

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
November 10, 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 Acting Chairman Roberts. A 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:	Present
PZ Commissioner – Neal Thompson:	Present
PZ Assistant Planner – Lori Hunter:	Present

B. MINUTES: Commissioner Freeman moved to approve the minutes of October 20, 2022. Commissioner Roberts seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

1. C.U.P. 21-44 Hidden Valley Subdivision – Final Plat: Clay Szeliga is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of 4-lot single-family residential lots on 20 acres. Access would be from a new private road onto Norwood Road (public); a shared access easement is proposed. The site is addressed at 14108 Norwood Road and is parcel RP18N03E284055 in Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Not a public hearing. Action Item

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

Chairman Thompson introduced the item. Director Herrick presented the staff report, displayed the plat on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Revised plat with corrections and addition of the water tank for fire

Rob Pair of Crestline Engineers represented the applicant. He answers questions from the Commissioners regarding water rights from Lake Irrigation District and Idaho Dept of Water Resources. The easement is noted on the plat.

Commissioner Roberts moved to approve final plat for C.U.P. 21-44 and authorize the Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously

2. **C.U.P. 22-37 Tamarack Falls Estates – Preliminary Plat:** Hess Properties LLC is requesting a conditional use permit for a single-family subdivision composed of 124 developable lots (79.9 acres) and 5 landscape lots (11.8 acres). Proposed lot sizes range from 0.22 to 1.82 acres. Overall density is 1.08 dwelling units per acre. Three phases are proposed. North Lake Recreational Water and Sewer District would provide central sewer and water services. Road right-of-way will be dedicated to Valley County. Three accesses would be from private streets onto Norwood Road (public) and Tamarack Falls Road (public). The site is 115.04 acres, parcels RP16N03E200004, RP16N03E201635, and RP16N03E207845, located in the E ½ Section 20, T.16N, R.3E, Boise Meridian, Valley County, Idaho. **Tabled from October 20, 2022.** Action Item.

Neither the applicant nor a representative were present. The item was not removed from the table at this time.

6:12 p.m.

3. **C.U.P. 22-38 Hansen Glamping Site:** Whitney Hansen and Tony Huynh are requesting approval of a conditional use permit for short-term rental of a geodome on a wooden deck that does not qualify as a residential dwelling. Solar panels on-site also require permit approval. Porta-potty facilities would be used until the restroom facility is constructed. Water would be hauled to and from the site. The 0.97-acre site, addressed at 23 Stanley DR, is Crown Point Subdivision No. 9 Lot 19 Block 3, located in the NENE Sec. 14, T.14N R.3E, Boise Meridian, Valley County, Idaho. **Tabled from October 20, 2022.** Action Item

Commissioner Roberts moved to remove C.U.P. 22-38 from the table. Commissioner Caldwell seconded the motion. Motion passed unanimously. 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.

Chairman Thompson asked for the applicant's presentation.

Whitney Hansen, Boise, explained the project. The trailer was removed prior their purchase of the property. The geodome was originally constructed for their personal use and is similar to using a yurt for camping. Eventually they wish to bring electricity and septic to the site. The area is very rocky and most of the uses on the surrounding lots is with RV camping. They do have a local Cascade person available to manage the rental site. The geodome has a woodstove for heat. There is a smokeless contained firepit. The applicant provides firewood. There is no running water or sink. Cascade Fire Department's suggestions have been implemented. Quiet hours will be posted: 10 p.m. to 7:00 a.m. There is a small solar generator at the site. The neighbors have the applicants' cell phone number. Property lines will be marked. The site does not have any room for an RV. Guests will be encouraged to store coolers in their car. Maximum guests per night is two. The site will also continue to be used for their personal use.

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.

Commissioner Caldwell moved to approve C.U.P. 22-38 Hansen Glamping Site with the stated conditions. This is a well thought application. No pets are allowed. Only two guests per night.

COA: Applicant will mark all property lines.

Commissioner Roberts seconded the motion. Only one structure for rent compared to other applications the Commission has denied that included multiple rental sites per parcel.

Motion carried unanimously.

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

6:30 p.m.

4. C.U.P. 22-39 Pound Glamping Site: Kecia Mortenson-Pound is requesting approval of a conditional use permit for a tiny home that does not qualify as a residential dwelling. An individual septic system and individual well is at the site. Access is from Bull Pine Place (public) onto a shared-driveway easement. The approximately 20-acre site, addressed at 26 Bull Pine PL, is parcel RP12N04E098405, located in the SWSE Sec. 9, T.12N R.4E, Boise Meridian, Valley County, Idaho. **Tabled from October 20, 2022.** Action Item

Commissioner Caldwell moved to remove C.U.P. 22-39 from the table. Commissioner Roberts seconded the motion. Motion passed unanimously. 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 exhibit:

- **Exhibit 1** – Information from applicant (Oct. 24, 2022)

The access from Bull Pine was discussed. The applicant has a variance for the shared driveway.

Chairman Thompson asked for the applicant's presentation.

Kecia Mortenson-Pound, 21 Bull Pine Place, Cascade and Nampa. They are transitioning to a full-time residence at 21 Bull Pine Place. Power, well, and septic system are in place. They originally constructed the building for a pumphouse with bathroom and laundry facilities. During construction they added a loft for sleeping area for family and friends. The building was completed January 2020. In March 2021, they began to rent the site on Hipcamp.com. The loft bed holds two people, and a futon is downstairs. There is plenty of room for parking. There are two full RV hookups, one of which is located next to the bunkhouse. The other RV site is about 50 feet away and has been used seasonally by friends from mid-May to mid-October. The RV sites are not rented separately from the bunkhouse. There is another hookup near the horse corral with power and water but not septic. They would not allow un-related parties on the 20-acre piece. Central District Health has approved one RV-hookup to the septic system (**Exhibit 2**).

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents.

Linda Eddy, 13041 Hillhouse Loop, is concerned about the glamping and RV rental on single-family residential lots. She is also concerned about construction of the loft stairs and conversion of shed to a lived-in structure.

Director Herrick explained the applicant will have to have building permit approved by the Valley County Building Department. Valley County has adopted a tiny-house ordinance.

Chairman Thompson asked for rebuttal from the applicant.

Ms. Mortenson-Pound stated that the building was not converted into a tiny home. At the time of construction, they knew the building was going to be 16-ft x 12-ft and include a loft and bathroom. The stairs are coded for 324 pounds; there is a notice on the stairs stating no more than 275 pounds. They do have a commercial insurance policy as well as an umbrella policy.

Staff clarified that Valley County requires a building permit for human habitation, including sleeping quarters. The applicant is working with an engineer and the Valley County Building Department.

In response to the Commissioners, Ms. Mortenson-Pound stated they are not opposed to an additional condition that the conditional use permit would expire if ownership transferred outside of family members. This would allow the property and rental use to be transferred to heir(s).

Chairman Thompson closed the public hearing. The Commission deliberated. Property sale outside of extended family would void the conditional use permit.

Commissioner Roberts moved to approve C.U.P. 22-39 Pound Glamping Site with the stated conditions and:

COA: Unrelated groups are not allowed to rent the property at the same time.

COA: The conditional use permit will expire if the property is sold outside of the family.

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.

6:57 p.m. Short Recess

5. C.U.P. 22-37 Tamarack Falls Estates – Preliminary Plat: Hess Properties LLC is requesting a conditional use permit for a single-family subdivision composed of 124 developable lots (79.9 acres) and 5 landscape lots (11.8 acres). Proposed lot sizes range from 0.22 to 1.82 acres. Overall density is 1.08 dwelling units per acre. Three phases are proposed. North Lake Recreational Water and Sewer District would provide central sewer and water services. Road right-of-way will be dedicated to Valley County. Three accesses would be from private streets onto Norwood Road (public) and Tamarack Falls Road (public). The site is 115.04 acres, parcels RP16N03E200004, RP16N03E201635, and RP16N03E207845, located in the E ½ Section 20, T.16N, R.3E, Boise Meridian, Valley County, Idaho. **Tabled from October 20, 2022.** Action Item.

Chairman Thompson introduced the item which was tabled on October 20, 2022. Commissioner Roberts moved to remove C.U.P. 22-37 from the table. Commissioner Caldwell seconded the motion. Motion passed unanimously. Chairman Thompson asked if there was any *exparte* contact or conflict of interest. There was none. Commissioner Caldwell stated she was not at the last meeting in person, but she did listen to the meeting and reviewed the materials.

Chairman Thompson asked for rebuttal from the applicant.

Stephanie Hopkins, KM Engineering, Boise, apologized for their late arrival and proceeded with the rebuttal. She presented a slide show, and answered questions from Commissioners. Joe Pachner, KM Engineering, Boise, also presented information and answered questions from Commissioners.

- **Exhibit 1** – Slide Show. The Commissions each have a printed copy.
 - Similar density to surrounding subdivisions.
 - Described the size and location of various lots
 - Summarized the rebuttal response previously submitted for the Commissioners review.
 - Will work with the Road Department for improvements in the larger area and will improve existing roads and drainages in the immediate area.
 - Margot Drive connection will be limited to emergency access only.
 - Willing to move pedestrian access west to the U.S. Bureau of Reclamation beach area.
 - Snow Storage locations, including road-side swales, were shown.
 - Drainage basins and swales were discussed.
 - The proposed pond construction was discussed.
 - Check-dams in the swales would slow water velocity and deposit sediment prior to discharge in Cascade Lake.
- **Exhibit 2** – Valley Soil and Water Conservation District letter (Nov. 8, 2022) to show they did as the P&Z directed them to do at first hearing.

Commissioner Roberts discussed sediment and best management practices. He asked the applicant if there were any plans to use BMPs. Mr. Pachner responded they have contacted the Soil and Conservation District. This is an opportunity to receive grant money to improve Lake Cascade. Water will not be backed up. Swales and check dams will be used to catch sediment. They are also working with U.S. Bureau of Reclamation (BOR) as erosion is also occurring in the drainage areas on the federal land. Commission Roberts agrees that the lake problems are not a one-person solution. Developers must work with the other parties for solutions. Mr. Pachner said the main slough needs Best Management Practices (BMPs) but they will occur in cooperation with the BOR. This area has a lot of erosion; high water velocity scours the site. The applicant is willing to help enhance the area.

Time estimate for Phase 1 final plat is likely April 2023. They will be working with the County Engineer who also requires BMPs.

Staff clarified that a site grading and stormwater plan must be confirmed by the Valley County Engineer prior to any work on site. The Valley County Engineer uses BMPs approved by the Idaho Department of Environmental Quality as well as addendums specific to Valley County.

A conditional of approval requiring the applicant to attempt to collaborate with neighboring properties was discussed.

Ms. Hopkins returned to the slide show (**Exhibit 1**). The community well was discussed; they are coordinating with North Lake Recreational Sewer and Water District (NLRSD). An email dated November 10, 2022, from Travis Pryor, NLRSD, regarding water systems and annexation was read into the record (**Exhibit 3**) as evidence of testimony presented as rebuttal. Coordination with NLRSD will improve water pressure for the region and add additional fire protection water.

Ms. Hopkins also stated in response to previous comments, CCRs will limit short-term rentals; reduce fertilizer use on lawns; and require water-wise landscaping.

The design of the proposed Alpine Road x Norwood Road intersection has been realigned to match with Navajo Road in response to public comments.

Ms. Hopkins confirmed that the smallest lot will be over 9,000-sqft, larger than the minimum of 8,000-sqft allowed by Valley County Code. There will be architectural control. The Mosquito Abatement Board Chair previously stated that the Board has no concerns; the pond will be big enough and have filtration and aeration. This proposal supports several of the Comprehensive Plan and Goals; specifically, Chapter 7 Goal II and Chapter 8 Goals IV and V. This subdivision would provide needed housing and provide quality housing types with a variety of sizes. Short-term rentals were discussed; the applicant is willing to limit short-term rentals with CCRs.

Chairman Thompson closed the public hearing.

The Commission deliberated. Additional conditions of approval were discussed. Water drainage and snow storage were discussed. The Valley County Engineer will confirm that adequate snow storage exists per condition of approval #7. Commissioner Roberts calculated a compatibility rating of +17; this is a good laid out development that is not trying to cram in a lot of tiny lots. Commissioner Roberts said there are compatibility issues with neighboring properties and this area was previously farmed. However, we have to follow Valley County ordinances. There has been significant amount of development in the area. Eventually this area should be part of the City of Donnelly. Donnelly is expanding to the west. Transportation issues exist; the County Commissioners need to improve the S-Bridge and other road infrastructure. Director Herrick stated that Valley County has received a grant to update the master transportation plan and will include public comment. Drainage issues have been addressed. The private road width meets requirements. School impacts are paid by levies; new students will bring more money into the district. This community well will be much deeper and access a different aquifer than the typical individual well in the area.

Commissioner Roberts moved to approve C.U.P. 22-37 Tamarack Falls Estates with the stated conditions and:

COA: Margot Drive will be gated for emergency access only.

COA: CCRs shall require low water landscaping.

COA: Should limit use of fertilizer on lawns and landscaping in CCRs.

COA: If ever contiguous to City of Donnelly, owners will not oppose annexation into city limits.

COA: Will work with U.S. Bureau of Reclamation to place pedestrian access as far west as possible.

COA: Will have a maintenance plan in CCRs for stormwater management into perpetuity.

COA: Shall attempt to collaborate with neighboring properties and Valley County engineer on a regional stormwater management plan

COA: Will prohibit short-term rentals in the CCRs.

Commissioner Caldwell seconded the motion.

Commissioners believe this proposal concurs with the Valley County Land Use and Development Ordinance, Subdivision Regulations, and Comprehensive Plan. This does not violate Valley County Ordinances. Affordable homes are needed in Valley County. This is a well laid out development. Lack of inventory increases home costs. The Commissioners like the larger lots and the variety of lot sizes. Central sewer and water will be used. Without developers agreeing to voluntary road agreements, the County may never have the money to fix the S-Bridge and other infrastructure.

Motion carried unanimously.

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

8:00 p.m.

D. NEW BUSINESS:

1. **C.U.P. 22-41 Griffiths Multiple Residences:** Michael Griffiths is requesting a conditional use permit for three residential homes on one parcel. Two existing homes were permitted by C.U.P. 08-13. Individual wells and septic systems are proposed. A shared driveway accesses the existing residences. The 80-acre site, addressed at 12960 Farm to Market RD, is RP16N03E244806 located in the in the SW ¼ Sec. 24, 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. Commissioner Roberts did state that he has known this family for a very long time.

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

Chairman Thompson asked for the applicant's presentation.

Mike Griffiths, 12960 Farm to Market Road, stated the ranch has been in family since 1800's. The new home would be used by family members working as ranch managers.

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.

Commissioner Caldwell moved to approve C.U.P. 22-41 Griffiths Multiple Residences with the stated conditions. This is a good application for a large acreage property. 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.

8:07 p.m.

2. **C.U.P. 22-42 Brutsman Lodge:** Ron and Tamara Brutsman are requesting a conditional use permit for a short-term rental with a maximum of 26 guests. There is an approximately 6,000-sqft residence with a 2,000-sqft deck. Central sewer and water will be used. Access is from a looped driveway off W Roseberry Road, a public road. The 1.7-acre site is addressed at 1888 W Roseberry RD. It is Hawks Bay Subdivision Lots 1, 2, and 3, Block 2, in the SWSW Section 17, 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** – Jason Dobis, U.S. Bureau of Reclamation Field Manager, stated that the BOR does not prohibit snowmobiling on their property or in the Wildlife Management Area until after March 1st, annually. (Nov. 8, 2022)
- **Exhibit 2** – Amber and Mark Hughes, are in favor of the proposal. They have never had issues with lights or noise. (Nov. 4, 2022)
- **Exhibit 3** – Therese Gibboney is opposed. (Nov. 10, 2022)

Commissioner Roberts asked staff about the compatibility matrix, use classification, and determining the dominant surrounding land use.

Staff referred to Valley County Code, Title 9-3-1, Table 3-A:

- Service businesses include gas stations, restaurants, hotels, apartments, resorts, bed-and-breakfasts, and lodges.
- Area businesses include auto sales, banks, and wholesale and retail sales of building materials, etc.

The Commissioners discussed the matrix and how to classify the land managed by the U.S. Bureau of Reclamation (BOR). Commissioner Roberts did not include the BOR Wildlife Management Area land as public recreation; he thought it was more compatible to an agriculture rating. He does not believe the compatibility rating matrix works for the adjacent public land. Staff stated these are public lands with a lot of public recreation. Commissioner Caldwell stated most agricultural lands would be private; the BOR land is public. Commissioner Roberts is concerned about turning single-family residential lots into a commercial operation.

Chairman Thompson asked for the applicant's presentation.

Ron Brutsman, Nampa, Idaho, tried to be very thorough in the application. The home was built for his large extended family which is over 20 people. The home was planned and constructed prior to the short-term rental ordinance. He only rents to one family at a time, not multiple groups. It is not operated like a lodge that has a front desk and rents to multiple groups. Webcams are onsite for security. He personally meets guests to review rules and do a walk-thru. The nearest neighbor is in favor.

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

Linda Eddy, 13104 Hillhouse Loop, lives near this large home. This home was originally permitted for a 6-bedroom home for one family. It was permitted for a short-term rental with a maximum of 12 guests. This is in a subdivision developed as a single-family residence with a homeowner association that has been dissolved. Where will 26 people sleep? Where will cars park? This is a dangerous road during the winter. This is a commercial venture in a residential subdivision.

David Gallipoli, 200 Scott Street, McCall, asked about safety and fire suppression systems. He believes the use would be a health and safety risk.

Chairman Thompson asked for rebuttal from the applicant.

Mr. Brutsman has fire extinguishers on every floor and by the barbeque.

Chairman Thompson closed the public hearing.

The Commission deliberated. The Valley County adopted a short-term rental ordinance after thorough discussions regarding number of people allowed. Idaho Code allows us to guide short-term rentals but not prohibit them. Valley County decided that over 12 people would require a conditional use permit to allow for public review and requirements for safety, parking, etc. The short-term rental allows four people per bedroom. Commercial use versus residential use was discussed. It is a single-family residence. The applicant stated that only one group/family rents the home at one time. The Valley County Building Inspector has inspected the building. Commissioner Freeman asked at what level does a residence become a hotel and thus require different construction and safety standards? Staff stated that the Commission has approved multiple conditional use permits for homes with greater than 12 people. The Commissions should determine if impacts are mitigated. Commissioners discussed if this use would make this a mixed-use subdivision. Staff stated that this application does not meet the requirements for a Planned Unit Development (P.U.D.). The home is a 6-bedroom single-family residence with a short-term rental permit for a maximum of 12 guests. Commissioner Freeman said the home was built to different standards than would have been required for a commercial hotel or lodge housing large groups of people. Commissioners Freeman and Roberts stated that the use would be commercial and outside the scope of the residential neighborhood. Commissioner Caldwell stated that it is a commercial use in a single-family residential area; there are numerous concerns regarding short-term rentals in this area. Commissioner Freeman stated that the positives are that the home has good access to West Roseberry Road and is not located in the middle of the subdivision. Currently 12 people can rent the site; however, there can be more than 12 of his personal family and friends on the property. The voided CCRs were discussed. The application states that weddings are prohibited. However, Commissioner Caldwell believes that family reunions are events, thus, the home has been used for commercial uses. If the lots were removed from the subdivision by the vacation process, the CCRs would no longer be valid (there are no CCRs).

Commissioner Roberts referred to Valley County Comprehensive Plan Chapter 8 Goal 4 which encourages industrial and commercial services to locate within the cities and their areas of impact or areas with similar use. Commissioner Roberts does not believe this proposal would be a "similar use". The commercial use is not compatible with the surrounding area. Commissioner Roberts referred to the questions on the second part of the compatibility matrix. The traffic volume would be greater than surrounding properties [Q6]. The potential impact on adjacent properties due to the consuming or emission or any resource or substance is about the same [Q7]. The property taxes on the house would be comparable with surrounding homes but this use may need more services and public agency response than the surrounding homes. [Q8, Q9].

Commissioner Roberts moved to deny C.U.P. 22-42 Brutsman Lodge based on conflicts with the Comprehensive Plan, compatibility with the area, and the commercial nature. Commissioner Caldwell seconded the motion. Motion carried unanimously.

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

8:50 p.m. – short recess

Commissioner Roberts is excused from the remainder of meeting due to travel concerns to the valley. A quorum still exists.

3. **C.U.P. 22-43 Longhorn Guest Ranch and Event Venue:** Jason and Victoria Johnson are requesting approval for a guest ranch and event center. The guest ranch is currently permitted as C.U.P. 99-13. There are existing buildings including the lodge, 9 cabins, bathhouse, shop, and barn. A septic system, porta-potties, individual well, solar panels, and portable generator are used. The approximately 215-acre site, addressed at 450 High Valley Road, is in the SW Section 20 and NW Sec. 29, T.11N, 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** – Applicant's response to questions in the staff report. Includes an improved site plan. (Nov. 3, 2022)
- **Exhibit 2** – Applicant submitted additional information. (Nov. 7, 2022)
- **Exhibit 3** – Jeanette Hottell, 8 Ranch Circle RD, is opposed. (Nov. 7, 2022)

Chairman Thompson asked for the applicant's presentation.

Victoria Johnson, 450 High Valley Road, bought the property about five years ago. The previous owner had been having events including weddings. Mrs. Johnson believed they were in compliance. To reduce liability involved in a dude ranch, e.g., horseback riding, they decide to focus on weddings and group activities. They have improved the property. They also annually host a wounded-warriors veteran's group. They receive positive reviews. Their family lives on site and monitors events. **Exhibit 2** includes information on regarding septic systems, porta-potties, food preparation, and laundry services. Also attached is a letter from the closest neighbor, Sandra Plaza, in favor of the proposal. Porta-potties are used. On average, there are 22 events per year; one group/party per weekend. Average larger weddings, with 75-100 guests, are about 20% of total events. About 300 cars drive to the ranch per year; most from Smith's Ferry. This property is the first property at the north end of High Valley. The buildings, event sites, etc., are not visible from High Valley Road. Laundry is done at the laundromat. The caterers do not do food preparation or wash dishes at the site. Guests are not allowed to use bathrooms, only porta-potties. They do have water rights, recently confirmed by the Idaho Department of Water Resources. They are prepared for fire fighting and prevention.

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. Commissioner Caldwell stated this is a good application. Conditions of Approval includes Central District Health approval. A road development agreement that considers the seasonal road use is appropriate. Commissioner Freeman stated that the location is good, and the neighbors are not close.

Commissioner Caldwell moved to approve C.U.P. 22-43 Longhorn Guest Ranch and Event Venue with the stated conditions. 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.

9:27 p.m.

4. **C.U.P. 22-44 Bloomfield RV Rental Site:** Thomas and Nancy Bloomfield are requesting a conditional use permit for the rental of two recreational vehicle sites. Northlake Recreational Sewer and Water District would supply sewer services. Each site would have a water spigot connected to the existing well, a sewer connection, and electrical power. The 0.46-acre parcel, addressed at 13014 Navajo Road, is Ora May Subdivision Lot 47 located in the NW ¼ Section 21, 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 application, site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Jess Ellis, Donnelly Fire Marshal, stated that the site has the District's requirements. (Nov. 9, 2022)
- **Exhibit 2** – Linda Eddy & Therese Gibboney are opposed. (Nov. 10, 2022)

Chairman Thompson asked for the applicant's presentation.

Nancy Bloomfield, 12995 Ponderosa Road, Donnelly, purchased the lot to control activity and noise on the lot. They live adjacent to the lot on a full-time basis. Renting the RV sites would cover the bills. She is the secretary/treasurer of the Ora-May Association. She is very familiar with the subdivision's CCRs; there is nothing prohibiting RV rentals. Renters are not allowed lake access from the lot. Some people visit only on weekends. The sites are pull-thru RV sites; they would not allow tent camping. No smoking allowed on the property. About a dozen trees were planted this fall and more will be planted this spring. There is a 20-ft utility easement. Grounds are kept watered and mowed. No night lighting. Street parking not allowed or necessary. RVs up to 35-ft in length would be allowed. The physical address has been posted. The shed was present when they purchased the property. Site rental would be for a minimum of four days, summer months only.

Chairman Thompson asked for proponents. There were none.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for opponents.

Linda Eddy, 13041 Hillhouse Loop, stated that Navajo Road is not maintained by the Valley County Road Department. A lot owner uses his equipment to blade and plow the road. If approved, trash service should be required. Has the owner obtained the required hook-up permits from North Lake Recreational Sewer and Water District (NLRSD)? The water from Hillhouse area crosses Navajo Road and into the ditch on this property. There is a 20-ft utility easement for NLRSD centered on the lot lines. The ditch is dry most of the year but is wet during the spring.

Chairman Thompson asked for rebuttal from the applicant.

Ms. Bloomfield stated there are two sewer hookups. Each RV site has its own water, sewer, and electrical hookups. These existed before she bought the property. She discussed the deep drainage ditch. She has lived on the adjacent property for 10 years and is familiar with the amount and timing of the water drainage. The driveway does not get wet. NLRSD has access to the easement.

Chairman Thompson closed the public hearing. The Commission deliberated. It is private property that they should be able to use as they want; however, it is a subdivision with smaller lots. Does having people come in with camp trailers for the weekend mesh with the existing residential use? Commissioner Caldwell believes compatibility is an issue; this is a business use on a residential subdivision lot. Commissioner Freeman agrees that this would use would not be seen in a city subdivision such as in Boise. Chairman Thompson said the area is changing. Commissioner Caldwell said there would be impacts. A residential home would have daily traffic, but it would not be the same as vehicles pulling campers on a regular basis. Chairman Thompson said this affects compatibility with the surrounding area which is now mostly filled with homes.

Commissioner Freeman moved to deny C.U.P. 22-44 Bloomfield RV Rental Site. 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.

9:53 p.m.

5. C.U.P. 22-45 Ikola Storage: Gerry Ikola is requesting approval of a conditional use permit to construct a storage facility. The proposal includes a 65-ft x 100-ft sprung-structure to store up to 25 recreational trailers for a commercial business and personal items. Access would be from a shared driveway accessing Farm to Market Road, a public road. The site is one acre of the 160-acre parcel RP17N03E254805 located in the SW ¼ Section 25 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** – Applicant submitted a structure plan. The building will be a maximum of 27-ft high. (Nov. 7, 2022)
- **Exhibit 2** – Jess Ellis, Donnelly Fire Marshal, listed Donnelly Fire District requirements. (Dated Oct. 31, 2022; received Nov. 7, 2022)
- **Exhibit 3** – Tim Hart, 301 Finn Church Lane, is opposed. (Nov. 9, 2022)
- **Exhibit 4** – John Farmer, 13333 Vili Road, is opposed. (Nov. 9, 2022)

Staff clarified that the radio tower along Farm to Market Road was approved in 1996. The applicant plans to build their residence at the site. The applicant is proposing a combination building for commercial storage, agricultural storage, and personal storage. The conditional use permit is for only one acre of the larger parcel.

Chairman Thompson asked for the applicant's presentation.

Rachel Ikola, 14197 Highway 55, stated they, like many other families, are trying to remain in Valley County and make a living. She and her husband, a third-generation local, bought Cheap Thrills Rentals, an existing local business. They did not realize that an expensive base-flood evaluation would be required to split an original 160-acre parcel owned by extended family. A Letter of Map Amendment was completed and shows that about 6.4 acres are buildable and outside of the floodplain. They own 15 boats, 26 jet skis, and 55 snowmobiles for the business in addition to recreational equipment for personal use. When they applied for building permit, they learned that a conditional use permit would be required for the commercial use. They have

no other property that is zoned commercial that they could use to store the business equipment. It would be a huge financial cost to pay another company to store equipment. The business would not be located at the site, only the storage of equipment. Customers would not visit the site. They still need to get a base flood evaluation (BFE) before they can build a home. There are limited sites to place the structure without cutting down a lot of trees or getting too close to the creek. The outside cover of the sprung structure has a 20-year warranty, the structure has a 50-year warranty. The proposed temporary structure is not the prettiest but would only cost \$80,000 versus approximately a million dollars for a permanent building. They will also be buying commercial property within McCall for the business. They would not rent any storage area to the public.

Director Herrick clarified that a building permit will be issued without the BFE determination as a Letter of Map Amendment has been approved. The BFE is needed for a subdivision plat but not for a building permit. This application is not a rezone but an approval of a specific land use. Sprung structures are used throughout Valley County.

Ms. Ikola stated that the new driveway will be moved about 20 south of the existing driveway. They will construct a 6-ft fence, either cast-iron or vinyl, and add a 3-ft berm across the front of the property along Farm to Market Road. Trees will be planted. The 65-ft x 100-ft building would be open on the east side. It would meet the 50-ft required setback from the front property line along Farm to Market Road. The proposed building location was further discussed. She does not want to add fill into the low area and mess with the existing drainage.

Chairman Thompson asked for opponents.

Aaron Phelps, adjacent deer farmer, stated the area already receives high traffic. There are no commercial buildings on Farm to Market Road. Approval would set the precedent for more commercial uses along Farm to Market Road. He is concerned how this commercial use would affect his property values. Berms would hide the scenic view corridor. Large trucks, avoiding Highway 55, are already deteriorating Farm to Market Road. Water drainage is also a concern.

Chairman Thompson asked for undecided. There were none.

Chairman Thompson asked for proponents.

Gerry Ikola, 14171 Highway 55, is the current owner of the property. He has offered his son and daughter-in-law land to build a house. They would not operate a commercial business at the site, only store equipment during the off season. This is not a storage unit for rental to the public; thus, "storage facility" is an inappropriate term for this proposed use. Their commercial business is located in McCall.

Chairman Thompson asked for rebuttal from the applicant.

The previous business owners did not have trouble storing their equipment at their home for 28 years. This is an important business in this county. Employees receive good wages, bonuses, and benefits. The business also donates funds to local groups. The allowed zoning is mixed-use, thus, this the business storage at their home site should be approved. Ms. Ikola showed the planned location of the residential home on the GIS map. The site will eventually include the storage building, a residence, and a shop building.

Chairman Thompson closed the public hearing. The Commission deliberated. Commissioner Freeman sees this proposed building as a barn; if they were farmers, they would store the equipment in a barn. This is not the same as a storage unit for rental by the public. Long term

goal is a more appealing permanent building; in the meantime, they need a structure to store the business equipment in.

Employee parking was discussed. Vehicles will not be coming and going to the storage building on a regular basis. This proposal is significantly different than the CM Backcountry Rental business use that was denied by Valley County. That use was determined to be detrimental to the neighborhood. This would not be a commercial business on Farm to Market Road. This is not a rezone but would be approval of a land use in a multiple-use zone. Valley County staff must follow federal requirements for base flood elevation determinations for subdividing property. This permit should stay with the applicants; if the property is sold, the conditional use permit would not be valid.

Commissioner Caldwell moved to approve C.U.P. 22-45 Ikola Storage with the stated conditions and:

COA: Must implement Best Management Practices during and after construction to protect runoff into creek.

COA: No employees parking on site

COA: No employees camping or living on site

COA: Conditional Use Permit terminates if no longer used by applicants.

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.

E. FACTS AND CONCLUSIONS - Action Items:

- C.U.P. 22-32 Esplin Glamping and Short-Term Rentals
- C.U.P. 22-36 Heavenly 24.5 RV Site
- C.U.P. 22-40 Stonebraker Winter Recreation Parking Site

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.

Chairman Thompson adjourned the meeting at 10:43 p.m.