target audience is couples. Will adhere to low light level restrictions. Will have rules posted on site. Will have trash service. Work with local business to help promote sales. Will hire local for cleaning of site.

Answers to questions and concerns:

- Setbacks are 50-ft plus on front, rear and one side and 30-ft on the other side.
- Will provide phone number to neighbors.
- Will haul in water from other property to the 150-gallon water tank; this has worked in the past.
- Have two 50-gallon water barrels for the fire pit
- Address plaque is by entrance.
- Will be no parking in setbacks. Plenty of parking is available on site.

Commissioner Childs asked about long-term plans, if a house will go up or is this what it looks like. Applicant stated that a building will not happen soon. Commissioner Childs asked who will look at this when you're not around. Applicant stated he has someone around when he is in Boise. Commissioner Childs asked if he would have someone be close for response time? Applicant stated things can wait until he drives up but if something immediate, he will make sure he can be contacted. Commissioner Childs wants concerned neighbors to have someone to contact.

Director Herrick asked if RV's will be there. Applicant stated no, he would like to keep a two-guest maximum to make it more of a couple's retreat.

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. Commissioner Swain stated he does not want commercial ventures in subdivisions. Commissioner Swain would like a one-year review. Commissioner Childs stated applicant could build home and have a short-term rental; this use stays along the same line as residential with the occupancy limit. Commissioner Caldwell feels with two guests, the impact is less. Commissioner Freeman agrees with this thought process. Staff commented there was the same use approved in this subdivision – a geodome and glamping.

Commissioner Childs moved to approve **C.U.P. 23-29 Gearheard Glamping Site** with the stated conditions. Commissioner Freeman seconded the motion. Chairman Caldwell thinks 1 year is too short. Motion was amended by Commissioner Childs and seconded by Commissioner Freeman.

Motion carried. Commissioner Swain opposed the motion.

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

5. **C.U.P. 23-30 Green Valley Subdivision – Preliminary Plat:** Steel National is requesting a conditional use permit for a 10-lot mixed-use subdivision on 24 acres. Proposed Lot 3 would be a commercial lot; the remaining would be single-family residential lots. Proposed lot sizes range from 1.0 acres to 1.4 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from two new private roads onto Coho Lane, a public road. The site is parcel RP16N03E036611 located in the SESW Section 3, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

- **Exhibit 1** – Russell Foulk commented on the access to lots on the easement; this was discussed in staff report.
- **Exhibit 2** – Regan Berkley wants hearing postponed; she did not see the public notice sign on site. Traffic flow in and out of the subdivision is a concern. Storage units are not complete. Drainage issues exist.
- **Exhibit 3** – Michelle Gehrung did not like the placement of the notice sign. Required landscaping is not complete. A tractor was stuck and is still there.

Commissioner Childs had setback questions for staff. It was explained that the site has a 100-ft setback from Highway 55. Commissioner Swain asked about west line and what is that piece going to be dedicated to; applicant will answer during presentation. Chairman Caldwell asked for the applicant's presentation.

Tom Gibbons, applicant, presented. The railroad easement will be shared with neighbor making it a shared road. Staff asked when landscaping will be placed. Mr. Gibbons stated Wade from OK Gravel will be bringing it next week. Staff asked about the fire tank; applicant stated that is going in from OK Gravel also. Staff asked about the large open area on the plat. Applicant stated nothing yet is planned; it is just part of lot 3. The open area will be grass and trees maintained by the owner of the storage units.

Commissioner Childs asked about the road on the west side of development. Mr. Gibbons stated he talked to the owner that day. Commissioner Childs ask if he would address the questions and concerns. Commissioner Childs asked about CCR's. Mr. Gibbons stated they will have them. Commissioner Childs asked about neighbor concerns about storage, and will this be finished before you start this development? Mr. Gibbons said yes. Commissioner Caldwell asked about short-term rentals. CCRs will allow them with regulations. Staff confirmed that CCRs will be reviewed by the Commission before final plat approval.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided.

Eric Gehrung is concern about water drainage. Donnelly flooding began when starting all the building there. The land is so flat. The site floods; lot 4 is still wet. Where will the water go?

Chairman Caldwell asked for opponents.

Michelle Gehrung is concerned with access, landscaping, lighting, and pathway access. CUP 19-11 was approved with no other development. The applicant should be in compliance with what they started with.

Mary Fairman is concerned with traffic on Coho Lane and the intersection with Highway 55. Two subdivisions use this road and business, this would add 10 additional units. What about the increase of undeveloped lots; should evaluate the intersection at Coho and Highway 55. Can speed be reduced, or property accessed from Highway 55. Emergency response will not happen quickly.

Chairman Caldwell asked for rebuttal from the applicant.

Lucas Hanson, representing the applicant, stated berms will help direct the water flow. Drainage is engineered, dirt is coming, and a water tank is going to be installed. The path on railroad bed is still there and will remain. Idaho Transportation Department (ITD) has been contacted about project and they have the say with traffic. ITD will mitigate if there is a problem. The misunderstanding about the west roadway has been cleared up. Commissioner Childs asked why ITD did not respond. Mr. Hansen stated that they did not because they already commented with storage units.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Freeman feels like this is complete and well thought out proposal. Commissioner Swain understands the frustration and asked when is enough, enough? We are regulated by ordinances. Commissioner Childs stated that we have a county engineer to ask questions concerning drainage.

Commissioner Childs moved to approve preliminary plats of **C.U.P. 23-30 Green Valley Subdivision – Preliminary Plat and add Cynda's COA and include that all COA's from previous CUP should be completed prior to beginning any improvements** with the stated conditions and following modifications.

COA: Must certify that the Stormwater Pollution Prevention Plan (SWPPP) is implemented according to previous plans.

COA: Shall not start the lots until the storage unit is finished.

COA: The Planning and Zoning Commission shall review CCR's before final plat approval.

Revised COA #18: A development agreement will be required in accordance with Idaho Code 67-6511A.

Commissioner Freeman 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.

6. C.U.P. 23-31 Pishl Solar Panels: Rob Smith is requesting a conditional use permit for

detached solar panel arrays for personal use. The 35.35-acre parcel, addressed at 97 Alpha Lane, is RP13N04E343605 located in the SWNE Section 34, T.13N, 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; there was none. Director Herrick presented the staff report, displayed the site plan and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Applicant addressed concerns.

Chairman Caldwell asked for the applicant's presentation.

Adam Pishl stated the solar panels will not be visible from anywhere off the property. The camp was one time event that consisted of friends from church. He received no complaints from direct neighbors but will not use it the site for that again.

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. Chairman Caldwell feels that the application is complete and likes that he talked to neighbors. Commissioner Childs agreed and is in favor and feels this is in line with our ordinance.

Commissioner Childs moved to approve **C.U.P. 23-31 Pishl Solar Panels** with the stated conditions. 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.

- 7. C.U.P. 23-32 5 Bar 5 Subdivision – Preliminary and Final Plat:** Mike Maciaszek and Becky Bjork are requesting a conditional use permit for a 1-lot single-family residential subdivision on two acres. An individual septic system and individual well are proposed. The lot would be accessed from Morell Road (private) and then Boulder Lake Road (public). The site is a portion of parcel RP18N03E257201 located in the NESE Section 25, T.18N, R.3E, and the NWSW Section 30, T.18N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the preliminary plat and GIS map on the projector screen.

Chairman Caldwell asked for the applicant's presentation.

Mike Maciaszek stated short-term rentals will not be allowed.

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. Commissioner Swain stated this proposal follows code. Commissioner Freeman stated the application is clean and the proposal is good. Commissioner Childs added that neighbors support the proposal.

Commissioner Childs moved to approve preliminary and final plat for **C.U.P. 23-32 5 Bar 5 Subdivision – Preliminary and Final Plat** with the stated and modified conditions and authorize the Chairman to sign the plat.

Revised COA #9: Note on face of plat should state “Utilities are the responsibility of the property owner at the time of construction”.

Revised COA #12: Applicant must enter into a development agreement with the Board of County Commissioners in accordance with Idaho State Statute 67-6511A

Commissioner Caldwell 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.

- 8. C.U.P. 23-34 SIMRA Mud Drag Event:** Southern Idaho Mud Racing Association is requesting a conditional use permit for an event on August 26, 2023, and then on an annual basis. Additional days for setup and cleanup are requested. Parking, portable toilets, and food trucks would be available at the site. Access would be from Weant Lane, a public road. The site is part of parcels RP14N04E290005 and RP14N04E283004 located in the SW ¼ Section 28 and SE ¼ Section 29, T.14N, 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 ex parte contact or conflict of interest; Chairman Caldwell excused herself. Commissioner Freeman acted as the Chairman. Director Herrick presented the staff report and displayed the site plan and GIS map on the projector screen.

Commissioner Freeman asked for the applicant's presentation.

Tamara Buys, representing the applicant, stated that this event was done last year at the same location. Available land is hard to find. The event will use 2-3 acres. Less than 500 spectators are expected. There will be two vendors, and four porta potties. Still waiting for Central District Health approval. Can use water from the pond. Emergency services have been contacted; EMS people will be on site. They have 300-ft of hose for water. They still need to contact the Road Superintendent. This event will occur annually, one time per year. The applicant is willing to water the county road.

Commissioner Freeman asked for proponents. There were none.

Commissioner Freeman asked for undecided. There were none.

Commissioner Freeman asked for opponents. There were none.

Commissioner Freeman closed the public hearing. The Commission deliberated. Commissioner Childs stated this is a cool event for the County, owners are in favor, and she sees no issues. Commissioner Swain has no problem with the proposal. Commissioner Freeman stated that more things like this are desired up here.

Commissioner Swain moved to approve **C.U.P. 23-34 SIMRA Mud Drag Event** with the stated conditions. Commissioner Childs 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.

Chairman Caldwell returned to the Commission.

- 9. C.U.P. 23-22 Activity Barn - Amendment to C.U.P. 16-13:** Brundage Mountain Resort LLC is requesting approval to amend C.U.P. 16-13 Activity Barn. Proposed hours of operation are 8:00 a.m. to 10:00 p.m. daily; proposed maximum capacity is 500 guests. Additional activities include a market, additional non-motorized recreation, and two residential dwelling unit for employee housing. The parking lot would be realigned to allow for both an entrance and an exit onto Moonridge DR. The 116-acre site is parcel RP18N03E290007, addressed as 141 Moonridge Drive, and located in the N ½ Section 29, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. (Postponed from June 15, 2023)

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 plan and GIS map on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Karen Evans and Winston Yeast, 311 Brook Drive, McCall, have concerns about traffic, lighting, and music.

Chairman Caldwell asked for the applicant's presentation.

Sara Jane (SJ) Erlemeier and Ken Rider represented the applicant. Ms. Erlemeier is the acting manager. She was hired to increase communication, looking towards the future, handling issues, family experience, feels they are in alignment with conditions.

Commissioner Childs loves the Activity Barn, but does not believe there is enough information to complete a compatibility rating and not enough information for the neighbors to know what is proposed. She would like more details. Ms. Erlemeier responded that the request is for 20 events per year with a maximum capacity of 500. Events include renting out the site, BBQs, and fund raisers.

Commissioner Childs stated the questions from neighbors. Mr. Rider feels most of these are addressed in the stated conditions of approval. Ms. Erlemeier stated they are willing to cap weddings at 150. Commissioner Childs asked about closing earlier, possibly 8:00 pm on weekdays and 9:00 pm on weekends. Chairman Caldwell asked about limiting Sunday operation hours from 8:00 a.m. to 8:00 p.m. The applicant has no issue with this limitation. Mr. Rider talked about starting to do more things in the winter; the lighting is not being used too much at these times. Commissioner Childs asked about the neighbor requesting dedication for a new road; would the applicant consider this? Applicant has no issues with that request; everyone would benefit. Commissioner Child asked about alcohol. Mr. Rider stated they can serve water and have a beer and wine license. Commissioner Swain asked if they are they paving the parking lot. Mr. Rider stated that it will not be paved but will be serviced. Commissioner Swain asked about employee housing. Brundage has 350-375 employees during the peak season; the Activity Barn has 13-16 employees during the summer. Commissioner Swain commented about the concern of music. Feels this is a good application. Chairman Caldwell and Commissioner Freeman had no additional comments.

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.

Commissioner Freeman moved to approve **C.U.P. 23-22 Activity Barn - Amendment to C.U.P. 16-13** with the stated conditions and:

COA: Weddings are capped at 150 guests.

Revised COA #22: Hours of operation are 8:00 a.m. to 10:00 p.m., Monday through Saturday. Hours on Sunday are 8:00 a.m. to 8:00 p.m.

COA: No (solely) music concerts unless approved by P&Z Commission.

Revised COA #5: Applicant must enter into a development agreement with the Board of County Commissioners in accordance with Idaho State Statute 67-6511A.

COA: There shall be a two-year review in a public hearing to assess if impacts have been mitigated.

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.

D. OTHER:

- **Approval of Vault Privy in Frank Hall Ranch Tracts – Ryan McDaniel**

Commissioner Freeman moved to approve a vault privy for Ryan McDaniel on Frank Hall Ranch Tracts No. 1 Lot 2 Block 1, addressed at To Be Determined Little Donner Drive. Commissioner Childs 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.

- **Appeal of Administrative Decision that a Conditional Use Permit Is Required for Solar Panels at 13643 Morris Ranch Road. Action Item.**

Chairman Caldwell feels the commission needs to stay consistent. Commissioner Swain stated the owner has had no complaints from neighbors. A conditional use permit or removal of the existing solar panels should not be required based on compassion from this Commission. The current owner purchased the home with the existing solar panels in place; did not know they were not permitted; did not know a conditional use permit was required; is living on a fixed income; and does not have the money to purchase new batteries to bring the solar unit to full capacity. Commissioner Childs wants to stay with code compliance but agrees with Commissioner Swain. Commissioner Freeman agreed with Commissioner Swain. Chairman Caldwell stated that a record for this must be kept. Commissioner Freeman asked how we keep record. Commissioner Swain asked if we can “grandfather” this. Staff stated the need to be consistent. Commissioner Childs moved to not require a conditional use permit for solar panels at 13643 Morris Ranch RD. Commissioner Swain seconded the motion. Commissioner Freeman asked about a variance. Chairman Caldwell asked for a vote from the floor. Commissioner Childs aye; Commissioner Swain aye; Commissioner Freeman aye; and Chairman Caldwell no. Motion carried to not require a conditional use permit.

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

- **C.U.P. 00-15 Mile High Sports – Request to Park Jet Skis in Pond.** Action Item

Chairman Caldwell asked if they need a sign permit with it being advertising. Staff is concerns if this would be a safety consideration. No one else will be allowed to use setback areas. Commissioner Childs says no. Commissioner Freeman – is any part not in the setback? Is parking different than using? Commissioner Childs – does it have to be a hard surface?

Commissioner Swain moved to approve Mile High Power sports to park a maximum of 3 on the east side outside of 100' setback with no advertisement. Commissioner Childs seconded 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.

- **Idaho Power Request for Additional Equipment at Existing Cloud Seeding Sites.** Action Item.

John Lillehaug stated Idaho Power wants to add propane tanks to existing cloud seeding sites and a second generator at each site. Commissioner Freeman moved that this is not a change in scope of what they are doing but a change in process; however, a conditional use permit is required if that changes. Commissioner Childs seconded. Motion carried unanimously.

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

E. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 23-20 Backcountry Equipment
- C.U.P. 23-21 Moon View Ranch Subdivision Phase 2
- C.U.P. 23-16 Forge Landworks
- C.U.P. 23-23 Packard Family RV Site
- C.U.P. 23-26 Legacy Ranch at Whitetail Club – Preliminary Plat

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

Chairman Caldwell adjourned the meeting at 10:00 p.m.