

Valley County Planning and Zoning

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STAFF REPORT: P.U.D. 23-01 Garnet Valley and C.U.P. 23-10 Preliminary Plat
HEARING DATE: September 5, 2023
TO: Board of County Commissioners
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director

APPLICANT: Dean Warhaft, Roseberry Park LLC
221 Main Street, Suite 2039, Los Altos, CA 94023-9051

OWNER: Mark Reichman, Timberline Development LLC
132 SW 5th AVE STE 100, Meridian ID 83642

ENGINEER / REPRESENTATIVE: Joe Pachner, P.E., and Stephanie Hopkins, KM Engineering LLP
5725 N Discovery Way, Boise, ID 83713

LOCATION: Parts of Parcels RP16N03E170945, RP16N03E170965, and RP16N03E171485 in the NE ¼ Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho

SIZE: Approximately 39 acres

REQUEST: Single-family Residences, Multi-family Units, Community Amenities, and Open Space

EXISTING LAND USE: Bare Land

BACKGROUND:

Previously, PUD 04-01 The Meadows at West Mountain was approved at the location of the current application. Only the first 3 phases were completed prior to the 2008 recession. Attached is a copy of the land use table and map. [Attachment D] The permit for PUD 04-01 was extended for a number of years, but expired in September of 2020. The current owner, Mark Reichman, Timberline Development LLC, was one of the original owners/applicants.

In 2022, the current applicant applied for P.U.D. 22-01 Roseberry Park PUD - A Manufactured Home Park and C.U.P. 22-10 – Preliminary Plat which contained a manufactured home park, community club house, and park amenities. This application was withdrawn in January 2023.

CURRENT:

An application was submitted by Roseberry Park LLC on February 28, 2023. A public hearing on P.U.D. 23-01 was originally scheduled for April 20, 2023. The applicant requested additional time to gather supplementary information and modify the application. Revised information was submitted on May 1, 2023. The changes were made to the original application based on the community's concerns and requests related to pedestrian and vehicular connectivity, density,

and the number of units proposed. An additional access point has been added to alleviate vehicle trips; the number of multi-family units was decreased from 324 to 306; and the overall density of the project decreased from 8.6 to 8.1 units per acre.

Roseberry Park LLC is requesting approval of the following:

- 306 multi-family units,
- 10 single-family residential lots,
- community amenities – clubhouse, sidewalks, 2 pickleball courts, half basketball court, bus stop (within the 20 acres of open space), and
- open space.

The multi-family units are clustered on the west side of the development. The overall proposed density is **8.1 units per acre**. Staff created maps showing **approximate densities within the general neighborhood ranging from 0.39 dwelling units/acre to 9.6 dwelling units/acre [Attachment E]**. A variance is required to relax the density limitations of 6 units per acre as allowed in Title 9.9 Planned Unit Developments.

The applicant states that this community has been designed to provide a rental housing product in an effort to fulfill the County's need for housing. The developer proposes to work with the County to provide approximately **82 units at a discounted rate** that would be available to first responders, educators, municipal workers, and other service providers. A certain percentage would be offered at **60% AMI and 80% AMI (See *Development Agreement – Attachment A*)**.

Construction would start in 2024 and occur in two phases. The first phase would include the 10 single-family lots, five multi-family buildings, and the clubhouse. The second phase would include West Roseberry Road frontage improvements and the remaining four multi-family buildings. The site has designated snow-storage areas and preliminary stormwater management plan. Information is included in the Impact Report and drawings.

Access would be from W. Roseberry Road (public). In addition, Moore Road (private) and Price Street (private) would be extended to provide multiple access points to the multi-family units. The single-family residences would be accessed from Timberline Drive (private). Road right-of-way for W. Roseberry Road would be dedicated to Valley County. Internal roadways will include rolled curb and gutter. Frontage improvements would be completed along Roseberry Road to improve drainage.

Underground power and telecommunications would be included. Each single-family residence would have mandatory garbage pickup. Centralized dumpsters would be available near the club house parking area. Single-family residential parking will be available on parking pads in front of each home and within enclosed garages. The multi-family portion would have both 576 standard parking spaces and 72 fully-enclosed garage spaces.

North Lake Recreational Sewer and Water will provide sewer services and water for both domestic use and fire flow needs. The applicant proposes to upgrade the existing sewer and water system used by the adjacent Meadows at West Mountain development so North Lake can assume management of the water system currently owned by Timberline Development LLC.

A Wildland Urban Interface Fire Protection Plan has been submitted. The multi-family units will include fire sprinklers. Wood stoves will not be used to heat apartments or single-family homes.

Occupancy of the homes is expected for Fall 2025. Floor plans and renderings of the multi-

units are included in the application. Units range from about 550-sqft studio apartments to about 1,200-sqft for two-bedroom apartments.

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

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

FINDINGS:

1. Submittals by the applicant were as follows:
 - The application was submitted on February 28, 2023. (Hand Delivered)
 - The Wildland Urban Interface Protection Plan was submitted on March 27, 2023.
 - Revised application materials were submitted on May 1, 2023, and in July 2023. [Attachment B]
 - A **Development Agreement** (draft) with transmittal letter and exhibits was submitted on July 11, 2023, in response to P&Z requests made on June 8, 2023. [Attachment A] **The Development Agreement summarizes the application and applicant's proposed mitigations.**
2. The Planning and Zoning Commission held properly noticed public hearings on June 8, 2023, and July 18, 2023.
 - One June 8, 2023, the P&Z Commission held a public hearing and then requested additional information. The public hearing was tabled to July 18, 2023, at 5:00 p.m.
 - On July 18, 2023, it was a motion to recommend a denial. A tie vote resulted; therefore, the motion was a recommendation of disapproval of the application to the Board of County Commissioners.
3. Legal notice for the Board of County Commissioner's public hearing on September 5, 2023, was posted in the *Star News* on August 10, 2023, and August 17, 2023. Potentially affected agencies were notified on August 3, 2023. Property owners within 300 feet of the property line were notified by fact sheet sent on August 3, 2023. The notice and application were posted online at www.co.valley.id.us on August 3, 2023. The site was posted on August 9, 2023, at three locations: along W. Roseberry Road, at the intersection of Timberline Drive and Moore Road, and at the intersection of Timberline Drive and Price Street.
4. The Planning and Zoning Commission **Facts and Conclusions**, along with the **Minutes/Exhibits** of June 8, and July 18, 2023, are attached for review [Attachment C].

The following were the conclusions of the Commission and each P&Z Commissioner, in alphabetical order:

Conclusions:

1. *Valley County must follow the laws of the State of Idaho and those identified in the Valley County Code.*
2. *Valley County has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses.*
3. *Valley County has one mixed use zone that is a performance-based ordinance which promotes mitigation of impacts.*

4. Valley County should provide a mix of housing types.
5. The Valley County Engineer would approve the stormwater management/drainage and snow storage.
6. The applicant submitted a complete and organized application.
7. A development agreement will be required in accordance with Idaho Code 67-6511A.

In addition, the Planning and Zoning Commissioners made the following conclusions:
(alphabetically by Commissioner)

Chairman Caldwell stated **reasons to approve** the proposal:

- 1) The proposed use is compatible with surrounding land uses. This application had a positive compatibility rating in accordance with Valley County Code Appendices 9-11-1.
- 2) The Comprehensive Plan Chapter 2 Population Goal 1 encourages the Commission to accommodate growth and provide affordable and quality housing types.
- 3) The Comprehensive Plan Chapter 8 Housing and Community Design Goal 1 states: Encourage an adequate supply and variety of affordable and quality housing types for the local residents, including current and future, working and retired. Objectives listed include:
 - Encourage local employers to provide worker housing.
 - Affordable housing should be in a wide range of locations.
- 4) The site is near an existing central sewer and water systems exist. The site should not be discounted as too rural.
- 5) The site is no longer productive agricultural ground.
- 6) A portion of the adjacent Meadows at West Mountain P.U.D. has higher density; multi-family units are at 9.6 dwellings/unit.
- 7) Infrastructure would be improved for the existing residents.
- 8) There would be a total of 82 units for low-income and/or workforce housing for those living and employed by someone in Valley County.
- 9) The 10 single-family homes will be stick built.
- 10) The applicant has agreed to contribute \$1.2 million to improve Valley County roads and bridge infrastructure in the area.
- 11) The proposal does meet the requirements of Valley County Code Title 9, Chapter 9 Planned Unit Development. The proposal includes the required open space as well as amenities.
- 12) That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.

Commissioner Childs stated **reasons to approve** the proposed application:

- 1) The proposed use is compatible with surrounding land uses. This application had a positive compatibility rating in accordance with Valley County Code Appendices 9-11-1.
- 2) The increase in traffic along West Roseberry Road would be negligible compared to the traffic to and from Tamarack Resort.
- 3) The site is surrounded by residential housing on three sides; therefore, it fits the neighborhood. A portion of the adjacent Meadows at West Mountain P.U.D. has higher density.
- 4) Infrastructure, including water, sewer, and power, exist at the site.
- 5) Impacts to existing homes have been mitigated by cluster of lot types, open space, and landscaping; the apartments are located away from the single family areas.
- 6) Environmental concerns are reviewed by agencies with technical knowledge; these agencies have responded in a positive way.
- 7) The proposal does meet the requirements of Valley County Code Title 9, Chapter 9 Planned Unit Development.

- 8) *That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.*

Commissioner Roberts stated **reasons to deny** the proposal.

- 1) *The proposal is in conflict with Idaho Code 67-6502 (d), (f), (g), (h), and (j). [attached IC 67-6502]*
- 2) *The proposal is in conflict with goals listed in the Valley County Comprehensive Plan, specifically Chapter 1 (will and desire of the citizens), Chapter 2 Goal II, Chapter 3 Goal I (of the existing citizens), Chapter 4 Goal I & III, Chapter 8 Goal IV, and Chapter 13 Goal I.*
- 3) *The proposal is in conflict with Valley County Land Use and Development Ordinance, specifically 9-9-3(e) Chapter 10 Density, 9-9-6(g) Flooding (potential issues and evidence from Spring 2023), and 9-9-7(a) Density.*
- 4) *The density of this proposal is not compatible in this location and the community in general.*
- 5) *This development would be detrimental to the water quality of Cascade Reservoir.*
- 6) *The community's overwhelming opposition should be considered.*
- 7) *The Commission is tasked with considering the use of land, not workforce housing.*
- 8) *Does not protect the private property rights of nearby properties.*

Commissioner Swain stated **reasons to deny the proposal**.

- 1) *The applicant's representatives did a good presentation and answered questions; however, he does not think the application should be approved.*
- 2) *Units could easily be rented by vacationers or seasonal renters.*
- 3) *The units that would be marketed as workforce units are not affordable by the local workers. In order for renters to afford the least expensive unit, income must be \$20 per hour or 54000 per year based on 30% of income spent on housing.*
- 4) *This development only provides 81 workforce housing units of a total of 306 units.*
- 5) *West Roseberry Road and the S-Bridge are already overstretched to accommodate the traffic volume; cannot add more traffic to the area.*
- 6) *This proposed density should be within urban and urban-type development within existing cities.*
- 7) *This application and location would require hundreds of more vehicle trips; it is not near any urban development where walking and biking would be used for commuting.*
- 8) *The Comprehensive Plan Chapter 8 Housing, Goal IV states: To encourage new development in or near the existing cities and communities in Valley County.*
- 9) *The Comprehensive Plan states that multi-family residences are to be located in cities and impact areas.*
- 10) *He would champion this development if it was located just north of Donnelly. Planned unit developments such as Tamarack Resort which include golf courses and ski slopes require a specific location outside of the urban areas. High density developments should be within city or impact area limits.*
- 11) *The issues with the infrastructure and location cannot be mitigated.*

Exhibits – June 8, 2023 - PZ Commission Public Hearing

- Exhibit 1 – Valley County Engineer's requirements. A U.S. Corps of Engineers 404 permit may be required. (June 8, 2023)
- Exhibit 2 – Brandon Yallaly, owner of a home in The Meadows at West Mountain, is opposed. (June 7, 2023)
- Exhibit 3 – Micah Adams, 11 Charters DR, is opposed. (June 7, 2023)
- Exhibit 4 – Letter of support from West Central Mountain Economic Development Council. (May 15, 2023)

- Exhibit 5 – Applicant's slide presentation.
- Exhibit 6 – North Lake Recreational Sewer and Water District Letter.
- Exhibit 7 – Timberline Development INC Letter.
- Exhibit 8 – Typical renderings of color scheme and drawings of buildings.
- Exhibit 9 – Applicant's response to questions listed in the staff report.

Exhibits – July 18, 2023 - PZ Commission Public Hearing

- Exhibit 1 – Applicant's slide presentation for July 18, 2023.
 - Exhibit 2 – Draft Lease.
 - Exhibit 3 – Revised Traffic Analysis from applicant.
 - Exhibit 4 – Valley County Traffic information from Valley County Road Department, 2022.
 - Exhibit 5 – Tamarack Resort information requested by PZ Commission.
 - Exhibit 6 – Julia Thrower, Mountain Top Law, on behalf of Stay Valley Strong, requested Chairman Caldwell recuse herself. (July 14, 2023)
 - Exhibit 7 – Dennis and Patricia Scroggins' letter in opposition (July 17, 2023).
 - Exhibit 8 – W. David Duff's response in opposition (July 18, 2023).
 - Exhibit 9 – Drenda Coski Duff's response in opposition (July 18, 2023).
 - Exhibit 10 – Pamela McChrystal submitted information on rental listings on Zillow.com in Valley County (July 12, 2023)
 - Exhibit 11 – Brandon Roberts, 13144 Hawks Bay Road, submitted Idaho Housing and Finance Association data.
5. Physical characteristics of the site: Relatively Flat Bare Ground
6. The surrounding land use and zoning includes:
 North: Meadows at West Mountain PUD
 South: Single-family Residential Subdivisions and Agricultural
 East: Meadows at West Mountain PUD
 West: Single-family Rural Parcels
8. Valley County Code (Title 9, Chapter 5 and Chapter 9): In Table 9-3-1, this proposal is categorized under:
- 2. Residential Uses (h) Planned Unit Development
9. Valley County Code (Titles 9 and 10) should be reviewed for determination of technical issues of the plat.
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10. **All Agency comment received:** *[Attachment H]*

Saran Becker, Idaho Transportation Department, stated this project does not abut the State Highway system. ITD has concerns with traffic impacts at the intersection of E Roseberry RD and SH-55 due to the construction of the development on these parcels, and the associated trip generations/impacts to the State Highway system. Due to the size and proximity of this development, impacts to the State Highway system can be anticipated. A Traffic Impact Study is requested. (August 7, 2023, August 9, 2023)

(The following agency response are already in the record...)

Central District Health states that an application, engineering report, and approval letters are required. (March. 14, 2023; May 9, 2023)

Travis Pryor, North Lake Recreational Sewer and Water District, states the property was

annexed by the District in 2004. The proposed PUD/CUP at a minimum would require that Timberline LLC fulfill the requirements of the 2004 Conditions of Annexation, substantially complete the Phase 2 & 3 sewer infrastructure, receive District approvals for additional sewer capacity/EDU's, and submit infrastructure design for approvals prior to serving any additional development within the Meadows at West Mountain Subdivision. (March 14, 2023)

Jeff McFadden, Valley County Road Department Superintendent, stated that County-maintained roads that would see increased traffic would include West Roseberry Road, Norwood Road, Tamarack Falls Road, and West Mountain Road. It is expected that transportation services including all season road maintenance, road resurfacing, road rebuilds will be impacted by increased traffic. Recommendations were made concerning dedication of 50-ft of road right-of-way and payment of road improvement costs. The applicant will need to negotiate an agreement with the Board of County Commissioners and Road Superintendent. (April 10, 2023)

Jess Ellis, Donnelly Fire Marshal, replied with requirements for roads, water supply for fire protection, hydrants, sprinkler systems, fire alarms, and address posting. (May 22, 2023)

The applicant's representative submitted comments that the Valley Soil and Water Conservation District Board of Supervisors had sent directly to the applicant upon review of the preliminary plans. Responses include information on public safety, density, drainage, wetlands, and ingress/egress. (March 7, 2023)

Valley Soil and Water Conservation District replied with concerns regarding storm water treatment, drainage, Best Management Practices, wetland delineations and impacts, pollutants, road salt, and Lake Cascade water quality. The pond design should be re-evaluated with the county engineer to include a larger treatment volume. Lake Cascade with its complexity of nutrient problems is impaired for failing to meet Environmental Protection Agency's list of 303(d) water quality standards and currently has no remaining natural resiliency to annual nutrient loading and eutrophication. (June 1, 2023)

Deedee Gossi, Chief Deputy Assessor, stated that The Meadows at West Mountain, Phase 1, 2, and 3 contain 233 total parcels. Eighteen (18) are unimproved, being a combination of bare lots and/or common area. There are 215 improved parcels; only 45 of which currently have a homeowner's exemption. The remaining 170 appear to be second homes/rentals/etc. (June 22, 2023)

Jody Green, Valley County Planning Tech/Code Compliance, stated there are 36 short-term rentals from Norwood RD to Tamarack Falls Rd, as follows:

- 7 In Meadows at West Mountain Townhomes
- 7 in Meadows at West Mountain Single Family Residences
- 2 in Hillhouse Subdivision
- 11 in Hawks Bay Subdivision
- 9 along Norwood to the south of West Roseberry

McCall Area Local Housing Action Plan Bridge – it is available in color in the McCall Area Local Housing Action Plan. Emailed the entire plan to the P&Z Commission on multiple occasions.

10. Public Comment Received After the Public Hearing on July 18, 2023 [Attachment I]

There were comments requesting a different public hearing date/time and/or the option

for the public to comment using Zoom.

Staff Comment: *Our goal is to have a clean, transcribable record of the proceedings that is consistent with typical Valley County hearing procedures. Idaho Statutes require us to have a transcribable record. Our adopted hearing procedures do not include a Zoom option. The public hearing was noticed as an in-person hearing. Letters or emails may be submitted prior to the hearing; letters over one page must be submitted seven days in advance. The hearing can be viewed on the YouTube channel that is accessed from the Valley County website.*

* Response includes comments regarding the meeting date/time plus comments regarding the proposal. The copy of the letter is included in the opponent group, but is listed twice in the Staff Report. If NO * it is only about date and time.

- 1) Pamela McChrystal - August 7, 2023
- 2) Camille Schiller - August 7, 2023
- 3) Micah Adams, 11 Charters Drive - August 7, 2023.
- 4) Therese and Gregg Gibboney, "Stay Valley Strong" - August 8, 2023
- 5) Dustin and Molly Johnson - August 8, 2023
- 6) Tom and Marilee Haynes - August 7, 2023
- 7) Therese Gibboney, representing "Stay Valley Strong" - August 11, 2023, August 14, 2023, August 15, 2023
- 8) April Roberts, Hawks Bay Subdivision - August 14, 2023
- 9) Karianne Fallow, 29 Buckskin Drive - August 14, 2023
- 10) * Carrie Sayer - August 7, 2023
- 11) * Chris Renfro representing Tamarack Vista Properties and "Stay Valley Strong" - August 7, 2023
- 12) * Suzan Van Uitert, 17 Charters Drive - August 8, 2023
- 13) * Sue Bussell - August 8, 2023
- 14) * Maria and Jim Jacobson, The Meadows at West Mountain - August 8, 2023
- 15) * Drenda Coski Duff, 19 Buckskin Drive - August 8, 2023
- 16) * Bill and Linda Eddy, Donnelly - August 9, 2023, August 15, 2023
- 17) * Deidre and Shawn Hushman, 15 Buckskin Drive, and owner lot in Hawks Bay Subdivision - August 9, 2023
- 18) * Steven Taggart, owner of 31 Mangum Units, 20 Price ST, 27 Price ST - August 8, 2023
- 19) * Jaclyn Mentzer - August 14, 2023
- 20) * Leta Dorsett Edwards, 35 Moore Road - August 10, 2023
- 21) * Tim Rollenhagen, 14 Charters Drive - August 17, 2023

In Favor – Reasons Given Include:

- Much needed workforce housing.
- Excellent location.

- 1) Shane Hinson - August 8, 2023

Comments - Neither in Opposition or in Favor – Reasons Given Include:

- Land use changes over time.
- Some of the junkiest-looking properties are the ones sported "Opposed" signs in their yards.
- The proposed \$1200 per month is relatively affordable housing; housing is needed.

- If roads and S-Bridge widths were expanded, this proposal may be feasible, although not ideal.
- 1) Stu Young, 12880 Norwood RD - July 25, 2023
 - 2) Suzan Van Uiter, 17 Charters Drive - August 8, 2023

In Opposition – Reasons Given Include:

- This high-density development belongs within the city limits or impact area. Variance should not be approved. Surrounding subdivisions are less dense.
- Opposed to 3-story buildings in residential rural area.
- The proposed rents would not be affordable for Valley County residents/workers. The lack of affordability is compounded by the location which would necessitate car(s) for people living far from work, school, church, restaurants, library, childcare, post office, food banks, and shuttle transportation.
- Approval would lead to contiguous landowners to also get variances for high densities.
- Traffic concerns and S-Bridge concerns. The ITE Traffic Analysis provided by the developer estimated 2,117 additional daily vehicles trips on the S-Bridge. Proposed mitigation falls short.
- Noise concerns.
- Infrastructure not designed to handle the traffic and demands to support that many more families, this includes roads, sewer, and water needs.
- Ownership of the private roads within The Meadows of West Mountain is disputed.
- Timberline Development LLC was dissolved in April 2023.
- The existing private streets were not designed to handle additional load of 2117 daily vehicles. The wear on the streets will increase the HOA's expense. There are no sidewalks/pathways for pedestrians or bicyclists who currently use the roadways.
- There is not enough snow storage space.
- Who will pay for increased need for staff of emergency services?
- Animal migration has not been adequately addressed.
- The application is noncompliant with the Comprehensive Plan.
- A large rental development is not a positive solution to our housing shortage; no pride of ownership leads to property deterioration.
- School size and teacher availability will be impacted.
- Dark sky rules are not adequately addressed.
- The applicant's open space calculation should not include the common areas in The Meadows at West Mountain.
- Opportunity Zones are criticized.
- Commissioner Freeman was for denial at the public hearing on June 8, 2023. Therefore, it would seem it was 3-2 for recommendation of denial, not simply a tie vote.

- 1) Carrie Sayer - August 7, 2023
- 2) Chris Renfro of Tamarack Vista Properties and "Stay Valley Strong" - August 7, 2023
- 3) Molly Johnson, Timberline DR - August 8, 2023
- 4) Sue Bussell, Donnelly - August 8, 2023
- 5) Maria and Jim Jacobson, The Meadows at West Mountain - August 8, 2023
- 6) Drenda Coski Duff, 19 Buckskin Drive - August 8, 2023, July 18, 2023
- 7) Bill and Linda Eddy, Donnelly - August 9, 2023
- 8) Deidre and Shawn Hushman, 15 Buckskin Drive, and owner lot in Hawks Bay Subdivision - August 9, 2023
- 9) Steven Taggart, owner of 31 Mangum Units, 20 Price ST, 27 Price ST - August 8, 2023

- 10) Linda Schleicher, Meadows at West Mountain - August 12, 2023
- 11) Jaclyn Mentzer - August 14, 2023
- 12) Leta Dorsett Edwards, 35 Moore Road - August 10, 2023, August 11, 2023
- 13) Karen Tatum Ternes, 13168 Cameron Drive - August 10, 2023
- 14) Tim Rollenhagen, 14 Charters Drive, August 17, 2023
- 15) Therese Gibboney & Linda Eddy, "Stay Valley Strong" - August 18, 2023
- 16) Joel and Patricia Gyllenskog, 1815 Schultz Lane - August 18, 2023
- 17) Gary Swain - August 16, 2023
- 18) Pamela McChrystal - July 23, 2023, August 10, 2023, August 11, 2023, August 14, 2023

Response summaries received for the Planning and Zoning Commission public hearings can be read in the attached PZ Staff Reports and meeting minutes. Complete copies are available in the Planning and Zoning office.

SUMMARY:

(Questions to the Board of County Commissioners)

Does this application meet the standards of a Planned Unit Development in Title 9-Chapter 9 Planned Unit Development & Chapter 5 Conditional Uses and Title 10 Subdivision Regulations?

Title 9, Chapter 9 Planned Unit Development Regulations [Attachment F]

A Planned Unit Development is required to allow for the relaxation of the standards as follows:

- Title 9 density to allow for 8.6 dwelling units per acre versus the 2.5 dwelling units per acre as shown in 9-5C-6 below.

9-5C-6: DENSITY:

- A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.
 - B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation.
- VCC 9-9-7-C. **Waiver Or Modification Of Specifications, Standards And Requirements:** It is recognized that the uniqueness of each proposal for a PUD requires that the specifications, standards, and requirements for various facilities, including, but not limited to: roads, alleys, easements, utilities, signs, parking areas, storm drainage, water supply and distribution, and sewage collection and treatment, may be subject to modification from the specifications, standards, and requirements established for subdivisions and like uses in this title. The commission may, therefore, at the time of general submission as requested by the applicant, waive or modify these specifications, standards, and requirements which otherwise shall be applicable.
 - VCC 9-9-7-D. **Averaging And Transferring Densities:** Averaging and transferring densities within the PUD shall be allowed: 1) upon a showing that it fits the definition of a PUD; 2) as long

as the overall average residential density is no greater than six (6) dwelling units per gross acre; and 3) only if residential units are to be connected to central water and sewer systems. The overall average residential density shall be calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross area expressed in acres within the boundaries of the PUD, except public lands. It is recognized that the increased residential density of a PUD shall be in relationship to the site and structure location, application of technology, design, construction techniques, landscaping and topography.

- The building heights, building setbacks, and parking requirements will meet the required standards in Valley County Code.

9-5C-3: MINIMUM SETBACKS:

The minimum building setbacks shall be thirty feet (30') from front, rear, and side street property lines and fifteen feet (15') from all side property lines. Setbacks for mobile homes in subdivisions or parks shall be in accordance with title 12, chapter 1 of this code. A PUD, condominium or other cluster development may include zero lot line development and other reduced setbacks in accordance with the approved development plan or plat. (Ord. 11-5, 6-6-2011)

9-5C-5: SITE IMPROVEMENT:

A. Off Street Parking Spaces: Two (2) off street parking spaces shall be provided for each dwelling unit. These spaces may be included in driveways, carports, or garages.

- Common Open Space for residential developments is 50%. However, the commission may reduce this requirement if they find a decrease is warranted by the design of, and the amenities and features incorporated into the development (**Valley County Code 9-9-7-I**).
- Clustering of the residential area increases the amount of open space available for recreational and community uses.

Staff's Compatibility Rating is +31: The Compatibility Questions and Evaluation, blank forms, the matrix, Title 9-11-1 Appendix A, and Resolution 7-98 and Board exclusive ratings. [Attachment G]

- Questions 1-3 are based upon the matrix
- Questions 4-9 are based upon comprehensive plan, ordinances, application, and mitigation of determined impacts.

STAFF COMMENTS and QUESTIONS in the PZ Staff Report – see applicant's response in the minutes and exhibits of June 8, 2023.

1. The property is within the Donnelly Fire District and is not within an irrigation district.
2. Should discuss use of Timberline DR and Timberline LLC water system.
3. The pathway along W. Roseberry RD will be continued through this property.
4. Is it a true statement that there will be no internal roads constructed; there are only driveways and parking lots?
5. Have you considered making any of the buildings condominiums?
6. Will there be an on-site manager?
7. Will public events such as weddings be held at the club house? What activities will be allowed in the community center?

8. Will the pickleball courts, etc., be open to the public?
9. Plat Note 10 – Conduit should be placed for fiber optic for broadband.
10. Plat Note 15 – Disturbed surfaces should be reseeded to prevent Noxious Weeds.
11. Staff Comments:
 - Fish and Game letter dated July 14, 2022 for Roseberry Park P.U.D. stated: “considering the footprint of the project is adjacent to existing subdivisions on the north, east, and south, and it overlays an existing agricultural area that has already been disturbed leaving little intact native habitat on the property, IDFG would not anticipate significant negative effects of the proposed activities on native plant and wildlife populations....recommends precautions be taken to protect nearby wetlands and waterways from contamination as a result of project implementation activities. IDFG has no other records of sensitive wildlife or plants species within 1 mile of the project area...”.
 - The Army Corps of Engineers has jurisdiction over wetlands. Any impacts to wetlands will be permitted through the COE.
 - There should be some collaboration between the Homeowner’s Associations in what was originally approved as The Meadows at West Mountain. After all of the property is platted, the open spaces and rights-of-ways should be deeded to the HOAs that are responsible for the upkeep. This should not happen until all cross easements are in place. This proposal accesses using Timberline DR and should not be deeded to the original HOA without easements.
 - The 2000 DEQ Implementation Plan “Phosphorus Sources” shows that urban/suburban/roads (11%) is less impact to water quality on Lake Cascade than Agricultural uses (29%) or forestry uses (22%). I suggest with proper BMPS, levels at specific sites can be contained on-site.
 - The Valley County Comprehensive Plan is implemented through compliance with the Valley County ordinances. Various portions of the Plan can be used both for approval and disapproval of the same application.
 - *VCC 9-9-7-1. Common Open Space: At least fifty percent (50%) of the total area within the boundary of any residential PUD and twenty percent (20%) of any commercial or industrial PUD shall be devoted to common open space; provided, however, that the commission may reduce this requirement if they find that such a decrease is warranted by the design of, and the amenities and features incorporated into, the plan and that the needs of the occupants of the PUD for open space can be met in the proposed development. Each residential unit shall have ready access to common areas and facilities.* (Staff: The proposed open space 20.34 acres or 52%. The residents have access to open spaces, dog parks, sport courts, playgrounds, and a walking path along West Roseberry RD. The Commission may determine this meets the requirements of open space and amenities. The multi-family area in the Meadows at West Mountain has a similar type of centralized open area with a playground.)

ATTACHMENTS:

- Attachment A: Applicant's Transmittal Letter (Comprehensive Plan Evaluation, Concept Plans, Renderings, Amenities, Parking and Phasing Plan) Development Agreement *Draft*
- Attachment B: Applicant's July 18 Presentation
Apartment Lease Contract EXAMPLE
Applicant's Revised TRAFFIC ANALYSIS
Applicant's June 8 Presentation
Applicant's June 8 Renderings in Presentation
Applicant's June 8 Response to Staff's Questions
- Attachment C: P&Z Commission Findings of Fact and Conclusions of Law
P&Z June 8, 2023 Minutes and Exhibits
P&Z July 18, 2023 Minutes and Exhibits
- Attachment D: PUD 04-01 Meadows at West Mountain Phasing and Approved Plans
- Attachment E: Density of Surrounding Land Uses
- Attachment F: Title 9-9 PUD Regulations
- Attachment G: Staff's Compatibility Rating
Blank Compatibility Rating Form and Instructions
Resolution No. 7-98
- Attachment H: Agency Comments (includes at P&Z Hearings)
- Attachment I: Public Comments
- Attachment J: AMI Bridge from McCall Housing Plan
80% AMI Income Guidelines – Idaho Housing and Finance 2022
- Attachment K: Owner's Declaration of Private Roads for The Meadows at West Mountain
- Attachment L: P&Z June 8, 2023 Staff Report
P&Z July 18, 2023 Staff Report
- Attachment M: Vicinity Map
Aerial Map
Conceptual Maps (New w/ W. Roseberry RD Connection and Old Version)
Pictures of Postings of the Site from April 6, and May 25, 2023

Conditions of Approval that were initially proposed by Staff.

1. The application, the staff report, and the provisions of the Land Use and Development

Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.

2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The final plat shall be recorded within two years of approval of the conditional use permit or this permit will be null and void.
4. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
5. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.
6. Prior to final plat, the applicant's engineer shall certify that the roads have been built to approved standards or be financially guaranteed. Applicant's engineer shall also confirm all utilities were placed according to the approved plans.
7. Wetlands must be delineated and shown on the final plat.
8. Must bury conduit for fiber optics with utilities.
9. A Private Road Declaration is required to confirm that the roads will be maintained.
10. A Declaration of Installation of Utilities is required with the final plat.
11. Must comply with the requirements of the Donnelly Rural Fire Protection District unless specifically allowed as a variance in regard to a planned unit development or a letter of approval is received from Donnelly Rural Fire Protection District.
12. Community rules should address lighting, noxious weeds, wood-burning devices, landscaping, and uses of common areas and amenities.
13. All lighting must comply with the Valley County Lighting Ordinance.
14. Shall place addressing numbers at each residence and multi-family unit.
15. The Valley County Engineer shall confirm there is adequate snow storage.
16. A Development Agreement should be agreed upon for off-site road improvements and matters agreed upon in the application and presentation.
17. An agreement with North Lake Recreational Sewer must be finalized prior to approval of building permits.
18. The applicant will update the Planning and Zoning Commission on an annual basis.

19. Prior to construction of any on-site improvements, the applicant shall meet with the Valley County Road Director and/or Board of County Commissioners to discuss off-site road improvements. If an agreement cannot be reached the application shall be set for another public hearing with the Valley County Planning and Zoning Commission to determine if the application can be approved without improvements and still meet their mandates concerning public health, safety, and welfare matters. The discussion will be concerning current road conditions and potential mitigation for impacts caused by the development.
20. The following notes shall be placed in the notes on the face of the final plat:
- "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
 - "All lighting must comply with the Valley County Lighting Ordinance."
 - "Surrounding land uses are subject to change."

END OF STAFF REPORT

**Attachments are available at the Planning and Zoning Office
or contact Staff at 208-382-7115**