

Valley County Planning and Zoning Commission

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Katlin Caldwell, Chairman
Ken Roberts, Vice-Chairman

Scott Freeman, Commissioner
Carrie Potter, Commissioner
Gary Swain, Commissioner

MINUTES

Valley County Planning and Zoning Commission
February 8, 2024
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 – Scott Freeman:	Present
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Gary Swain:	Present
PZ Planner II – Lori Hunter:	Present

B. MINUTES: Commissioner Potter moved to approve the minutes of January 11, 2024, and January 23, 2024. Commissioner Roberts seconded the motion. Motion passed unanimously.

C. NEW BUSINESS:

- 1. C.U.P. 23-53 Troutner Multiple Residences:** Jeff and Kathy Troutner are requesting a conditional use permit to allow two residences on one parcel. Each home would have an individual septic system; the existing well would be shared. Access would be from a shared driveway onto Elk Haven Way, a private road. The existing home is addressed at 84 Elk Haven Way. The 19-acre parcel is Elk Haven Subdivision Lot 9 located in the W ½ Section 14, 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 and displayed the site and GIS map on the projector screen. The plat for Elk Haven Subdivision does not prohibit multiple wood-burning devices on a lot. The homeowner association maintains the roads to access this property.

Chairman Caldwell asked for the applicant's presentation.

Courtney Snyder, McCall, representing the applicant. There is an existing fireplace in the existing home. The new home would have a propane fireplace and an exterior wood-burning fireplace on the deck (not used for heating). The home will be used by family and friends. The applicant is agreeable to prohibiting short-term rentals. The homeowner association has been

in contact with the property owner and will provide a letter when a building permit is applied for.

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. There was discussion on the existing and proposed wood-burning devices on the property. Valley County Code 9-5B-4 which was approved for air quality. It applies to internal heating devices, not exterior fireplaces or fire pits.

Commissioner Roberts moved to approve C.U.P. 23-53 Troutner Multiple Residences with the stated conditions and:

COA: A Letter of approval is required from the homeowner association prior to issuance of building permit regarding the use of the private road.

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.

6:15 p.m.

2. C.U.P. 23-54 Lake Port Storage Amendment to C.U.P. 18-11: Lake Port Holdings LLC is requesting a conditional use permit to construct two additional buildings adjacent to the eight existing storage buildings. All buildings would continue to be used as dry public storage facilities for boats and trailers. Primary access would be through Mile High Power Sports onto Highway 55 with secondary access from Rogers Lane. The 13.5-acre site, addressed at 13924 B Highway 55, is Hinson Subdivision Lot 3C, located in the NWNW ¼ Sec. 3, 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 and displayed the site and GIS map on the projector screen.

The site plan was discussed. Setbacks must be met. A letter is needed from the ditch company. The previous landscaping plan was reviewed. Staff recommends additional landscaping to break up the visual of the buildings as viewed from the south. The location of the existing buildings was reviewed. The access, pictures, and the aerial view on the GIS map were discussed. The outside storage that is visible in the aerial view is within an adjacent parcel owned by the same owner under a separate conditional use permit. Landscaping and the irrigation ditch were discussed. The irrigation district did not respond to the public hearing notice.

Chairman Caldwell asked for the applicant's presentation.

David Daniels, Cleary Building, represented the applicant. Sam Worley, the property owner, was at a McCall City Council meeting. The shift in design from the original site plan was due to issues with grading. This problem has since been solved. Landscaping was added on the north end and east side of the parcel. Additional landscaping will be added to the south end this spring. The aerial view shown on the GIS map is about three years old. The majority of trailers have been moved inside the buildings. The buildings are designed for boat storage only and are only accessed by employees. Each building stores between 40-60 boats and trailers.

Access is from the driveway onto Highway 55. The access to Rogers Lane is only for construction purposes; the gate is typically locked. The new buildings will eliminate off-site storage and clean up the trailers at the site. Customers do not use this site. The boats are delivered to and from the marina by employees when requested by customers. There are some equipment and trailers at the site that are not boat-related and are stored outside.

Mr. Daniels responded to questions from Commissioners. He said the irrigation ditch that runs through the lot is active. The main flow is during spring. They do not disturb the ditch. Commissioner Roberts stated that the conveyance could be changed to an underground line. The proposed buildings would look exactly like the existing buildings. The buildings are covered by warranties and have required only simple repairs. They are used for cold storage only and have no interior lighting. Noxious weeds are treated annually. Building construction would likely begin August 2024. The percentage of short-term storage and long-term storage use is unknown. All are long-term rental leases; if the boat is not there the trailer is on-site.

The Idaho Transportation Department (ITD) would determine if the expansion warrants a revised ITD permit for access at Highway 55. Staff questions were reviewed.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents.

Harlan Flemmer represented the Flemmer Ranch, the adjacent property on the east side of the buildings. There is no landscaping on the east side of the property. He looks right into the buildings from his living room window. His irrigation ditch runs along the fence line. There is a septic system on the property; Mr. Flemmer has to be careful to not flood out the septic system when he irrigates. Noxious weeds are present on the applicant's property which leads to weeds on Mr. Flemmer's property. Construction and other trash blow into his property from this site. The company no longer answers his phone calls. His property is used for hay and pasture; thus, the importance of removing all trash and controlling weeds. A chain link fence would help with the trash; there is not enough room for a berm. He stated that the access to Rogers Lane is used by ATVs and UTVs. The aerial view shows where hawthorn bushes have grown into the fence line. It is a live irrigation ditch within the property.

Chairman Caldwell asked for rebuttal from the applicant.

Mr. Daniels responded to the construction trash comments. During a heavy wind storm, he was part of a crew that picked up 21 metal sheets. He was unaware that additional sheets blew onto the neighboring property. For prevention and mitigation, he would be willing to install construction netting during construction of the additional buildings. Much of the area has been graveled to reduce dust and weeds.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Swain stated the additional buildings would be low impact, but he has concerns with landscaping, trash, and weeds. Director Herrick shared pictures of the landscaping that was placed along Rogers Lane. Commissioner Potter agrees that additional landscaping should be required. The request would result in an additional 40-50 boats/trailers for each additional building. The impact on Highway 55 is unknown as the number of trips would vary based on customer demands. Commissioner Freeman is concerned about the noxious weeds spreading into the neighbor's hay field; perhaps the applicant could perform monthly weed control instead of annual spraying. Commissioner Roberts believes input from ITD regarding traffic would be appropriate. Commissioner Roberts and Commissioner Swain believe the Commission could table the matter to allow a meeting between the applicant and Mr. Flemmer which might lead to

the resolution of concerns. Chairman Caldwell stated that the Commission could add additional conditions of approval including additional landscaping and the use of construction netting. The Commissioners discussed the control of trash from the Mile High Sports building, construction netting versus a chain-link fence, and the proposed conditions of approval listed in the staff report. Chain-link fencing would look inappropriate adjacent to an agricultural area. The applicant agreed to control noxious weeds in the application. Valley County Code encourages grouped clusters of landscaping to break up monotony of buildings, versus a long linear line of trees.

Commissioner Potter moved to approve C.U.P. 23-54 Lake Port Storage Amendment to C.U.P. 18-11 with the stated conditions and:

Revised COA #8: An approved ITD access permit or a letter from ITD stating a revised permit is not required must be submitted to Staff prior to submittal of a building permit application.

COA: Landscaping shall be placed along the southern and eastern borders in cooperation with input from neighbor

COA: Cannot use site to test ATVs, UTVs or snowmobiles or to access Rogers Lane.

COA: Must install construction net fencing.

COA: Must implement dust abatement during construction.

COA: Must place a trash receptacle on-site and keep it emptied.

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.

7:12 p.m.

D. OLD BUSINESS

- 1. Tamarack Resort P.U.D. 98-1 Amendment and C.U.P. 23-51 Phase 3.4 – Lower Sugarloaf Custom Chalets – Preliminary Plat:** Tamarack Resort Two is requesting an amendment to the approved planned unit development to allow residential lots in an area that was previously platted as open space in Phase 1. This site would include three residential lots, recreational easements, and open space. The lots would be accessed by Discovery Drive, private. The site is served by Northlake Recreational Sewer and Water District. The 4.3-acre site is parcel RP0049200000C0 in the NW ¼ Section 5, T.15N, R.3E, Boise Meridian, Valley County, Idaho. Tabled from January 11, 2024. 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. Chairman Caldwell recused herself due to a family member under contract and left the meeting room.

Commissioner Freeman moved to remove Tamarack Resort P.U.D. 98-1 Amendment and C.U.P. 23-51 Phase 3.4 from the table. Commissioner Swain seconded the motion. Motion passed unanimously.

Vice Chairman Roberts asked for the addendum to the staff report. Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Tracy Duncan withdrew previous opposition. (Feb. 2, 2024)
- **Exhibit 2** – Elana and Brian Story, 22 Rock Creek, remain opposed after the

neighborhood meeting. (Feb. 7, 2024)

- **Exhibit 3** – Scott Turlington submitted information from the neighborhood meeting held January 31, 2024. (Feb. 7, 2024)
- **Exhibit 4** – Applicant's slide show presentation on February 8, 2024.

Staff stated the timeline that occurred. Replats require approval of the Planning and Zoning Commission and function as a vacation of the original plat. Does it meet the requirements of the approved planned unit development?

Commissioner Roberts appreciates Staff's due diligence to "connect the dots".

Vice Chairman Roberts asked for the applicant's presentation.

Scott Turlington, Tamarack Resort, stated that tabling this matter allowed a good opportunity to discuss the project with those in opposition. He reviewed the timeline of approvals. Originally eight townhomes were proposed for the site, then it was platted as open space, and now the application is for three lots. Dates of approvals and documents is important. "Open space" is platted for two reasons within Tamarack Resort:

1. Tamarack Resort has a minimum 50% open space requirement. The development is currently at 74% open space.
2. "Open Space" is a placeholder for future development.

The overall density approved for Tamarack Resort is 2,043 dwelling units. Approximately 500 dwellings units have been developed to date. The P.U.D. approval gives flexibility.

Purchasers at Tamarack Resort receive at least three different documents that declare the ability to convert open space. These are:

1. Governance documents (Design Guidelines/CCRs)
2. Purchase agreement / buyers acknowledgment that must be checked off by purchasers. This existed in the 2004 sales paperwork of the original purchasers at Tamarack Resort.
3. Every plat with open space has a note regarding how open space will be treated.

Some open space designations on other plats do state that no building will occur in this area. This site has a plat note that is more variable (Note 15).

Mr. Turlington referred to **Exhibit 4**. A Facilities Plan was required as part of the original P.U.D. approval. This plan shows the general look but the density of specific areas within the P.U.D. boundary can change. Slide #13 shows the area that will be platted into the three lots. The area marked in green includes the poma lift; this area will remain as designated open space and not be developed. Slide #14 is an aerial view of the Rock Creek area. Mr. Turlington explained the location of the proposed three lots. An estimated seven to ten trees would be removed during development of this site. A buffer and 30-ft building setback would be maintained from the creek. The proposal is compatible with the surrounding area.

Tamarack Resort is compliant with the P.U.D. requirement to maintain at least 50% of the resort as open space (Slide #15). Mr. Turlington explained the difference between "common open space" and "exclusive open space" designations. Exclusive open space cannot be developed in perpetuity. These exists within neighborhoods. In general, common open space can be developed at a later time. There is some common open space near the golf course driving range that cannot be developed.

Commissioner Roberts stated he appreciates that a neighborhood meeting was held since the

last public hearing. Mr. Turlington stated neighborhood meetings will be held in the future.

Vice Chairman Roberts asked for proponents. There were none.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents. There were none.

Vice Chairman Roberts closed the public hearing. The Commission deliberated.

Commissioner Swain has a problem approving this application. He referred to the definition of open space in Valley County Code Title 9. Open space must be an amenity to the planned unit development. There is no mention of "exclusive open space" in Valley County Code. He agrees that the Commissioners have the right to review and interpret. Although the ability to change is well documented in Tamarack's master plan, he is not sure if open space can be changed. Platted open space should be maintained in perpetuity.

Director Herrick stated that anything can be converted with a new plat. A new plat vacates the underlying plat. The site was originally approved for townhomes. The purchase and sale agreements explain that the potential to change open space exists. The P.U.D approval allows the developer flexibility. There are a lot of details in the approval documents for Tamarack Resort including design guidelines, decreased lot sizes, and decreased setbacks. Director Herrick suggested that the Commissioners come into the Planning and Zoning office and review the application documents for PUD 98-1.

Commission Freeman agrees that changing the open space label feels deceptive. However, the developer put the pieces together to be able to make these changes. Neighbors probably do not expect "open space" designations to change even though it is stated in the documents.

Commissioner Potter stated Tamarack Resort has done due diligence. The site was originally set for eight townhomes, but the density has been lowered to three homes. There is no reason to deny this application.

Commissioner Roberts understands Commissioner Swain's concerns. However, the Commission now has a clear record to show that what is proposed is allowed. Open space should be designated differently on future plats. This discussion has allowed the Commission to vet the proposal fully.

Commissioner Freeman moved to approve Tamarack Resort P.U.D. 98-1 Amendment and C.U.P. 23-51 Phase 3.4 – Lower Sugarloaf Custom Chalets and Preliminary Plat with the stated conditions. Commissioner Potter seconded the motion.

Director Herrick asked the Commissioners if they feel this application needs to be a recommendation to the Board of County Commissioners. Commissioner Roberts stated that a boundary or overall density change proposal would be a recommendation to the Board. However, this is a conditional use permit within the development and thus does not require the Board's approval at this stage. Commissioner Swain stated he cannot vote for the change in open space designation. Director Herrick stated that the definition of open space in the Valley County Code has changed since P.U.D. 98-1 was originally approved. Director Herrick does not recall how the definition was previously worded.

Commissioner Freeman, Commissioner Potter, and Commissioner Roberts voted in favor. Commissioner Swain was opposed. Motion passed.

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.

Short Recess to 8:00 p.m.

2. **P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1 Preliminary Plat:** Groves Family LLC is requesting approval of 335 single-family residential lots, community amenities, and open space. Community amenities would include recreational courts, a commercial plaza, outdoor ice-skating rink, pathways, and approximately 49 acres of open space. The net density is 2.11 units per acre. North Lake Recreational Sewer and Water District would provide water and sewer service. Construction would occur in six phases over a 15-year period.

Access would be from Loomis Lane and Old State Road, both public roads. Internal roads would be private.

Variances from Valley County Code are requested to reduce right-of-way widths, reduce front and rear setbacks, reduce maximum lot coverage, reduce frontage widths along roads, and allow a hybrid approach to open space requirements.

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

1. **Concept Approval and Planned Unit Development** in accordance with Title 9 Land Use and Development.
2. **C.U.P. 23-52 Preliminary Plat** in accordance with Title 10 Subdivision Regulations.

The 159-acre site is parcel RP16N03E270005, located at the intersection of Loomis Lane and Old State Road, in the NE ¼ Section 27, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. This matter was tabled on January 11, 2024.

Commissioner Freeman moved to remove P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1 from the table. Commissioner Swain seconded the motion. Motion passed unanimously.

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** – Draft Bylaws, Articles of Incorporation, and CCRs. (Feb. 2, 2024)
- **Exhibit 2** – Jeff McFadden, Valley County Road Superintendent, discussed issues with the applicant's engineer at the site. (Feb. 6, 2024)
- **Exhibit 3** – Travis Pryor, North Lake Recreational Sewer and Water District, responded. The property is within the North Lake boundary. The development's density will determine the future system demand and impacts to the existing water and sewer systems. Annexation will be required. (Feb. 2, 2024)
- **Exhibit 4** – Eric Pingrey, McCall-Donnelly School Superintendent, has concerns and proposed collaboration. Many of the district schools are already at or near capacity. (Feb. 2, 2024)
- **Exhibit 5** – Applicant's slideshow. (Feb. 2, 2024)

Staff had requested that individual Commissioners send questions to Staff to be answered at this meeting. Only Commissioner Swain responded.

Chairman Caldwell asked for the applicant's presentation.

Representing the applicant were: Bonnie Layton, Land Use Planner for NV5, Meridian; Craig Groves, applicant, 154 Shadows Trail; and Gregg Tankersley, Civil Engineer for Crestline Engineering, McCall.

Ms. Layton presented slides showing a revised site plan and the work completed since the meeting on January 11, 2024 (**Exhibit 5**). Revisions were made to the original site plan to address concerns from Commissioners, staff, and the public (Slide #2). The revised site plan has 341 lots with a variety of lot sizes. The Valley County Code would allow the applicant to subdivide the property with 2.5 dwelling units per acre. Therefore, 398 units would be allowed for a standard subdivision with no open space. The planned unit development (P.U.D). process allows modifications to standard lot sizes; 87% of lots exceed the minimum size that would be required under a standard subdivision. All homes would be connected to both water and sewer services. The townhomes would be located within the center of the development. Total open space would be 98.58 acres which equals 61.3% of the development.

The P.U.D. would include a community center, park, ice rink, sport courts (Slide #3). The applicant wants to establish a sense of community for the neighborhood and surrounding area. Contemporary mountain architecture is proposed for the buildings (Slide 4). Slide #5 compares the original site plan compared to revision. The pond has been extended northward as requested. A lot in the northwest corner was added for Road Department use. Open space increased by 11+ acres. The open space would provide amenities for people and create some wildlife habitat. Photos of similar projects by the applicant in Treasure Valley show how the open space between homes would look (Slide #6 and #7). This specific proposal would have a more natural look with less manicured lawn which would increase wildlife habitat and homeowner privacy.

Ms. Layton stated that the Traffic Impact Study data was not intentionally taken from a light-driving date. The counts have been updated with information from ITD.

The proposed development would be phased out over many years; thus, allowing the school district to plan accordingly. Craig Groves stated he has been involved with multiple school districts with other developments he has done. He has had multiple meetings with the McCall-Donnelly School superintendent and school board to discuss housing needs and he looks forward to engaging with the school district regarding this project. Over the next 20 years, the school district will likely grow. Housing statistics estimate 0.7 students per local housing unit. If local residents live in 50% of homes in Phase 1, the 27 homes would add 19 students over 12 grades. At full project buildout, 50% of the homes would result in an 119 students. If less than 50% of the homes are locally-owned, then the number of students would be lower. This scenario would actually result in greater tax dollars to the school district as the property taxes for second homes is higher. Approximately 78% of homes in Valley County are second homes that have no impact on student numbers.

The applicant and representatives have met with North Lake Recreational Sewer and Water District (NLRSWD). Mr. Tankersley stated the recent meeting with NLRSWD was favorable; the NLRSWD facilities plan was shared. The model accommodates this type of development and more towards Highway 55.

Mr. Tankersley has obtained more information about the soil types at the site. The preliminary geotechnical report from Allwest states the site is suitable for the proposed development. They met with Jeff McFadden, Valley County Road Superintendent, at the site on February 2, 2024. The discussion included the proposed lot for County equipment, the traffic study, existing drainage conditions and how to design mitigation with approval from the Valley County Engineer. They also discussed the area's drainage issues and lack of maintenance in the

existing developments in the area. Mr. Tankersley responded to Commissioner Roberts' questions regarding using on-site soils for fill, the total linear feet of road, and volume needed for road subbase and for each structure. The specific calculations have not been done. The organic material from road stripping will be used for berms, landscaping, and as fill to build up lots. Slab on grade construction for many of the buildings will help mitigate concerns with high ground water. Water conveyance will improve. Ground water monitoring data has been collected. Ground water issues will be mitigated by design features.

Commissioner Roberts asked if the off-site drainage was discussed with Mr. McFadden. Mr. Tankersley replied that details were not discussed and would be part of the design phase. Mr. McFadden did state that the existing ditches are easements. Commissioner Roberts is concerned about drainage south and west of this property. Mr. Tankersley said they did look at areas in the neighboring properties and improvements that property owners have made to clean swale and drainage areas. The 20-ft drainage easement along the eastern boundary of Railroad Village Subdivision has been impeded in some instances. The applicant could collaborate with property owners to the south to improve drainage. Mr. Groves stated he had a recent conversation with Mr. Loomis who developed Railroad Village. The drainage easement has been filled in and is not working properly. The proposed ponds and drainage plans for MacGregor Townsite would improve this scenario. Commissioner Roberts stated this problem also exists on the southern part of this property; he is concerned that there needs to be somewhere for the water to go off-site. Mr. Tankersley stated this is an opportunity to work with the property owners in the area. Commissioner Freeman stated it would be in everyone's best interest to work together. Director Herrick added that staff has been told that drainage was being approved in the area south of Railroad Village Subdivision. Mr. Groves replied that it does appear some work has been done in that area.

Commissioner Potter stated that the letter from the school district superintendent left out a key benefit of the development which would be additional housing for teachers. Issues that arise with this development can be mitigated.

Commission Swain asked about the timeline of the various phases. Mr. Tankersley referred to the applicant's "cheat sheet" submitted for the public hearing on January 11, 2024 [**Exhibit 1, January 1, 2024**]. The phasing plan is listed and includes the timing of amenities. Phase 1 would include construction of the ponds and open space pathways along ponds. Phase 2 would include pathways associated with Phase 2. Phase 3 would include the community center, ice rink, and all other open space amenities. If the budget allows, improvements may be done sooner. This allows some revenue to be used for the amenities. Mr. Groves firmly believes that the housing need in Valley County is very high.

Mr. Groves responded to questions from Commissioners regarding the hybrid open space, draft CCRs, and short-term rentals. The 50% open space calculations exclude roadways and building footprints. It does include all the parks and pathways. The submitted CCRs are a draft, boilerplate version and were not tailor-made for this development. They will be modified. They were drafted by an attorney who specializes in resort-area CCRs. The CCRs do include Section 9.10 regarding short-term rentals in designated areas within the development. Mr. Groves stated that if mismanaged short-term rentals can impact local residents. The Idaho State Legislators have made it very clear that short-term rentals are allowed.

Developers will not be able to pencil a project by eliminating buyers who might want to short-term rent their property at some point. There was further discussion on short-term rentals and the impacts on the housing and rental market. Mr. Groves mentioned funding methods available for first-time home buyers. Commissioners asked if the applicant would be willing to cap short-term rentals within the development at a specific percentage or number.

Commissioners are concerned that the homeowner association would be able to change CCRs and the number of short-term rentals within the development. While the development is in process, Mr. Groves would control the homeowner association. Once phases are completed, he would then educate the new association board on duties, including fiduciary responsibilities. Director Herrick stated that the development agreement would incorporate mitigation. Although the County cannot enforce CCRs, the County can enforce requirements and limits within the development agreement. The development agreement would guarantee phasing plan and construction of amenities. Bonding, letters of credit, and/or escrow agreements are possible.

Commissioner Roberts asked how a preference to local home buyers would be overseen. Mr. Groves stated he would be one of a few builders. Guidelines to review offers would be determined. As a home seller, you can sell your home to whomever you want to. He would give preference to permanent residences over investors.

Commissioner Roberts referred to page 3 of the application and asked about the expected square-foot price building cost in Valley County. The price of the lot plus the cost of building a home does not appear to be affordable to the average Valley County worker. Mr. Groves stated he has been in the brokerage development and construction business for 45 years. His intent is to build speculative homes, not custom homes. His goal is to sell houses, not lots. He expects a building cost ranging from \$350 to \$365 per square foot. It is more expensive to build in Valley County than within the Treasure Valley area. The home drawings shown would be about 1700-2700-sqft **[Exhibit 5]**; some product in the 1400-sq-ft range is needed. This development would not be a low-income project; it is designed for the full-time professional workforce such as doctors, teachers, and city employees. The Valley County housing market has many large lot projects on septic systems and wells available. In order to provide more housing, infrastructure improvements are needed.

Commissioner Swain stated the Commission must follow State Statute 67-6502 which states density is to be located within incorporated areas and avoid undue concentration of population in rural areas. Mr. Tankersly replied that the proposal is similar to existing neighborhoods on two sides.

Commissioner Swain referred to CCRs and the 38 acres proposed as hybrid open space. The homeowner association would have no control over the private property on the lots; therefore, he questions how it would be maintained as open space. If the private property is fenced, it would not be available to the public as open space. The applicant replied that there would be a maximum of 35% lot coverage allowed per Valley County Code. This hybrid area would be open, landscaped area with no physical improvements. Ms. Layton referred to the open space definition in Valley County Code; Staff referenced 9-1-10 Definitions and 9-9-2 Purpose of a P.U.D. Commissioner Roberts referenced the "common ownership" requirement for open space in 9-9-2. Director Herrick stated that the applicant can separate passive and active open space so the Commissioners can better visualize both within the proposed development at the next meeting.

Chairman Caldwell reminded the Commission that tonight's meeting is a fact-finding meeting to gather more information from the applicant. Further discussion and deliberations would occur at a future meeting.

Commission Swain would like more details on the impacts and proposed mitigation. This includes impacts on the school district, drainage, daily traffic, and impact to roads. He would like confirmation that this proposal would not take available connections from existing lots. Mr. Groves stated that before he closed on the property purchase, he had a preliminary virtual meeting with NLRSD's manager and engineer. The master plan and potential upgrades to

the sewer system. NLRSD has identified that they will need another water tower and possibly another well. NLRSD's long-term plan is to add infrastructure along Loomis Lane, across Highway 55, and to Farm to Market Road. Mr. Tankersley stated NLRSD wants County approval before discussing annexation into the NLRSD's boundaries. A public hearing with NLRSD will be required along with conditions once annexation is approved. Mr. Groves can reach out to Mr. McFadden to get more specific information on local roads. This project would improve the sewer and water system which will be better for everyone. Additional housing would benefit the school district; additional secondary homes increase school district funding. This proposal would help solve existing problems. Mr. Tankersley stated that NLRSD has planned for additional development in this area. Valley County Engineer must give approval before internal roads can be constructed. Additional approvals will be required by Idaho Department of Environmental Quality and NLRSD.

Chairman Caldwell stated the request is for preliminary plat approval, not a final plat. All the information is not required at the preliminary plat level. The Commissioners do need to look at impacts.

Ms. Layton stated NV5 has engaged with both the Road Department and ITD from the beginning of the project development. Mr. Groves iterated that this is preliminary plat approval. The Commission will also review and approval final plats for each phase.

Commissioner Swain stated even if issues are mitigated, this proposal does not meet the mandate for density to occur within cities and impact areas. Mr. Groves stated he also has an application in front of the City of Donnelly; in addition, he will submit another one soon. This site has historical use; approximately 350 loggers lived here at this site in the past. Mr. Groves was attracted to the property due to the history of the site and the views from the site. The plan is equally or less dense than some of the adjacent properties.

Ms. Layton stated she has been both a city planner and has developed a comprehensive plan. Comprehensive plans have various sections and stated goals which are used to design ordinances. Valley County Code defines maximum density as 2.5 dwelling units per acre. The applicant could propose a gridded subdivision with no amenities and no open space and meet Valley County Code requirements.

Mr. Groves added that he could apply for a standard subdivision instead of a P.U.D. That would be a gridded subdivision with 398 residential units with no open space and no amenities. The allowable density would be 2.5 units per acre. This proposal is for 341 dwellings units with open space and amenities. Mr. Groves prefers not to build a standard subdivision with no amenities. People are not building on standard subdivisions as they are overpriced with no amenities.

Commissioner Roberts referred to Idaho State Statute and special use permits. These permits are subject to the ability of political subdivisions including school districts to provide services for the proposed use. The use must not be in conflict with the Comprehensive Plan.

Director Herrick stated discussion would be part of Commissioner deliberation. The Commission has not yet determined if the proposed use is compatible. The compatibility rating would be the first item completed after the public hearing is closed. A public hearing will be re-noticed based on new information submitted. The applicant could prepare a new "cheat sheet" listing impacts, general mitigation, and information location within the application so the Commission, staff, and public can review. This information can also be included in a revised draft development agreement.

Chairman Caldwell discussed the revised proposal changes. The Commissioner will complete a

compatibility rating. She reminded the Commissioners that the PZ Commission will make a recommendation to the Board of County Commissioner for this P.U.D. proposal, not the final decision. Chairman Swain stated he wants the applicant to understand his concerns. Commissioner Roberts would like a list of the variances the applicant is requesting and justification for each variance.

The Commissioners can send questions individually to Director Herrick prior to the next meeting. Director Herrick listed the impact concerns she heard from the Commissioners. These include schools, roads, drainage, Idaho Transportation Department, sewer, and water.

Commissioner Roberts stated that there is a checklist in State Statutes that Commissioners can use to evaluate the impacts of applications.

Commissioner Swain moved to table P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1 Preliminary Plat to March 14, 2024, at 6:00 p.m. Commissioner Freeman seconded. Motion passed unanimously.

Short recess

D. OTHER ITEMS / CORRESPONDENCE:

1. Short-Term Rental or Conditional Use Permit Required? Action Item.

Some people are short-term renting an individual room in a house. Should this require a conditional use permit or a short-term rental permit? What are the impacts and implications? The packet submitted by Staff was reviewed. This included five single-family residential properties that have website ads to rent out a single room or a suite above the attached garage. This is different than the typical short-term rental of the entire property. No food is provided. Valley County Code Table 9-3-1 requires a conditional use permit for a bed-and-breakfast. Code 9-4-10 requires a STR permit for rentals of a single-family residence. The West Mountain Wine Retreat, which provides lodging and food, required a conditional use permit.

Commissioner Swain temporarily left the room.

The Commissioners agreed that short-term rental permits would ensure that the sales tax requirement as well as health and safety issues are met.

Commissioner Freeman moved that renting an individual room within a house requires a short-term rental permit. Commissioner Roberts seconded. Motion passed unanimously.

Commissioner Swain returned to the Commission.

Chairman Caldwell adjourned the meeting at 9:55 p.m.