

# 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  
**December 8, 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:	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Neal Thompson:	Excused
PZ Assistant Planner – Lori Hunter:	Present

Vice Chairman Roberts stated two withdrawals by applicants: C.U.P. 22-47 Cryptocurrency Site and C.U.P. 22-48 Wolfe RV Rental Site.

**B. MINUTES:** Commissioner Freeman moved to approve the minutes of November 10, 2022, and November 17, 2022. Commissioner Childs seconded the motion. Motion passed unanimously.

## C. OLD BUSINESS:

**1. P.U.D. 98-1 Tamarack Resort – Update and Extension Request:** Tamarack Resort Two LLC will present a summary of the progress to date and planned improvements at Tamarack Resort for the next three years. The site is located in T.15N, R2E; T.16N, R.2E, and T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Vice Chairman Roberts introduced the item and opened the public hearing. Vice Chairman Roberts asked if there was any *ex parte* contact or conflict of interest. Commissioner Caldwell recused herself due to a family member being in contract with the applicant.

Vice Chairman Roberts 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** – Idaho Department of Environmental Quality response. (Dec. 7, 2022)

Expansion onto U.S. Forest Service would require an amendment to the PUD and further public hearings. Anything that is a diversion from the original approved preliminary plat will require a public hearing.

Vice Chairman Roberts asked for the applicant's presentation.

Scott Turlington, Tamarack, representing the applicant, is the president of Tamarack Resort. Martin Pico of Tamarack Resort Two LLC is also present. Since the 2019 acquisition, there has been much accomplished, and they are still on track with original concept.

Mr. Turlington reviewed the progress completed since the 2019 extension was granted. The six buildings in the Village that were partially constructed have been completed. Of 129 residential units in these buildings, 92 have been completed and sold. In addition, commercial operations, restaurants, retail, etc., at the Village are in operation. They expected to submit building permits in 2023 for Lake Wing which will contain approximately 56 condominium units adjacent to the Lodge at Osprey Meadows. Multiple domes have been removed from the Village area; two domes remain for operations/ski patrol and a daycare facility. Tamarack Resort provides free daycare for all employees. The Ponderosa Ridge development has received the final "will-serve" letter from North Lake Recreational Sewer and Water District. Homes in this area will be Tamarack-built products.

Mr. Turlington reviewed the plans for the next three years.

- **Lake Wing Condominium:** They expected to submit building permits in 2023 for Lake Wing which will contain approximately 56 condominium units adjacent to the Lodge at Osprey Meadows.
- **Employee Housing:** The Design Plaza currently contains the Tamarack Municipal Association and work-force housing units. This area will transition into townhomes. Currently about 90 employees are housed in off-site rental housing. The first phase of employee housing located south of Village Drive is currently under construction; "Lake View Village" will have 128 beds available within two two-story structures in 2023. The P.U.D. approval requires Tamarack Resort to house roughly 40% of employees. Month-to-month leases to non-employees will be considered during the shoulder seasons as other businesses have expressed interest in temporary housing.
- **Golf Course:** Tamarack Resort successfully acquired all of the golf course in October 2021. Restoration of the golf course is underway. Nine holes plus the driving range were completed in 2022; the remaining nine holes will be completed in 2024. The course was changed from previous layout.
- **Snow Facilities:** Ski facilities have been improved. The Wildwood Lift was reinstalled in 2019. Tamarack Resort has invested in upgraded efficient snowmaking equipment and completed brushing and tree removal to improve the runs.
- **Heritage Parcel:** They anticipate exercising the right to reacquire this southern parcel from the Idaho Department of Environmental Quality in 2024.
- **Marina:** Tamarack Resort has operated a concession permit since 2005 at Poison Creek. A long-term lease is being negotiated with Idaho Parks and Recreation. Amenities would be increased including the addition of boat slips and on-water fuel availability. The campground will remain. Sewer will be brought onto the site.
- **Village:** Expansion will progress northward; four buildings will be added in the next three years, including a hotel. The Municipal Association will relocate to a new facility near Aspen Parking Lot.
- **Buttercup Chalets:** This is an infill project near the Buttercup Lift containing approximately 12 chalet lots.
- **Mid-Mountain Lodge and Event Center:** It is a condition of lease with the State of Idaho that this be completed by December 2024. The building was well winterized, and interior construction will occur during 2023.
- **Charter School:** Mountain Community School, a charter school, started in 2022. Currently located in a temporary facility, the school will move into new yurts. Tamarack

Resort provides land for the school but is otherwise not involved in running the school.

- **Special Use Permit:** Tamarack Resort has submitted an application to the U.S. Forest Service to expand operations north and south of current boundaries. The next step is the National Environmental Policy Act (NEPA), environmental review, and public comment process. The request includes approximately 2,100 additional acres, five new aerial lifts, additional facilities, and expanded recreational opportunities. There is demand for growth; skier visits have doubled.

Approximately 450 residential units have been sold within Tamarack Resort. At this time, Tamarack Resort is not asking for any amendment to P.U.D. 98-1.

Commissioners stated they appreciate the update.

Vice Chairman Roberts asked for proponents.

Jim Fronk has been associated with the project for over 30 years. The current owner has completed the things they have said would do. He sees a positive trend.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents. There were none.

Joey Pietri, McCall, would like the Commissioners to ask for a report on the cumulative effects of all the proposals, particularly the marina on Cascade Lake. These are sensitive areas. Future Planning for the future should occur and more be done for the community. It is great that they will do housing for non-Tamarack employees. He is concerned about nature, trees, streams, not just investments. Are the Commissioners responsible to the investors or to the residents of Valley County? Sewer, water, infrastructure, and the S-Bridge need to be addressed before any decisions are made.

Vice Chairman Roberts asked for rebuttal from the applicant.

Mr. Turlington appreciates the comments on the housing as this is a big issue in Valley County. The U.S. Bureau of Reclamation updates their Lake Cascade plan every 10 years. This plan includes the addition of a marina at Poison Creek. Lake Cascade is a reservoir that provides water for downstream users and recreation. Mr. Turlington responded to environmental concerns. Tamarack Resort has one of the largest groves of tamarack trees. They just purchased a new type of snow gun which is 30% more efficient than other models. Tamarack Resort has senior water rights and surface water rights to support both current and proposed activities.

Vice Chairman Roberts closed the public hearing.

The Commission deliberated. Vice Chairman Roberts stated that the large grove of tamaracks sprung up after a forest fire in early 1930's. In 1998, the original proposal had a significant number of issues that were put on a "Master List" to resolve. The Planning and Zoning Commissions role is to determine if development has progressed as approved. There was a huge hiccup due to economic reasons, but Tamarack Resort has done a stellar job revamping the development in a responsible manner. The Commissioners agreed that granting an extension makes sense. Tamarack Resort is now part of the community of Valley County. Tamarack Resort will also update the Board of County Commissioners.

Commissioner Childs moved to approve the extension of P.U.D. 98-1 Tamarack Resort to December 31, 2025, and recommend to the Board of County Commissioners that the P.U.D. has been established and will need no additional extension hearings, with the understanding that substantial changes will require additional public hearings.

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.

Commissioner Childs moved that the applicant make regular updates to the Planning and Zoning Commission, roughly every three years. Commissioner Freeman seconded the motion. The motion passed unanimously.

Commissioner Caldwell returned.

6:53 p.m.

**2. C.U.P. 21-01 JanGo Acres Subdivision No. 1 – Final Plat:** IWS LLC 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 three residential lots and one lot for an area business on approximately 20 acres. Access would be from a new private road onto Highway 55 (public); shared driveway easements are proposed. The site is in the NWNE and the NENW of Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. **Not a public hearing.** Action Item

Vice Chairman Roberts introduced the item and asked if there was any *exparte* contact or conflict of interest. There was none.

Vice Chairman Roberts introduced the item. Director Herrick presented the staff report and displayed the plat on the projector screen.

Director Herrick stated that additional changes need to be made to the plat due to ordinance amendments approved in 2015 as listed in Valley County Code 10-3-3-2F.

- Add note stating, “Surrounding land uses are subject to change.”
- Various uses shall be crosshatched in the notes.
- Add note referencing a document that describes the approved uses on each lot.

Director Herrick reviewed the compliance with the conditions of approval.

Director Herrick summarized the following exhibits:

- **Exhibit 1** – Draft CCRs
- **Exhibit 2** – Draft Declaration of a Private Road

Rob Pair of Crestline Engineers represented the applicant. The road name is “Water Sports Lane” not “Watersports Lane”; corrections will be made on the plat. The additional changes will also be made.

The new private road is not yet paved. The applicant requests the Commission approves the final plat and allow a 12-month deadline to finish needed items and record the plat.

Final Plat requirements in Valley County Code 10-3-3-2F.3 were discussed. The commercial building locations shall be noted on the plat by shading or crosshatching. A note shall be added to the plat describing the approved use.

If the applicant wants to continue with the multi-family approval, then those sites will also need to be shaded or crosshatched.

Valley County Code 10-3-3-2F.8 requires a plat note stating, “Surrounding land uses are subject to change.”

Mr. Pair responded to questions about the access easement to adjacent parcels. The use is stated in the CCRs and private road declaration. There is a 50-ft ingress-egress easement for McCall Ranch Parcel #3 located to the south of the new private road. The owner previously purchased the property to the west to be able to have a 70-ft private road right-of-way. Snow removal and maintenance will be coordinated between the homeowner association and owners of McCall Ranch Parcel #3. McCall Ranch Parcel 1B to the west is also granted access as stated in CCRs and private road declaration.

Commissioner Childs moved to recommend approval of the final plat for C.U.P. 21-01 JanGo Acres Subdivision No. 1 with the stated conditions of approval in addition to the following:

- Add plat note stating, “Surrounding land uses are subject to change.”
- Face of the plat shall contain approved uses of each lot
- Road name shall be consistent on plat and recorded documents
- The final plat approval is for 12 months from today’s date

and authorize the Chairman to sign.

Commissioner Freeman seconded. Motion carried unanimously

Director Herrick clarified that wetlands are shown on plat as a “no-build area”. A letter for the Lake Irrigation District and an approval letter from Corps of Engineers for the pond are still required prior to recordation of the subdivision plat.

*7:15 p.m.*

**3. C.U.P. 22-06 Schafer Subdivision – Final Plat:** Big Cabin Properties 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 is a four-lot, mixed-use subdivision. Access would be from Highway 55 and Spink Lane (public). 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. **Not a public hearing.** Action Item

Vice Chairman Roberts introduced the item. Director Herrick presented the staff report and displayed the plat on the projector screen. The Board of County Commissioners approved variances on May 23, 2022. Director Herrick summarized the following exhibits:

- **Exhibit 1** – Laurie Frederick, Valley County Cadastral Specialist, noted discrepancies. (Oct. 24, 2022)
- **Exhibit 2** – Jess Ellis, Donnelly Fire Marshal, stated requirements. (Dec. 5, 2022)

Director Herrick stated that additional changes need to be made to the plat as required in Valley County Code Title 10-3-3-2F.3, 10-3-3-2F.4, and 10-3-3-2F.8:

- Add note stating, “Surrounding land uses are subject to change.”
- Various uses shall be crosshatched.
- Add note referencing a development agreement document that describes the approved uses on each lot.
- Add building envelopes.

Wetlands must have approval of U.S. Corps of Engineers. Four individual wells have been drilled on the property. Approval is needed from Idaho Department of Water Resources stating they are adequate for the different uses on each lot.

Jim Fronk, James Fronk Consulting, represented the applicant. Brian Schafer, applicant, was also available to answer questions about the curriculum. Mr. Fronk met with Donnelly Fire District earlier today. There will be a 10,000-gallon water tank situated by the pond. Individual dwellings will be approved by both the Donnelly Fire and the State Fire Marshall and will include sprinklers. Mr. Fronk will respond to staff after well requirements are clarified by Idaho Department of Environmental Quality.

The pond can be included on the plat. The wetland delineation has been completed. It will be followed up with a wetland delineation report and determination by the US Army Corps of Engineers. Mr. Fronk anticipates that there are no impacts to the wetlands. The cutoff drains constructed in the 1950's are very linear. He clarified that Secesh Engineering is the engineer of record, not Crestline.

Mr. Fronk discussed the landscape plan. The site is primarily lodgepole pine. The Fire Management Plan recommends thinning. Site distances along Highway 55 must be maintained.

Staff clarified that the crosshatching on the plat is for the building envelope, not building footprint. The plat shall contain a note indicating the use of the crosshatched site and a reference to a recorded development agreement.

The applicant, Brian Schafer of McCall, spoke about the need and desire for learning trades. A broad-based curriculum has been created for an 18-month program. He also discussed possible projects with the local high school.

Mr. Fronk clarified that the irrigation pipe across Lot 4 is not in use and will be abandoned.

Commissioner Caldwell moved to recommend approval of the final plat C.U.P. 22-06 Schafer Subdivision with the stated conditions of approval in addition to the following:

- Changes will be made to final plat as requested by the Valley County Cadastral Specialist.
- Add additional notes on the final plat as required by Valley County Code 10-3-3-2F.3 showing land uses by shading or crosshatching and tied into the development agreement.
- Add additional notes on the final plat as required by Valley County Code 10-3-3-2F.4 showing building envelopes and surrounding land uses
- Add plat note stating, "Surrounding land uses are subject to change."
- Will need approval letter from Idaho Department of Environmental Quality stating individual wells are adequate for the proposed land uses.
- Add location of water tank to plat.
- US Army Corps of Engineers approval letter for jurisdictional determination

and authorize the Chairman to sign.

Commissioner Chiles seconded. Motion carried unanimously

*7:40 p.m. – short recess*

4. **C.U.P. 22-34 Shoemaker Donnelly Storage:** Jeff Hatch is requesting approval of a conditional use permit to construct a public self-storage facility. The proposal includes an office and five storage buildings totaling approximately 97,125 sqft. Phase 2 (residential and additional storage) would require a new application. Individual well, an individual septic system, and electricity are proposed. Access would be from Eagle Lane, a public road. The site is part of the 26.97-acre parcel RP16N03E157408, located in the SE ¼ Section 15 T.16N R.3E, Boise Meridian, Valley County, Idaho. **Tabled from October 20, 2022.** Action Item

Vice Chairman Roberts introduced the item which was tabled on October 20, 2022.

Commissioner Caldwell moved to remove C.U.P. 22-34 from the table. Commissioner Childs seconded the motion. Motion passed unanimously.

Vice Chairman Roberts asked if there was any *ex parte* contact or conflict of interest. There was none. Commissioner Caldwell noted that although she was not present at the public hearing on October 20, 2022, she did watch it.

On October 20, 2022, a motion was unanimously approved to table C.U.P. 22-34 Shoemaker Donnelly Storage until the regularly scheduled December 2022 meeting at 6.00 p.m. [December 8, 2022]. Commissioners desired more time to review the application. More information was requested from the applicant including traffic impact study, civil engineering plan, and proposed road development agreement.

Vice Chairman Roberts 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** – Additional submittal from the Applicant on Dec. 6, 2022, and Dec. 8, 2022:
  - Plot Plan A-1.0
  - Landscape Plan L1.0
  - Exterior Elevations A.4.0
  - Lighting Schematic

The public will have the opportunity to testify regarding the new information only.

Vice Chairman Roberts asked for the applicant's presentation.

Jeff Hatch, Boise, explained the revisions for the site plan, landscaping plan, exterior elevations, and lighting schematic from the original submittal (**Exhibit 1**). He has met with several neighbors. Based on neighbor concerns, the primary entrance has been shifted eastward to Highway 55. This change has been discussed with the Idaho Transportation Department (ITD). ITD has requested that a portion of Old State Road be closed to remove an awkward and dangerous wedge currently used to access Highway 55 from Old State Road. The revised site plan shows the 90° access that ITD requested. Mr. Hatch has submitted an email from ITD stating the applicant should proceed with an application to ITD to evaluate the approach onto Highway 55 and a deceleration lane.

Mr. Hatch has also met with the City of Donnelly who may request an entrance sign for Donnelly at the site. Mr. Hatch referred to the stormwater plan, snow retention, and the grading plans. The snow storage sites have been moved away from wetland areas. Wetland areas have been surveyed and delineated. Approximately 13% of the snow will be stored on the ground. The buildings will be engineered to store snow on roofs which increases snow storage to 48%. The quantity of lights has been reduced. Lights will be put on timers and motion sensors. Additional screening has been added to the landscape plan. The revision includes additional landscaping along the frontage and both north and west sides of the site while still maintaining stormwater drainage.

Another change to the original site plan is Canopy D. This structure will be a solid structure on north and south sides and open on the east and west sides. Building elevations have been updated and colors changed. Curb and gutter will channel drainage away from wetland areas. Mr. Hatch referred to the submitted correspondence with Idaho Transportation Department (ITD). The revision includes changing the Eagle Lane access to emergency only and improvement of intersection of Old State Road and Highway 55.

The storage units will primarily be used for recreational storage (e.g., boats, snowmobiles). The majority of traffic is expected on weekends and will change seasonally.

Vice Chairman Roberts asked for proponents. There were none.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents.

Mike Birkinbine, 20 Creekside Court, applauds the entrance redesign and appreciates the desire to enhance landscaping improvements. The drainage from Highway 55 on the east has been addressed; however, he wants to ascertain that drainage from property south of Eagle Lane onto this property will also be addressed. If the drainage is blocked, the water would flow to lower Eagle Lane and Creekside Court area that already has seasonal flooding. Storage capacity of snow is a concern. He believes that snow will still need to be moved and stored even with the revised site plan. Snow drifts could be a concern. The proposed berms could create significant drainage problems. Since the drainage from this property flows into Boulder Creek and then Lake Cascade, he is concerned how contaminants will be controlled.

Todd Jurdana, 177 Eagle Lane, is also concerned about drainage. His property already floods thus he is concerned about this causing additional water flow through his property. He likes the landscaping. However, he will look through the emergency access into the RV storage from his front window. This area is already a dangerous intersection; adding additional trailers, boats, etc., will increase danger at this site. He does like the reduction in lighting, but the proposed storage units are at his front door. The proposal is not a good use for the community.

Larry Shake, 1612 S Samson Trail, stated that the decisions that PZ Commission makes will impact peoples' property values.

Joey Pietri, 225 Valley Springs RD, complements the changes made. However, the water quality will be altered. A study should be completed to determine effects on Lake Cascade. This proposal contains a large surface area and increased contaminants will flow from the site.

Vice Chairman Roberts asked for rebuttal from the applicant.

Jeff Hatch responded to concerns regarding drainage. The U.S. Corps of Engineers is currently reviewing a report and has provided some information regarding two possibilities: a nationwide 39 permit for wetlands or an option for Idaho Department of Environmental Quality review. Snow storage and stormwater retention plan (page C1.0) shows that physical hardscape will separate snow storage from wetland area. In addition, there is a substantial amount of land not dedicated to snow storage that would be available for a swale to store drainage if needed. This would be evaluated by civil engineer. The stormwater retention plan will also address contaminants. The ITD permit will include an evaluation of turning movements, use, and any required improvements. The applicant is willing to discuss if the emergency access location could be modified with the neighbor to south who testified. The stormwater retention area has been moved from the southwest area of the site. The project design will continue to maintain



the natural drainage. The civil engineer has added curb and gutter to keep drainage at the site away from the wetland area.

Vice Chairman Roberts closed the public hearing.

The Commission deliberated. The compatibility matrix rating was reviewed. The applicant has made efforts to improve the design and respond to concerns.

Vice Chairman Roberts stated that the charge of the PZ Commission is to determine if the proposed use is compatible with the area. The first three questions of the compatibility rating resulted in a score of -9; he does not believe the use is compatible. Overall, Vice Chairman Roberts calculated a score of -3 compared to Staff's score of +5.

Commissioner Freeman likes the revised layout, particularly the access from Highway 55 and drainage modifications. He grew up in a residence along the highway and is in favor of having storage units between residences and the highway to absorb traffic noise.

Commissioner Caldwell also likes the revised proposal which mitigates many of the impacts to surrounding area, particularly the additional landscaping. She agrees with Commissioner Freeman that the project would block traffic noise. Storage units also might have less impacts on traffic, water quality, ground water, and drainage than single-family residences. The proposal follows the Valley County Ordinances. Even though there is a negative score on the top portion of the matrix, the applicant has mitigated impacts. The applicant would still need to work with the County Engineer for approval of the stormwater and drainage plans.

Commissioner Childs traffic and environmental impacts of single-family residential. This site is an ideal spot for something other than residential uses. It is a needed use. The proposal would have both negative and positive impacts. She appreciates the changes the applicant has made. The existing Old State Road and Highway 55 intersection is dangerous; having the applicant work with ITD to improve safety is very positive. Use of this intersection will continue to increase.

If this project is approved, condition of approval # 16 should be modified to allow the applicant time to receive all approvals from Valley County Engineer and ITD before installing landscaping.

Vice Chairman Roberts referred to the negative compatibility from staff. The Valley County Comprehensive Plan refers to the property rights of neighboring properties, open spaces, and maintaining the rural atmosphere of Valley County. This site floods every 10 years or so. More storage units are needed in Valley County but this location along the Scenic Byway is not the right spot. Testimony has been in opposition which means the use is not compatible. This use would worsen the traffic congestion along Highway 55. He will not support the project.

Commissioner Caldwell moved to approve C.U.P. 22-34 with the stated conditions as modified:

**COA #16:** Landscaping should be installed within one year after first structure is completed.

Commissioner Childs seconded the motion. Commissioner Caldwell, Commissioner Childs, and Commissioner Freeman voted for the motion; Vice Chairman Roberts voted against. The motion passed.

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

8:33 p.m.

#### D. NEW BUSINESS:

1. **C.U.P. 22-46 Moudy Glamping Site:** Nancy Moudy is requesting approval of a conditional use permit for a camping facility containing four tent sites. Porta-potty facilities and the existing bathroom in the residence would be used for toilets and showers. An individual well and septic system exist on the property. The approximately 73-acre site, addressed at 14078 Farm to Market RD, is parcel RP18N03E253607, located in the W ½ Sec. 25, T.18N R.3E, Boise Meridian, Valley County, Idaho. Action Item

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

Vice Chairman Roberts 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** – Marquita Blanton is opposed. (Nov. 28, 2022)
- **Exhibit 2** – Valley Soil & Water Conservation District has water quality concerns. (Dec. 7, 2022)

Central District Health comments were discussed.

Vice Chairman Roberts asked for the applicant's presentation.

Nancy Moudy, 14078 Farm to Market RD, clarified that most of the tent use is for friends and family. Previously people (bicyclists) camped on their property west of the Farm to Market Road; she would rather they camp near the home due to security and fire reasons. Porta-potties are placed for family use as well as the campers. The porta-potty referred to in the submitted comments is over a football-field away from the property line. In 2022, four different groups stayed. One of the back yard tents is located about 30-ft from her back door; another is next to the greenhouse which is about 40-50-ft away; a tent is located by the old wood shop which is about 75-80-ft away; and then a traveling nurse stayed by the old ranch house. The home does have two separate septic systems: the main residence and the old ranch house. The conditional use permit C.U.P. 16-11 allows for two events during the last Saturday of June and the first weekend of December. Her intent is not to have an established campground. Buckets of water are available in at the fire pit. One tent is green, the others are tan. The six or seven pop-tents were used by family members staying during part of the summer of 2022. The proposed rental season is primarily June 1 – September 1, annually.

Vice Chairman Roberts asked for proponents. There were none.

Vice Chairman Roberts asked for undecided. There were none.

Vice Chairman Roberts asked for opponents.

Ann McQuade, 14042 Deerfield, lives approximately 1000-ft from the site. She was not aware the neighbor was renting camping sites. The driveway to the home is at a dangerous location due to a blind spot; increased traffic would increase danger. This is a business in a farming and residential area. Other concerns include noise and loose dogs. How long could people stay, a weekend or multiple months? She does not want the increased ATV and motorcycle use that these campsites would bring. She is concerned that the use would increase over time. The distance required for noticing neighboring property owners should be greater than 300 feet.

Vice Chairman Roberts asked for rebuttal from the applicant.

Ms. Moudy replied to concerns. The quiet time at the campsites is 10:00 p.m. to 6:00 a.m. She does not allow drinking, drugs, etc. on the property. Pets must be on a leash. Noise has only

been a concern once. She does not allow use of ATVs on the property by the campers. This is a place for people to stay. The longest stay in 2022 was for three nights except for a traveling nurse and family who did stay for a month.

Vice Chairman Roberts closed the public hearing. The Commission deliberated. The June and December events were discussed. The Hipcamp.com ad was reviewed. The application is for four tent sites from June 1 – September 1, annually. Enforcement of possible limitations was discussed. Commissioner Childs calculated a negative compatibility rating. She states that gray water is an issue for this site. Commissioner Childs was more comfortable with previous glamping applications; this one is not compatible with the neighborhood. Commissioner Caldwell agrees and adds that there are also septic concerns. Commissioner Freeman does like the size of the property; there is space for four sets of campers. He does believe there are ways to make it more appealing and address concerns. Vice Chairman Roberts calculated a compatibility rating of -3. He is concerned with neighborhood fit and Central District Health comments. Valley County Comprehensive Plan issues include health and safety as well as the goal of retaining the rural atmosphere of Valley County.

Director Herrick referred to Idaho Statute 67-6519(5). If the Commissioners choose to deny the application, they should state if there is anything that the applicant could do to get approval under a separate application or is this use not acceptable with the neighborhood.

Vice Chairman Roberts obtained a -1 on the first three questions on the compatibility rating; he does not believe there is anything that can be done to obtain approval. Commissioner Childs agrees. Even if a new application had a more defined campsite location, visuals of the tent sites, information on septic systems, containment of gray water, etc., Commissioner Childs still would struggle with compatibility of the use with the surrounding area.

Commissioner Childs moved to deny C.U.P. 22-46 Moudy Glamping Site. Commissioner Caldwell seconded the motion. Commissioner Caldwell, Commissioner Childs, and Vice Chairman Roberts voted for the motion; Commissioner Freeman voted in opposition. The motion passed. The motion passed.

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

**2. C.U.P. 22-47 Cryptocurrency Site:** Aleksandr and Lyubov Galenko are requesting approval of a conditional use permit for a light industry business. The proposal includes machines, electrical transformer, and use of the existing garage. Access would be from a shared driveway accessing Ashton Lane, a public road. The 1.9-acre site, addressed at 219 Ashton Lane, is Ashton Estates Lot 1 located in the SENW Section 12 T.17N R.3E, Boise Meridian, Valley County, Idaho. Action Item **WITHDRAWN BY APPLICANT**

The applicant has withdrawn their application for a conditional use permit. The applicant asked staff to read a letter into the record to clarify their intentions and respond to misunderstandings. The application has been withdrawn due to the substantial upgrades for commercial use recommended by the fire chief.

Commissioner Caldwell moved that the applicant shut down and remove all equipment from the structure within 30 days of receipt of a certified letter from Staff, or, if letter is not picked up, within 60 days from today [February 6, 2023]; and an inspection by Valley County Staff be allowed. Commissioner Caldwell seconded the motion. Commissioner Caldwell, Commissioner Childs, and Vice Chairman Roberts voted for the motion; Commissioner Freeman voted in opposition. The motion passed.

- 3. C.U.P. 22-48 Wolfe RV Rental Site:** Cindy Wolfe is requesting a conditional use permit for the rental of one recreational vehicle site. Only self-contained RVs or camp trailers would be allowed. The site does not have septic system or available potable water. Access is from private roads onto Warm Lake Road, a public road. The 3-acre parcel, addressed at 10 Tito Trail, is EagleNest Subdivision No. 3 Block 4 Lot 6, located in the SE ¼ Section 17, T.14N, R.4E, Boise Meridian, Valley County, Idaho. Action Item. **WITHDRAWN BY APPLICANT**

The applicant has withdrawn this application.

## **E. OTHER**

### **1. C.U.P. 21-41 Snow Bike Race – Request to Add Additional Race Dates.** Action Item

Commissioner Caldwell recused herself due to a conflict of interest as the race site is on family-owned property.

The applicant has a conditional use permit for a snow bike race on one weekend per year; the next one is scheduled for January 28, 2023. The applicant has requested two additional race dates in 2023. The proposed dates on January 14, 2023, January 28, 2023, and February 11, 2023. The property owner is supportive. The Commission should determine if the additional dates require a public hearing. Staff is not aware of any complaints. The Commissions discussed the request. This is good for the local economy. The additional races could be allowed for 2023 but would require an amendment and additional public hearing to continue in future years.

Commission Childs moved to allow C.U.P. 21-41 to add the races on the three dates listed for 2023 only; if the applicant would like to continue to have more dates, an amended conditional use permit application would be required. Commissioner Freeman seconded. Motion passed unanimously.

9:18 p.m.

### **2. 2022 Capital Improvement Program – Recommendation to the Board of Commissioners** Action Item

The Commissioners deliberated. This topic was discussed during a prior work session on November 17, 2022. The rates have been updated by the Valley County Engineer (Parametrix).

Commissioner Childs moved to recommend that the Board of County Commissioners adopt the updated Capital Improvement Program and the 2022 cost estimates with allowance of a negotiated contribution to a different CIP area if justifiable (i.e., contributions from various CIP areas for the S bridge).

Commissioner Freeman seconded the motion. Motion carried unanimously.

### **3. Impact Areas for Cascade, Donnelly, and McCall – Recommendation to the Board of Commissioners. Action Item**

This matter has been discussed by the Commissioners during prior work sessions. The maps and changes were reviewed.

Director Herrick recommended that if subdivisions within an impact area do not want to be included, they could petition the Board of County Commissioners during the public hearing process to be removed from an Impact Area.

Commissioner Caldwell moved to recommend the following:

#### **Cascade Impact Area** (See attached map.)

1. Adjust the southern boundary northward at least a mile to the southern section line of T.13N R.4E Sections 7 and 8 (approximately from Bear Wallow Road eastward to State Highway 55 north of One-Eleven Way).
2. Move the northern boundary to include additional area west of Highway 55 and north of Warm Lake Road.
3. Continue to apply Valley County Comprehensive Plan and Valley County ordinances

#### **Donnelly Impact Area** (See attached map.)

1. Northern boundary of Wallace Lane.
2. Western boundary at the waterline of Lake Cascade.
3. Southern line at Barker Lane, east of State Highway 55.
4. Eastern line should be modified to remove the large agricultural (pasture) area:
  - From Barker Lane, north along State Highway 55;
  - north along section line between Sections 14 and 15, T.16N, R.3E;
  - north along section line between Sections 10 and 11, T.16N, R.3E, to Wallace Lane
5. Change to apply Valley County Comprehensive Plan and Valley County ordinances.

#### **McCall Impact Area** (See attached map.)

1. Recommend approval of the concept of advisory votes by city members of the Joint PZ Commission. Actual votes to be made by McCall Impact Area members.
2. Shrink Impact Area and keep McCall Comprehensive Plan and Ordinances.
  - At least 300-ft from lakeshore of Payette Lake to remain in Impact Area.
  - Krahn Lane eastward to existing boundary;
  - North to existing city limits;
  - Krahn Lane west to State Highway 55,
  - Southerly around the Community Commercial-zoned property;
  - Around the airport to Moonridge Drive (same as existing boundary)
  - Follow existing city boundary along Moonridge Drive and then northerly along river (adding the parcels currently inside the city limits but outside current impact area)

- Continue north along the westerly boundary of the E ½ of the E ½ of Section 19, T.18N, R.3E (includes Valley View Subdivision No. 3, not Falcon Ridge Estates)
- Continue north along the westerly boundary of the E ½ of the E ½ of Section 18, T.18N, R.3E
- Continue westerly north of West Mountain Road (current city boundary),
- Continue northly along the easterly boundary of the W ½ of the W ½ of Section 18, T.18N, R.3E (current city boundary)
- Continue north along the easterly boundary of the W ½ of the W ½ of Section 7, T.18N, R.3E (current city boundary)
- Continue westward along the southerly boundary of the SWSW Section 7, T.18N, R.3E (current city boundary)
- Continue westward along the southerly boundary of the SESE Section 12, T.18N, R.2E (current city boundary)
- Continue west and south to encompass all of existing Whitetail PUD
- Continue northerly along Valley County – Adams County line.

These changes would

- Remove parcels/lots south of Krahn Lane from the Impact Area
- Remove some of the Nokes Properties with deed restrictions
- Keep the Idaho Endowment Lands and State Park Lands inside the Impact Area
- Remove all of White Cloud Subdivision as requested by the City of McCall
- Follow City limits north of West Mountain Road
- Add the portion of Whitetail PUD that has been annexed into McCall.
- Keep King Pines Estates 1 and King's Pines Estates II inside Impact Area.

as well as recommend that subdivisions within an impact area can petition to be removed. Commissioner Childs seconded the motion. Motion carried unanimously.

#### **F. FACTS AND CONCLUSIONS – Action Items:**

- C.U.P. 22-37 Tamarack Falls Estates
- C.U.P. 22-38 Hansen Glamping Site
- C.U.P. 22-39 Pound Glamping Site
- C.U.P. 22-41 Griffiths Multiple Residences
- C.U.P. 22-42: Brutsman Lodge
- C.U.P. 22-43 Longhorn Guest Ranch and Event Venue
- C.U.P. 22-44 Bloomfield RV Rental Site
- C.U.P. 22-45 Ikola Storage

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

Commission Freeman moved to adjourn the meeting. Commissioner Caldwell seconded the motion. Motion carried unanimously.

Vice Chairman Roberts adjourned the meeting at 9:25 p.m.