

Valley County Planning and Zoning Commission

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Neal Thompson, Chairman
Ken Roberts, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission

June 23, 2022

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. Quorum exists.

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

B. NEW BUSINESS:

1. **C.U.P. 22-18 Blackhawk on the River Block XIX – Preliminary Plat:** McCall Associates LLC is requesting a conditional use permit for a single-family subdivision with eight buildable lots and open space. Access would be from existing private roads and a new private road. Central water and sewage systems are proposed. The 8.5-acre site is parcel RP00705019000A, Blackhawk on the River (1, 2 & 3) Block XIX "Future Development" in the NWSW Section 30, T.18N, 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, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Aston of Parametrix, Valley County Engineer, stated changes to be made to the final plat and site grading. The dedicated right-of-way must be 70-ft. (June 23, 2022)
- **Exhibit 2** – Garrett de Jong, McCall Fire & EMS Fire Chief, replied that mitigation for wildland fire protection needs implemented or financially guaranteed prior to recording the final plat. (June 21, 2022)
- **Exhibit 3** – Wildland Urban Interface Fire Protection Plan dated June 20, 2022.

Staff responded to questions regarding the floodplain, wetlands, and proposed lot locations. The floodplain and base flood elevations are mapped for this area. Fill can not be added to the floodplain in Valley County to create building sites. Lot 133 will need to be eliminated or the applicant will need to apply for a Letter of Map Revision (LOMR).

Chairman Thompson asked for the applicant's presentation.

Brian Dickens, Eagle, Idaho, representing McCall Associates, would like to reply to the Road Department comments and related conditions of approval listed in the staff. The Valley County Assessor cites unprecedented resale opportunities necessitated increase in property value. Blackhawk on the River (BOTR) residents have experienced a large increase in property values which is a hardship for those residents who do not want to sell their home. In addition, the recent reassessment of the West Mountain Sewer and Water District's centralized water and sewer systems (four ponds, ponds, pumphouse, two well houses that serve only BOTR, and two lift stations that serve the lower portion of BOTR) resulted in property values tripling although the lift stations and well equipment have been depreciating in value. West Mountain Sewer and Water District is a business and must pass on the cost to the property owners. This proposed addition of eight luxury homes will bring in a huge increase in property taxes. Therefore, the developer should not have to enter into a road agreement with the Board of County Commissioners as required by condition of approval 16. Furthermore, the developer of BOTR previously donated land and funds for the construction of West Mountain Road. The funds provided were based on proposed subdivision lots, including those subdivisions that were previously approved but expired such as Blackhawk Meadows.

Mr. Dickens responded to Pamela Fitzsimmons' comments in the staff report. She is a resident of Blackhawk Ranch. Her other complaints are relevant and understandable; however, the developer does not need a ploy to maintain ownership of the homeowner association. The developer has a right to annex properties and to subdivide. The investors that paid for BOTR to be developed need to recoup 100% of the investment before turning over the association to the property owners.

Ron Eldridge, Garden City, spoke as the applicant's engineer. The floodplain delineation will determine if minimum lot size can be met. The wetlands shown on the preliminary plat were delineated by a professional. The head gate was removed two years ago, and the culvert was collapsed. This change would likely affect the designated floodplain if a Letter of Map Revision (LOMR) was completed. West Mountain Sewer and Water District is currently working with Idaho Department of Environmental Quality (IDEQ). The system was permitted for 124 units and there is currently 85 development units (houses). The original plan was for 150 units. The person who helped design the system now works for IDEQ. A new facility plan is being done for a new permit. This proposed subdivision will have a low impact but be divided into nice lots.

Chairman Thompson asked for proponents. There were none.
Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents.

Jeannie Vandendries, 4 Sawtooth Court, is concerned that the platting of new lots will infringe upon the trail easement along the river recorded as instrument 319374. A 2007 agreement recognizes and validates the easement and was recorded as instrument 435058. In May 2022, she requested assurance from Mr. Dickens that the property owners of Blackhawk Ranch will continue to have the use of the trail easement. It recently came to her attention that the easement trail is not shown on the preliminary plat. Please consider that numerous property owners hold easement rights, and they were achieved at great legal expense.

David Gallipoli, 200 Scott Street, McCall, stated that we are leveraging our resources and the beauty of area beyond its capability. Non-point pollution is contributing to the water issues, including Lake Cascade water quality and algae blooms. A comprehensive plan is needed that

addresses watershed and subdivision impacts, including non-point water runoff, fertilizers, and pesticides. This proposal is close to the river and should require more consideration of long-term impacts.

Joey Pietri, 225 Valley Springs Road, McCall, stated a pause in subdivision approvals is needed. Planning and Zoning needs to address other important issues instead of catering to the desires of developers. Locals need affordable housing not luxury homes. Even the Blackhawk area residents do not want more lots. The County needs to address needs of the community that live here; current residents should be to keep appreciating the area.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Dickens stated that the fishing grotto, that section of beach, and several acres of wetlands are to be donated as common area for the greater BOTR development and will be preserved for foot traffic. There was a historical river trail that was contemplated at the approval of the original BOTR development. However, the river has moved, causing part of the river trail area to erode. Reclaiming it would be a significant expense by the homeowner's association that controls all common areas within the development. Over the years, the trail has been shifted to be more of an inland trail and seasonally groomed cross-country trail rather than always following the riverbank.

Intent as a developer is that the trail access is preserved for all property owners in the greater Blackhawk development area including BOTR, Blackhawk Lake, Blackhawk Ranch, and any historical residents of adjacent properties. All the common areas have been turned over to the BOTR Community Owners Association; any disputes need to be addressed with the Association. McCall Associates LLC was not a party to the legacy settlement agreement made with the prior property owner.

Chairman Thompson closed the public hearing.

The Commission deliberated. Commissioners asked staff for clarification of LOMR and floodplain requirements. A LOMR approved by FEMA might modify the floodplain; if so Lot 133 might be buildable if building setbacks can be met. No building is allowed in the designated floodplain. Nor can fill be added within the floodplain to remove an area from the floodplain.

Condition of Approval # 15 states that all easements shall be shown on the final plat. This includes any pathway easements.

Condition of Approval # 16 requires a discussion between the applicant, the Valley County Road Director and/or the Board of County Commissioners. This is a condition of approval that has been added to all subdivision approvals. The history of past contributions would be included in this discussion.

Commissioner Caldwell moved to approve C.U.P. 22-18 with the stated conditions and:

- **COA** – A wildland urban fire protection plan must be implemented.
- **COA** – Remove Lot 133, show there is a suitable building site on Lot 133, or obtain approval of a LOMR.

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.

6:50 p.m.

2. C.U.P. 22-19 Valley Heights Subdivision – Preliminary Plat: Ryan Valley is requesting a conditional use permit for a 5-lot single-family subdivision on 33 acres. Access would be from a new private road onto Finlandia Road (public). Shared driveways are proposed. A variance is requested from the required 28-ft roadway width to 24-ft. Proposed lot sizes range from 5 acres to 7.6 acres. Individual wells and individual septic systems are proposed. The site is parcel RP16N04E065407 in Section 6, T.16N, R.4E, 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, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Aston of Parametrix, Valley County Engineer, commented on proposed road, drainage plans, and differences from Valley County Code. (June 23, 2022)

The site was discussed. The easement would function as an emergency exit.

Chairman Thompson asked for the applicant's presentation.

Ryan Valley, Boise, is here with his extended family who own the property. They have no objections to the conditions of approvals listed in the staff report. All lots will be directly accessed from the internal road, not Finlandia Road.

Gregg Tankersley, Crestline Engineers, McCall, responded to comments regarding the road. The submitted road plan would have less impact to the hillside. The proposed angle of road intersection allows for plenty of room to stop and look for oncoming traffic.

Chairman Thompson asked for proponents.

Callie Smith, 13284 Vili Road, stated that the proposal is a considerate design. Neighbors of the area are happy with the design. The utility easement from Vili Road is an old easement originally document by Joe Eld. Vili Road is private, substandard, and will not sustain heavy truck use. She presented two pictures and is curious as to the purpose of the additional fill that has been added to the site (**Exhibit 2**). Other than these concerns, she is in favor of the proposal.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents. There were none.

Chairman Thompson asked for rebuttal from the applicant. Mr. Valley stated the additional dirt is in anticipation of using it for the future road. He does not anticipate that utilities will be placed in the utility easement from Vili Road; however, Idaho Power has not yet been contacted.

Chairman Thompson closed the public hearing and the Commissioners deliberated. Commissioner Caldwell likes the proposed lot sizes. The majority of homework has been done by the applicant.

Commissioner Caldwell moved to approve C.U.P. 22-19 with the stated conditions and:

- **COA** – All lots should be accessed from the private internal road.

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.

Short Recess.

7:17 p.m.

- 3. C.U.P. 22-20 CAT Rental Store:** Western States Equipment Company is requesting approval of a conditional use permit for an equipment rental store, office, and shop facility. The approximately 4,800-sqft building would replace an existing Clear-Span structure. An individual well and septic system would be used. The 9.6-acre site is parcel RP16N03E269809, addressed at 10 Davis Creek Lane, and located in the SESE Sec. 26, 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, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Aston of Parametrix, Valley County Engineer, stated the project will require review and approval of the site grading and drainage plans, drainage calculations, erosion control measures and best management practices. (June 23, 2022)
- **Exhibit 2** – Two renderings of proposed building submitted by applicant.
- **Exhibit 3** – Applicant's response to comments and questions in the staff report.

Chairman Thompson asked for the applicant's presentation.

David McKinnon of Western States Equipment Company is excited about the opportunity to add a store and office in Valley County. The company already sends much equipment to this area. He is fine with comments and conditions of approval listed in staff report. Lighting will be compliant. Business hours will be Monday thru Friday, 7:00 a.m. to 5:00 p.m. All state and local requirements will be met for gray water from washing equipment; typically, this involves a baffle, separator, retaining pond, and evaporation.

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 asked for rebuttal from the applicant.

Chairman Thompson closed the public hearing. The Commission deliberated. Good location. Turn lanes, commercial ventures already in area. Good application.

Commissioner Freeman moved to approve C.U.P. 22-20 with the stated conditions.

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.

7:30 p.m.

4. **C.U.P. 22-21 Stag's Run Estates Subdivision – Preliminary Plat:** 181 West Lake Fork Road LLC and Urban Solutions are requesting a conditional use permit for a single-family subdivision with common area lots and 50 buildable lots. Proposed buildable lot sizes range from 1 acre to 8 acres. Access would be from new private roads onto W. Lake Fork Road (public) at two locations. A variance is requested from the required 28-ft roadway width to 24-ft. Individual wells and individual septic systems are proposed. The 160-acre site is parcel RP17N03E080605, addressed at 181 W Lake Fork RD, and located in Section 6, 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.

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** – Kelly Martin is opposed. (June 16, 2022)
- **Exhibit 2** – Carol Coyle, 113 Brookdale Drive, is concerned about wells going dry and the lack of a shoulder on W. Lake Fork Road. (June 21, 2022)
- **Exhibit 3** – Paul Aston of Parametrix, Valley County Engineer, commented on proposed road and drainage plans, wetlands, and bridge crossing. (June 23, 2022)

Idaho Transportation Department was noticed but has not responded to the proposal.

Chairman Thompson asked for the applicant's presentation.

Mike Williams, Meridian and Kamiah, Idaho, representing the application. He presented a slide show (**Exhibit 4**). The proposed plat, topography, floodplain areas and wetlands were explained. The proposal includes 160.5 acres, 50 buildable lots, and eight common lots. Constraints of the property include areas of floodplain from the creek. Base flood elevations already exist. Specific wetlands areas will be designated as no build zones on the final plat. There will be no building in the floodplain. The applicant has been in contact with Jess Ellis of Donnelly Fire; two wells specific for hydrants for fire suppression are planned.

Regarding water rights, the applicant in proposing to provide an easement associated with irrigation facility at the width required by the irrigation district. A non-exclusive easement will be provided to provide irrigation to adjoining property. There will also be a public access and pedestrian easement as well. W. Lake Fork Road is narrow. The applicant is proposing sufficient width for natural pathway for pedestrians and horseback riders along the road to alleviate concerns of commentors.

Mr. Williams is a certified floodplain manager and is aware of the concerns and requirements for the designated floodplain. The proposed bridge will cross the floodplain at the narrowest spot and will be engineered to be able to provide a "no rise certification". The only way the bridge can be approved legally requires certification that the bridge would not impact the floodplain either upstream or downstream.

There is plenty of building area located outside of the floodplain area. Proposed landscaping will not be in road right-of-way. Road right-of-way will be dedicated to Valley County. There will also be a common lot with sufficient room for a pathway, irrigation easement, and a landscaping berm for a buffer.

W. Lake Fork Road is a collector road. Thus, all lots will be accessed from internal roads. The properties located south of the property have direct access to Maki Lane and do not need access to W. Lake Fork Road. Extending the proposed roads would encroach into floodplain

area. Variances for cul-de-sac length and road width are requested to reduce the impact to wetlands and increase the area for drainage and snow storage. Snow removal will be privately contracted; snow storage area exists in the rights-of-way. The common area along W. Lake Fork Road and the internal pathway common areas provide interconnectivity for residences.

The applicant agrees with all conditions of approval listed in the staff report and will work with irrigation district. Perc tests will be completed after approval of the conditional use permit. Two wells for fire hydrants are planned. The applicant will work with Donnelly Fire to determine if a water storage tank will be required to provide additional water pressure for fire suppression.

Darcy Hart, Eagle, Idaho, is the applicant. Tentative timeline is approval, ground breaking, road building, and septic approval. They met today on-site regarding septic testing. Septic testing will be finalized prior to final plat approval.

Chairman Thompson stated he is concerned that the proposed narrow road width will not be appropriate after full build-out of the development.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided.

Anne Rush, 705 Fairway Drive, McCall, wanted to add a point of correction. The property to the east of the proposed site is agricultural land. Future owners should be aware that there will be cattle, tractor noise, and snowmobile use on the adjacent properties.

Chairman Thompson asked for opponents.

Jim Rush, 176 Maki Lane, owns the property immediately south of the proposed site with about a quarter mile of shared property line. He is opposed. Why take a beautiful piece of property and add 50 homes? The site has serious problems with drainage. The property is important for wildlife and wetlands. Some of the areas on the eastern side of the proposed plat are split by a divide; he does not believe the lots will perc. The gradient on some lots is quite steep; the septic areas will drain down into the wet areas. He does not want a subdivision there; subdivisions should stay on north side of W. Lake Fork Road. The surrounding area is agriculture and should remain so.

Leonard Long, Cascade, submitted **Exhibit 5**. He is very concerned about the wetlands. Big subdivisions impact roads, law enforcement, etc., even the post office in Donnelly is overcrowded. Proper impact fees for these new developments are needed. He referred to Chapters 3 and 4 of the Valley County Comprehensive Plan. Water quality in Lake Cascade is a concern as there is an active algae bloom occurring. The lake's water quality will be impacted by this development. Wetlands are important for filtering runoff. The Idaho Department of Environmental Quality Lake Cascade 2000 Implementation Plan indicated that urban areas, suburban uses, roads, and septic systems add to the phosphorus loading in Lake Cascade. Valley County Comprehensive Plan Chapter 13 is supposed to protect agricultural land.

Bob Rathbone, 316 W Lake Fork Road, is not excited about being downstream of 50 new septic systems. He is concerned with the community infrastructure. An increase in traffic would present huge safety issues on W. Lake Fork Road which is a narrow road lacking shoulders and striping. The traffic would increase at the dangerous intersections of Norwood Road x Johnson Lane and W. Lake Fork Road x Highway 55. He came to Lake Fork area for the rural aspect; the area is not ready for "urban solutions".

Joey Pietri, 225 Valley Springs Road, McCall, said urban solutions are not needed in this rural agricultural area. People in the area have an emotional and spiritual interest in this property that would be negatively impacted.

David Gauipoi, 200 Scott Street, McCall, is concerned about housing issues in our communities. Approving additional high value homes will not help people living here nor help the business hire people. Does the additional tax revenue pay for the additional cost of development? The approval process favors developers and ignores science. New studies should be completed on the aquifer. This site is sandhill crane habitat. Runoff from the homesites will be detrimental to Lake Cascade which will harm our recreational economy. This proposal contrasts with the Comprehensive Plan Chapter 13 which is supposed to protect agricultural land.

Art Troutner, 193 W. Lake Fork Road, also submitted written comments. He is on the Lake Irrigation Board and stressed that the proposed berm cannot be built on the Lake Irrigation Easement. The proposed pathway would also have to be given permission by the irrigation district. This site has been sprinkler-irrigated for 40-plus years; sprinklers are more efficient and use less water. The site is productive farmland. The common areas will not sufficiently store snow. The correct name of the drainage is Mud Creek.

Mark Finstad, 11 Barber Court, stated that this area is a rural agricultural setting and does not need urban solutions. The Commissioners should look at the long -term picture, not just the increased tax revenues. An "Avimor North" is not needed at this site. Currently local businesses cannot hire employees because no one can afford to live here. Adding 50 more luxury households would only add to the difficulties and the costs to Valley County. It would negatively impact existing wells. He bought his house in 2017 for the rural area. This proposal is the wrong type of development for the area

Galen Shaver, 13775 Nisula Road, has lived about a quarter mile from the property for about 40 years. Sandhill cranes use this property. Brookdale Meadows Subdivision has had slow growth and contains larger lots with enough land for horses and other animals. Wetlands are a concern. A few years ago, floodwaters washed out Maki Lane and many surrounding areas. Much of the property is either in the floodplain or wetlands. This will affect the water table as well as drainage to Lake Cascade. It will be ugly. The only reason for this proposal is profit. The major consideration of the Commission should not be the addition of property tax money or to make money from outside developers but to protect the land, people, and the economy of Valley County.

Mary Lou Rush, 176 Maki Lane, has lived due south of the site for almost 50 years. She is worried about her well and water quality. The wetlands are year-round, water is always present, and the site is too beautiful to destroy. All the water flows into Lake Cascade. Septic systems will drain downhill to her well and into Lake Cascade.

Carolyn Troutner, 193 W Lake Fork Road, said the application contains flaws. The site is agricultural. There are no subdivisions with this density south of W. Lake Fork Road. The area is primarily agricultural almost all the way to McCall. There has been no argument supporting a change in zoning. The creek is named Mud Creek. Perc tests have not been done. The applicant not ready.

Lida Clouser, 13873 Norwood Road, is the owner of Pelican Cycling Adventures. The Valley County Pathways Plan supports recreational opportunities in the Lake Fork Area. The additional traffic would detrimentally affect the master pathways plan along W. Lake Fork Road.

Judy Anderson, 13775 Nisula Road, lives about a quarter mile from the site and sent a letter in opposition. A loss of place and home is hard on the soul. The proposal would result in a loss of peace, quiet, access, clean air, wetlands, meadowlarks, and topsoil. The proposal would impoverish the community. Priorities should be determined. The Commissioners should have the courage to say limits exist and the development is counterproductive to our water, top soil, farmlands, and neighborhoods.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Williams addressed stated concerns. The preserved wetlands and floodplain will act as a wildlife corridor. Algae blooms are complicated. Causes include not just septic systems and subdivisions but also agricultural uses. He has been in the planning business for over twenty plus years; this is not a urban development. Proposed density is 0.31 homes per acre compared to the allowed one home per acre. This is not a rezone request. The proposal fits within the area. The Comprehensive Plan is merely a guide. Brookdale Meadows Subdivision has a similar density to the proposal. Many of these homes would likely be second homes with less impact to Valley County services. Property tax revenue will increase. This property was previously farmed; however, it is not prime agricultural land due to wetland and floodplain areas. The proposed common areas are for connectivity and fire hydrants. The lots are large enough to store snow. Perc tests are often done after approval is granted for a subdivision. The septic systems are designed to filter water. The applicant is willing to delineate conservation easement on the plat. Mr. Williams did not see any proposed pathways along W. Lake Fork Road in the Pathways Plan.

Darcy Hart stated her husband founded Urban Solutions five years ago. He spent 20+ years recreating in McCall area, have a home in McCall, and purchased this property with the wetlands. Soon after the land purchase, he passed away from brain cancer. She has a personal connection to this property.

Mr. Williams answered commissioner questions about infrastructure and build out. The homes will be custom built homes, not cookie-cutter homes. The lot purchasers will be choosing their own builders. Design guidelines and an architectural control committee will be required. Short-term rentals will be not allowed by CCRs. The applicant is willing to add language in CCRs regarding dogs and livestock.

Chairman Thompson closed the public hearing. The Commission deliberated. Proposed density and the average lot size of Brookdale Meadows Subdivision was discussed.

Commissioner Caldwell referred to the information in the staff report from experts such as Idaho DEQ, Road Department, and Central District Health. Central District Health will still have chance to deny or approve perc tests and septic sites. The proposal does have a slightly higher density than the subdivision to the north. Water and wetland protection is important. The Comprehensive Plan is a guide. The agricultural land is not a recent sale. A wider road would be preferable. Snow storage is a concern. Affordable housing would require a higher density. This is a rural area.

Commissioner Freeman is concerned about the loss of productive farmland; farms and food are important. Approval will result in more houses and more people.

Chairman Thompson personally knows the piece of property. He said the applicant's representative gave a good presentation. Chairman Thompson does not have the best answer to what we can and cannot do legally to protect agriculture. Farmland will be sold.

Director Herrick stated that ordinances implement the Comprehensive Plan. The Commissioners should determine if this application complies with Valley County ordinances.

Chairman Thompson stated the application meets requirements of Valley County Code.

Commissioner Caldwell stated that a slower build out is likely to occur with the current economy. The application does look rushed. The applicant must continue to have additional discussions with the Lake Irrigation District and Valley County Pathways.

Chairman Thompson stated some sites may not perk which would decrease the density and total number of lots allowed.

Commissioner Caldwell moved to approve C.U.P. 22-21 with the conditions stated in the staff report plus:

- **COA**: The request for the road width variance is not approved.
- **COA**: A conservation easement for wetlands will be added to the plat.
- **COA**: No short-term rentals allowed.
- **COA**: Language regarding nuisance dogs will be added to CCRs; dogs shall not be allowed to roam freely.
- **COA**: Shall establish a nonexclusive irrigation easement and allow a public access and pathway in coordination with the Lake Irrigation District.

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.

C. FACTS AND CONCLUSIONS – Action Items:

- PUD 22-01 Roseberry Park

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

Upcoming Commission meetings are:

- July 14, 2022, beginning at 6:00 p.m.
- July 19, 2022, beginning at 5:30 p.m.

Chairman Thompson adjourned the meeting at 9:15 p.m.