

Valley County Planning and Zoning Commission

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Neal Thompson, Chairman
Ken Roberts, Vice-Chair

Sasha Childs, Commissioner
Katlin Caldwell, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission

April 14, 2022

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 Thompson. A quorum exists.

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

B. MINUTES: Commissioner Childs moved to approve the minutes of March 10, 2022, and March 22, 2022. Commissioner Roberts seconded the motion. Motion carried unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 22-05 Gold Fork Reserve – Preliminary Plat:** Landmark Pacific Investors LLC is requesting a conditional use permit for a 28-lot single-family subdivision on 80 acres. The proposal includes an additional six open space lots. Access would be from private roads onto one access point onto Gold Fork Road (public). Shared driveways are proposed. Proposed lot sizes range from 1.2 acres to 2.99 acres. Individual wells and individual septic systems are proposed. The site is parcel RP16N04E294206 in the W ½ Section 29, T.16N, R.4E, Boise Meridian, Valley County, Idaho. *Continued from March 10, 2022.* Action Item.

Chairman Thompson introduced the item and re-opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. Staff stated that proposed condition of approval #10 should be revised to remove the LOMR requirement as base flood elevations exist for the area.

Director Herrick summarized the following exhibits:

- Exhibit 1** – Valley Soil and Water Conservation District Board stated that Gold Fork River currently exceeds TMDL standards for phosphorus, sediment, and temperature not supporting cold water aquatic life. Gold Fork River currently requires bank cover rehabilitation and stabilization to decrease inputs to Lake Cascade that contribute to harmful algal blooms. Though this application proposes open space along the river, it is important to understand the conditions currently affecting Gold Fork River and voluntary measures that may be taken to ensure watershed viability. (March 3, 2022)
- Exhibit 2** – Wildland Urban Interface Fire Protection Plan dated April 5, 2022.

- **Exhibit 3** – Paul Ashton, Valley County Engineer, responded with preliminary comments. (March 3, 2022)
- **Exhibit 4** – Edythe Sweet, Virgil Tucker, and Julie Tucker, property owners of the adjacent 595 Gold Fork RD, state that 28 lots is too many for the dry mountain to sustain. Increased numbers of wells and septic systems, road maintenance, and increased traffic are concerns. (April 7, 2022)
- **Exhibit 5** – Shane Harris, 550 Gold Fork RD, owns 80-acres directly adjacent to the north and west of the proposed subdivision. Too many small lots are proposed; a minimum of 4-acre lots would fit more with surrounding properties. Other concerns include boundary fencing, entrance location, narrow road, water table, wildlife corridor, setbacks from his property, and cutting trees for view corridors. The contractor has already encroached on his property with construction equipment and has dug test septic pipe holes on his property. These will need to be cleaned up and restored. (April 14, 2022)

Chairman Thompson asked for the applicant's presentation.

Jim Fronk, McCall, of James Fronk Consulting represented the applicant. The area along the river will be protected open space maintained by the HOA. The HOA will also maintain the entrance way and other open space areas that were selected due to topography. These open space area will provide natural corridors for wildlife and areas to screen individual lots from each other. This property has been well maintained. The existing trees are a mixture of various ages; there are large trees that will be preserved. Building envelopes based on topography, screening, and septic system locations will be developed. There will be an HOA architectural committee. The private road is positioned to take advantage of contours with a maximum 8% slope. Driveway slopes will be 10% or less.

There will be three water tanks for firefighting placed within the subdivision. The fire department has seen the tank location and designs. The wells for the proposed homes will not be in the same aquifer as those existing wells located near the river. The spring is used by wildlife and will be protected in the CCRs. The hammerhead at top will be moved from the preliminary location for better access by emergency vehicles.

Commissioner Roberts stated that the spring and troughs in the area were developed through Natural Resources Conservation Services' (NRCS) cost-share to keep cattle off the riverbanks. Commissioner Roberts asked if water rights have been filed. If the spring drains into the river, the water is subject to other water rights.

Mr. Fronk stated that there is no intention to divert or use the water any differently than it currently is used. The fire tank near the entrance will be filled by the shallow aquifer, not the spring. Wetlands have been reviewed by the Corps of Engineers; all wetlands are within the proposed open space parcels. All utilities will be placed under ground, including the existing overhead power lines. Mr. Fronk will be meeting with the Valley County Engineer (Parametrix) tomorrow. He will consider the shared driveways and turn-arounds as recommended by Staff. Cattle graze the adjacent property. The applicant is willing to add a provision to the CCRs that prohibits dogs running at large. Mr. Fronk discussed the effect of cattle grazing versus residential use on water quality. The plans take into consideration stormwater management and water quality of Lake Cascade.

The applicant has met with the adjacent landowner and discussed the concerns listed in Mr. Harris's letter **Exhibit 5**. The existing fence is not on the property line. The applicant and Mr. Harris agreed to share in the fencing costs. The road entrance is actually about 60' from Mr. Harris' property. Both parties agreed to have a 50' buffer; this will require moving one proposed building envelope to provide for increased separation between a building site and Mr. Harris' property.

Chairman Thompson asked for proponents.

Don Newell, Eagle, Idaho, is the manager of Landmark Pacific Investors LLC, the applicant. He has met with Mr. Harris and believes issues have been addressed.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents.

Julie Tucker, Caldwell, presented an aerial map showing that the parcel addressed at 595 Gold Fork Road and owned by her mother crosses onto and over Gold Fork Road (**Exhibit 6**). Improvements to the road would affect this parcel and home. There is limited area for septic system on the parcel. She requests a reduced density and larger lots. The road at the widest point in front of the home is 19 feet wide.

Frank Maynard also spoke at the public hearing on March 10, 2022. He concerned about additional traffic on a single-lane dirt road. The site is a wooded hillside; a lot of excavation will need to happen to add 28 home sites. The homes would be visible from Highway 55 and Tamarack Resort. His easement for power is near a proposed homesite. A spring flows from his property down past proposed lots. He believes it will be difficult to get septic systems and wells on 28 lots. An investment firm wants to carve out a hillside. Larger lots would fit the area better and address concerns of neighbors.

Edythe Sweet, 595 Gold Fork RD and Caldwell, agrees with previous comments. The road is her primary concern. Too many additional homes are proposed. Her property goes from road to the creek. Her well is by the creek. In August/September, her well level drops as the creek recedes. The area is open range. ATV use of the road is already an issue; more homes and people will make this road more dangerous.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Fronk discussed the well and different aquifers at the site. He is confident there will be water for the proposed homes. The applicant will dedicate road right-of-way for Gold Fork Road. The applicant understands that the County Commissioners may request additional off-site improvements. Mr. Fronk has met with the Valley County Road Department Superintendent; the existing cattle guard is an issue. Gold Fork Road does have a good road base. The lots were designed around the existing topography, homes will be built around existing topography with minimal site grading. Off-site improvements, such as electrical improvements, are done at the cost of the applicant.

Chairman Thompson closed the public hearing.

The Commission deliberated. The Comprehensive Plan protects aspects of Valley County including the interface with agricultural areas. There are things that should be addressed by a subdivision to accommodate a peaceful existence with surrounding uses. The Wildland Urban Interface Fire Protection Plan should include long-term maintenance by the Homeowners Association and property owners. Fencing maintenance is an issue and should be included in the CCRs. Trespassing dogs chasing livestock is not legal and can be stopped by lethal methods. Gold Fork Road is too narrow for some farming equipment. There needs to be significant contribution to Valley County to widen the road; this would be under the Board of County Commissioners' purview. Condition of approval #14 was discussed; the applicant must work with the Road Department and County Commissioners to come to agreement to off-site road agreements including road width and cattle guard replacement. Director Herrick stated that

road development agreements will be discussed during the Board of County Commissioners meeting on April 18, 2022.

Valley County has a high rate of second-home ownership, approximately 78%. The Central District Health (CDH) comment is common for subdivision applications. An applicant will often wait until conditional use permit approval is received before completing the CDH application due to costs. Condition of Approval #4 requires approval from other agencies including CDH.

The threshold for numbers of homes on public water system is 14 homes as stated during the work session on March 22, 2022. Would a central water system make sense for this proposal? It is not required by Valley County Code. Adding a central water system would reduce the required lot size to half-acre lots. Lots on septic systems must be one acre or more in size.

COA # 10 – Revise to remove LOMR requirement as base flood elevations exist for the area.

COA: CCRs shall include language addressing fire prevention as recommended in the fire Mitigation Plan, fencing and 50/50 agreement with the neighbor, cattle grazing and dogs at large; and, any agreements made with owners of neighboring properties.

COA: The applicant must investigate water rights and address spring maintenance in the CCRs.

COA: Recommend to Board of County Commissioners that the existing cattle guard be removed or updated as part of the Development Agreement.

Commissioner Childs moved to approve C.U.P. 22-05 with the stated conditions. Commissioner Caldwell seconded the motion. Commissioner Roberts stated that the people speaking tonight raised valid issues; he is concerned how to mitigate almost triple the amount of traffic. Commissioner Caldwell responded that mitigation requirements are the responsibility of the Road Department. Motion carried unanimously.

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

7:13 p.m.

2. C.U.P. 22-06 Schafer Subdivision – Preliminary Plat: Big Cabin Properties is requesting a conditional use permit for a 4-lot, mixed-use subdivision that includes heavy industrial (lumber mill), light industrial, multiple-residence, and single-family residential uses. A craftsman learning academy with housing is proposed. A variance from the 100-year flood plain and a variance from the 100-ft setback from Highway 55 are requested. Access would be from Highway 55 and Spink Lane (public). Proposed lot sizes range from 2.4 acres to 4.9 acres. Individual wells and individual septic systems are proposed. The 14.7-acre site is addressed at 13526 Highway 55 and is parcel RP17N03E270606 in the NWNE Section 27, T.17N, R.3E, Boise Meridian, Valley County, Idaho. *Continued from March 10, 2022.* Action Item.

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen. Director Herrick used the map to explain the existing property boundary, Highway 55 right-of-way, and the requested variance setback from the property line along Highway 55. Director Herrick summarized the following

exhibits:

- **Exhibit 1** – Valley Soil and Water Conservation District Board does not support granting the requested variance from the floodplain setback. (March 3, 2022)
- **Exhibit 2** – Lenard Long, Friends of Lake Cascade, concerns include the surface and subsurface drainage that would discharge into the Lake Fork Creek arm of Lake Cascade. the area includes riparian and wetlands habitat. He recommends the Army Corps of Engineers evaluate wetland areas, look for ways to reduce runoff; require adherence to Stormwater Pollution Prevention Best Management Practices; an educate new landowners of the water quality problems and solutions. (March 3, 2022)
- **Exhibit 3** – Jess Ellis, Donnelly Rural Fire Protection District, listed requirements. (March 8, 2022)
- **Exhibit 4** – Paul Ashton, Valley County Engineer, responded with preliminary comments. (March 3, 2022)
- **Exhibit 5** – Wildland Urban Interface Fire Protection Plan dated April 5, 2022.

Chairman Thompson asked for the applicant's presentation.

Jim Fronk, McCall, of James Fronk Consulting is representing the applicant. He has discussed requirements with the Donnelly Fire Department. The required 10,000-gallon water tank will be fed by a well. The pond fluctuates in height as river fluctuates; it is not directly connected to the creek. Mr. Fronk discussed stormwater management and sediment control. The stormwater management plan incorporates dikes and separation from surface water. Stormwater drainage will not be directed toward the creek. The site has a long-term business use; the proposal includes office space, existing buildings, storage shed, milling shed, and residences.

Applicant would like to improve the site and the existing business. The proposal includes a sawmill and log home construction. Lot 1 would have an open-sided mill shed, basically a pole barn with elevated floor, which would allow the sawmill to be protected and reduce exposure to elements. The raised floor would decrease flooding concerns. The academy would train students. There would be storage area with upstairs housing for academy students and work-force housing. Lots 2 and Lot 4 would each have a building for light-industrial use such as wood working and wood products, not automotive uses. Lot 3 would a three-bedroom log home to showcase product and house academy students. Lot 3 and Lot 4 would be accessed from driveways from Spink Lane.

Ground water monitoring has occurred on all lots; standard septic systems are planned. Individual wells and septic systems would be added to each lot. Lot 1 has an existing septic system, but a new location is proposed. The Corps of Engineers was at the site two years ago and reviewed wetlands.

Commissioner Roberts discussed the existing Highway 55 right-of-way and substantial slope exists. He is not sure if the 100-ft setback from the front property line should be waived as the highway may be widened to a four-lane road and a turn lane added for Smylie Road. Mr. Fronk replied that the variance requested would not impact future widening of the highway. Mr. Fronk referred to the site plan with topography. The current right-of-way has already taken into consideration the toe of the highway. The variance would allow the buildings as proposed. The existing road right-of-way is 200-ft at this site; the applicant is asking for a 30-ft setback front property line instead of 100-ft.

Trees on the property have not been thinned for decades. The Wildland Urban Interface Fire Protection Plan requires thinning of the lodgepole and young thick pines. Larger trees will be saved.

The applicant, Brian Schafer of McCall, responded to Commissioners' questions regarding the proposed academy. He envisions a learning environment where people can learn a new trade. Skilled labor is desired and in demand. It would be a "Master Mountain Builder" program. He has been working with Idaho Department of Labor and the McCall High School shop teacher. He is not sure the number of students. On-site housing would be used for primarily for academy students and any remaining residences for work-force housing. Expected timeline would have wells and septic systems added in 2022, at least for Lot 1 and Lot 3. The shed on Lot 1 would include a crane and woodworking, not storage. Remodeling the office and adding the general manager housing to Lot 1 is a priority. Then Lot 3. Then Lot 2 and 4. Expected timeline is two to five years.

The buildings will be log buildings. Sawdust from the existing sawmill is used by the City McCall Parks and Recreation Department. The exterior boiler used to heat the shop can burn wood or propane; sawmill waste would be used to run the boiler.

Mr. Fronk stated that the proposal would use Idaho DEQ Stormwater best management practices; for example, swales and shallow basins would capture sediment and reduce the sediment flow into the creek. Valley County Engineer will review the plan.

Commissioner Roberts asked what would happen if teaching academy no longer existed. Mr. Shaffer replied that the site would have a light industrial conditional use permit for woodworking and wood products, non-automotive uses. Each lot has proposed uses; for example, Lot 1 would include the existing sawmill and work-force housing. Student housing would have priority over other tenants.

Staff clarified that a new conditional use permit would not be needed if the use remains the same: sawmill, work-force housing, and similar light-industrial use. The home on Lot 3 could be sold as residential in the future.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided.

Jeff Miller, 13 Spink Lane, approves of the existing sawmill. The application has some red flags. It would add three lots with multiple residences onto Spink Lane; most of the traffic on the road is heading to the Valley County Transfer Site. Dust abatement is a large concern. The proposed driveways would go straight uphill, a concern on icy winter roads. He is concerned about traffic safety. The stop sign at Spink Lane and Highway 55 intersection has been taken out three times in the last month. Visibility at the intersection and along Highway 55 is limited. Twelve one-bedroom apartments with young men poses a safety problem for his residence. The industrial area around the housing could be an issue for families that live in the work-force housing. The existing trees are a sound-barrier for his home.

Chairman Thompson asked for opponents. There were none.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Fronk said that trees will be removed from the septic system areas and some trees will be thinned out due to fire concerns. He does not believe the intersection is a concern. They are willing to do dust abatement. The driveways already exist: Lot 3 driveway is flat; Lot 2 is approximately 10% grade.

Chairman Thompson closed the public hearing.

The Commission deliberated. Chairman Thompson concerns regarding drainage into the creek have been resolved. The Commissioners discussed the problems with adding residential housing to an industrial area. Commissioner Roberts stated that heavy industry next to residential results in conflicts; Commissioners should decide whether to have an industrial area or housing, not both. He cannot support this proposal as stated. Chairman Thompson disagreed and stated that work force housing for the log yard is ok. Director Herrick confirmed that the sawmill and lumberyard uses are grandfathered uses. The property owner could have applied for single-family residential lots adjacent to the sawmill and then follow with an application for the academy and housing. Director Herrick weighted the compatibility rating by considering heavy industry, light industry, and multi-family use. Commissioner Childs expect to receive future applications that would include both commercial and residential uses. Workforce housing is needed. Tenants can be limited to reduce safety concerns. In general, industrial use is not added into residential areas; however, in this case, the industrial use already exists. The use is not encroaching into residential areas. Commissioner Roberts said the workforce housing is not compatible with the industrial use; housing for the academy students would be compatible as they would be trained on safety. However, he would oppose renting to others who are not familiar with industrial safety practices. Commissioner Caldwell said it is out of the Commission's purview to tell the applicant who he can rent to; they could recommend but not require specific tenants. Workforce housing is needed.

This is an existing log yard. Two lots would have light industrial and residential; a third lot would be residential. The Compatibility Matrix was discussed. The housing on Lot 1 is associated with academy. If housing not filled by academy students, then it would be available for work-force housing. People renting will know that there is an existing log yard. Due to the Fair Housing Act, the Commission cannot limit the type of tenants. By splitting the parcel into four lots, the owner could sell off lots in future. Light industrial uses, such as storage, wood making, and wood products, and work-force multi-residence housing would be allowed if application is approved. Other uses would require a new conditional use permit. The residence on Lot 3, proposed as a model home and work-force housing, could be sold in the future as a residence.

COA: No rentals of less than 30 days duration.

COA: Dust control is required; the applicant must work with the Valley County Road Department Superintendent.

A stormwater protection plan is required in COA #5.

COA: Clarify allowed uses for each lot.

The requested variances were discussed. These would be a recommendation to the Board of County Commissioners. Highway 55 has a 200-ft right-of way at this site; a relaxation of 70-ft of the building setback from the front property line is requested. The building would be 30-ft from the front property line. The 100-ft setback from Highway 55 has existed since 1982. Other areas along Highway 55 also have reduced setbacks including the Lake Fork area, Clear Creek Inn, and Cougar Mountain Lodge. There would be no building within the floodplain; the request is for a building setback from the 100-year floodplain.

Commissioner Caldwell moved to approve C.U.P. 22-06 with the stated conditions and recommend to the Board of County Commissioners approval of (1) variance from the 100-year floodplain building setback and (2) a 70-ft variance from the 100-ft building setback from Highway 55. Commissioners Roberts will not support the proposal and has concerns regarding the variances. Commissioner Childs seconded the motion. Motion passed.

Commissioner Caldwell - In Favor
Commissioner Childs - In Favor
Commissioner Roberts - Opposed
Commissioner Thompson - In Favor

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12. The variances will be scheduled with the Board of County Commissioners for a public hearing.

Short recess until 8:41 p.m.

D. NEW BUSINESS:

- 1. VAC 22-01 Thomson Vacation of Utility Easement:** Kenneth and Debra Thomson are requesting a vacation of a 10-foot-wide utility easement centered on the lot line between Lots 24 and 25, Block F, Wagon Wheel Ranch #4 Subdivision in order to build over the easement. The 1-acre site is addressed at 12867 Syringa Road and 12869 Syringa Road and located in the SW ¼ Section 27, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

If vacated and building occurs over the lot line, the lots would need to be combined. Staff would require a letter stating that they understand they are permanently encumbering the lots which must remain combined.

Chairman Thompson asked for the applicant's presentation.

Kenneth Thomson, 12867 Syringa Road and 12869 Syringa Road Donnelly, said they are currently living on the property in a 45-ft 5th -wheel RV. They want to add a 40-ft x 27-ft mobile home on a concrete foundation and remove the RV. The new home, shop, and garage would be within 4-ft of the lot line. They want to combine the lots. Removing the lot line would make it easier to build on the property.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents. There were none.

Chairman Thompson closed the public hearing.

The Commission deliberated.

COA – The applicant must request a lot combination with the Valley County Assessor's Office and write a letter stating that they understand they are permanently encumbering the lots which must remain combined as long as building setbacks are not met.

Commissioner Roberts moved to recommend approval of VAC 21-01 to the Board of County Commissioners with the stated conditions of approval. Commissioner Caldwell seconded the motion. Motion carried unanimously.

VAC 21-01 will be scheduled with the Board of County Commissioners for a public hearing.

8:52 p.m.

- 2. C.U.P. 22-07 Wilson RV Rental Site:** Grace and Joseph Wilson are requesting a conditional use permit for the rental of a recreational vehicle site. Their home is also on the property. The 13-acre parcel is addressed at 146 E Lake Fork Road and located in the SWSE Section 2, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest.

Chairman Thompson has a conflict of interest and left the room.

Acting Chairman Roberts asked for the Staff Report. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

Acting Chairman Roberts asked for the applicant's presentation.

Joseph Wilson, 146 E Lake Fork Road, wants to provide one space for a RV camp site. As shown on the site plan, the site is a 70-ft x 50-ft plot surrounded by trees. The site has electrical power and dark sky compliant lighting. He is requesting a short-term rental site under 30 days, likely 3-4 days per visit. There is no septic system, only fully self-contained RVs would be allowed.

Acting Chairman Roberts asked for proponents, undecided, and opponents. No one presented testimony. Acting Chairman Roberts closed the public hearing.

The Commission deliberated. The use complies with the Valley County Comprehensive Plan. It would provide a needed service and additional housing. The RVs would be fully contained and no additional septic system is required.

Commissioner Caldwell moved to approve C.U.P. 22-07 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 Thompson returned to the Commission.

9:03 p.m.

- 3. C.U.P. 22-08 Bear's Den Subdivision – Preliminary and Final Plat:** Kenneth R Purdom II Trust is requesting a conditional use permit for a 4-lot single-family subdivision on 81 acres. Access would be from shared access driveways onto Nisula Road. Proposed lot sizes range from 18-acres to 23- acres. Individual wells and individual septic systems are proposed. The site is addressed at 13381 and 13337 Nisula Road and is parcel RP17N03E317205 in the SE ¼ Section 31, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest. There was none.

Commissioner Roberts farmed this ground years ago. He does not believe that this results in a conflict of interest.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** –Paul Ashton, Valley County Engineer, stated that all “shared access” requirements of the County shall be met. (April 13, 2022)
- **Exhibit 2** – John Russell, representing the applicant, responded to the staff report. (April 11, 2022)

Chairman Thompson asked for the applicant’s presentation.

Donn Reiswig, 13333 Nisula RD, is representing the applicant. The applicant previously received a conditional use permit for three homes on the property [C.U.P. 21-29]. This application would have a total of four lots and building sites, including a residence for the applicant’s sister. Two residences currently exist on the parcel. CCRs will be prepared. As of today, all four ground water monitoring sites are dry. The applicant will meet all conditions of approval listed within the staff report. Irrigation pivots and agricultural use will remain. Mr. Reiswig described where the driveways and home sites will be.

Chairman Thompson asked for proponents.

Donn Reiswig, 13333 Nisula RD, lives next door to the proposed site. He would like to see additional houses in the area to be able to receive mail delivery from the U.S. Postal Service.

Matt Blakley, 13381 Nisula RD, currently is the sole occupant of the parcel. All three driveways interconnect within the parcel

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents. There were none.

Chairman Thompson closed the public hearing. The Commission deliberated.

Commissioner Thompson moved to approve C.U.P. 22-08 with the stated conditions, approve the preliminary and final plat, and authorize the Chairman to sign. 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.

9:20 p.m.

4. C.U.P. 22-09 Tamarack Resort P.U.D. - Osprey Meadows Estates – Preliminary Plat:

Martin Pico and Tamarack Two LLC are requesting a conditional use permit for 17-lot single-family subdivision within the Tamarack Resort P.U.D. boundary. Lots would be accessed from West Mountain Road (public), Discovery Drive (private), and a new private road. Central sewer and water would be provided. An Idaho Power easement would be vacated. The 13-acre site is in West ½ Section 5, T.15N, R.3E, B.M., Valley County, Idaho. Action Item.

Chairman Thompson introduced the item and opened the public hearing. Chairman Thompson asked if there was any *ex parte* contact or conflict of interest.

Commissioner Caldwell excused herself due to a conflict of interest and left the room.

Chairman Thompson asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Paul Ashton, Valley County Engineer, responded with preliminary comments. (April 13, 2022)

The conditions of approval regarding revised notes listed were explained further. This is a request to amend the PUD approval; therefore, the PZ Commission will make a recommendation to the Board of County Commissioners.

Chairman Thompson asked for the applicant's presentation.

Chris Kirk, a land planning consultant for the applicant, said the staff report is complete. The applicant agrees with all stated conditions and Valley County Engineer requirements. He responded to the staff report comment #3 recommended a shared driveway for the four lots fronting West Mountain Road. Delineated wetlands in this area complicates using a shared access for those lots. He will look at the property this summer and consider options.

Between West Mountain Road and the lots abutting the road is a 40-ft wide easement; berms will be added to increase visual separation. A trail accommodating mountain bike and hiking will be on east side of the berms, near the road. The berms will be contoured and vary in height to allow for a view of lake from the home sites. Expanded sewer infrastructure will be on West Mountain Road. Water service is provided by Tamarack Resort. An 8-inch water line currently goes from Discovery Drive to the employee housing site. Another water line exists at the entrance roundabout. These will be looped together, and a water line will run down West Mountain Road and by the Osprey Meadows Estate lots. There is an existing Northlake sewer lift station; sewage will gravity feed to the lift station from these lots.

Only the applicant's representatives were in the audience; no one else was present to testify.

Chairman Thompson closed the public hearing.

The Commission deliberated. Commissioner Roberts said he believes that the Tamarack Resort is moving along and will be supported by the community as the good quality development. Commissioner Childs moved to recommend approval of C.U.P. 22-09 to the Board of County Commissioners with the stated conditions. Commissioner Roberts seconded the motion. Motion carried unanimously. C.U.P. 22-09 will be scheduled with the Board of County Commissioners for a public hearing.

Commissioner Caldwell returned to the Commission.

E. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 22-01 Bitton Multiple Residence and RV Site Rental
- C.U.P. 22-02 Carlisle Solar Panels
- C.U.P. 22-03 Camp 730
- C.U.P. 22-04 Curved Horn Ranch

Commissioner Caldwell moved to approve the Facts and Conclusions as presented and authorize the Chairman to sign. Commissioner Roberts seconded the motion. Motion carried unanimously.

Chairman Thompson adjourned the meeting at 9:42 p.m.