

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
May 2, 2016**

**PRESENT: GORDON L. CRUICKSHANK (CHAIRMAN)
BILL WILLEY (COMMISSIONER)
ELT HASBROUCK (COMMISSIONER)
DOUGLAS MILLER (CLERK)**

Meeting called to order by Chairman Cruickshank at 9:01 a.m.

Commissioner Willey led the Pledge of Allegiance.

Chairman Cruickshank presented the Commissioner's Agenda for May 2, 2016. Chairman Cruickshank advised that Sheriff, Patti Bolen would like to have a matter added on the agenda for approval of a donation of buoys. Commissioner Hasbrouck made a motion to amend the agenda and add the buoy donation to the Commissioner's Agenda. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to approve the Commissioner's Agenda for May 2, 2016, with the added matter.

Chairman Cruickshank presented the Commissioner Meeting Minutes from April 25, 2016. Chairman Cruickshank made a motion to approve the Commissioner Meeting minutes from April 25, 2016. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve the Commissioner meeting minutes from April 25, 2016.

Chairman Cruickshank began the discussion related to appointing a Commissioner to represent Valley County on the Regional Landfill Board. Chairman Cruickshank made a motion to appoint Commissioner Hasbrouck to the Regional Landfill Board. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to appoint Commissioner Hasbrouck to the Regional Landfill Board.

Sheriff, Patti Bolen informed the Commissioners that there was an individual who purchased two buoys for the Waterways Program to be used in the Boulder Creek Arm on Cascade Reservoir. She advised that the total donation was over \$300. Commissioner Hasbrouck made a motion to accept the donation of the two buoys from Don Lojeck to be used at the Boulder Creek Arm on Cascade Reservoir. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to accept the donation of two buoys from Don Lojeck to be used at the Boulder Cree Arm on Cascade Reservoir.

Treasurer, Glenna Young presented on a proposed policy for credit application for the Solid Waste Transfer Site. Glenna presented a charge that she would like the Commissioners to charge off. She explained that her office had been attempting to collect the fees from an invoice. Commissioner Hasbrouck made a motion to “Charge Off” invoice presented by Treasurer, Glenna Young. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed.

Glenna explained that proposed process for creating a policy for credit application at the Solid Waste Transfer Site. She advised that her office would process the applications and present to the Commissioners for approval. Glenna advised that she spoke with prior Prosecuting Attorney, Jay Kiiha regarding charging interest if organizations to not pay their accounts in a timely matter. She explained that she did not fully understand his response and she indicated that she would discuss with Interim Prosecuting Attorney, Carol Brockmann. Commissioner Hasbrouck asked if there was a minimum amount that would be allowed for credit? Glenna explained that the Treasurer’s Office had not discussed setting a minimum amount for credit. Chairman Cruickshank advised that he did not see on the application where it identifies who would be authorized to use the credit at the Solid Waste Transfer Site. Chairman Cruickshank suggested requiring a letter from the company to indicate who would be allowed to dump on behalf of their company. Glenna presented a sample of a document that would be used for individuals who bring items up to the Solid Waste Transfer Site and forget their wallets in order for them to send payment in. Glenna asked if there were modifications that the Commissioners would like to make to the proposed credit application? The Commissioners suggested that a formal document be prepared to send to applicants informing everyone about the change in procedure. Glenna presented to two new applications to have the Commissioners approve. Commissioner Willey made a motion to approve the credit applications for Straight Line Building Solutions and Payette Builders, Inc. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to approve the credit applications for Straight Line Building Solutions and Payette Builders Inc.

Chairman Cruickshank advised that the Commissioners would be going into closed hearing for Indigent/Charity at 9:45 a.m.

Chairman Cruickshank brought the Commissioners out of closed hearing for Indigent/Charity at 9:52 a.m.

Decision after closed hearing:

16-KV094

Final Determination of Denial

Director, Russ Duke and Josh Kriz from Central District Health presented to the Commissioners on the Proposed Fiscal Year 2017 Budget for the Commissioners to consider. Director Duke advised that the budget for Central District Health begins in July of 2016. He advised that he was proposing a 3% salary increase for employees of Central District Health. He provided a brief overview of the process for the Budget Hearing for Central District Health which will take place on May 20, 2016. Director Duke explained new positions that Central District Health would like to create to work with parents but advised that funding would not be from counties. He explained the proposed office structure for Central District Health for the upcoming year. Director Duke advised that Valley County's contribution for Fiscal Year 2017 would be proposed to increase to \$90,322. He provided an explanation for the proposed increase of the county's contribution and what the funds would be utilized for. He provided a proposed expense for operating costs and capital outlay costs. Director Duke discussed the proposed revenue for Fiscal Year 2017. A copy of the Fiscal Year 2017 Budget for Central District Health would be appended to the Commissioner meeting minutes. Director Duke concluded the presentation for Central District Health.

Chairman Cruickshank began the discussion related to the Waterways Marine Deputy Wage discussion. Sheriff Bolen informed the Commissioners about the increase that was provided to returning Seasonal Waterways Marine Deputies to \$17.34 per hour. Sheriff Bolen provided an overview of how the increases were determined with prior Commissioner approval. Chairman Cruickshank expressed that Commissioners would continue to allow returning Seasonal Waterways Marine Deputies to be paid \$17.34 per hour depending on their experience.

Chairman Cruickshank began the discussion related to Road Superintendent position. Chairman Cruickshank provided an overview of the steps that were taken to fill the open Road Superintendent position. Commissioner Hasbrouck made a motion to appoint Jeff McFadden as the permanent Road Superintendent. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to appoint Jeff McFadden as the permanent Road Superintendent. Chairman Cruickshank began the discussion related to the proposed salary for Road Superintendent. Commissioner Willey believed that the salary should be the same as the prior Road Superintendent which was \$57,783.00. Commissioner Willey made a motion to begin funding the Road Superintendent at the salary of \$57,783 starting May 1, 2016. Commissioner Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to begin funding the Road Superintendent at the salary of \$57,783.

Jeff McFadden advised that he had accrued comp time that he earned as he was a Forman and requested that the Commissioners pay him out for the accrued comp time. After discussion related to the matter and Commissioner Hasbrouck made a motion to pay out Jeff McFadden his accrued comp time at prior assistant supervisor wage. Commissioner Willey seconded the motion. No further discussion, all in favor. Motion passed to pay out Jeff McFadden his accrued comp time at his prior assistant supervisor wage.

Commissioners recessed for lunch at 11:45 a.m.

Board of County Commissioners Meeting

May 2, 2016

Page 3

Commissioners returned from lunch at 1:00 p.m.

Chairman Cruickshank opened the Public Hearing for the Appeal of C.U.P. 16-01 Huckleberry Jam Camping Site at 1:01 p.m.

Chairman Cruickshank asked if any of the Commissioners had any ex parte communication. All Commissioners expressed that they have not had any ex parte communication regarding the appeal that was being presented.

Planning & Zoning Administrator, Cynda Herrick provided her staff report to the Commissioners. A copy of the staff report would be available on the Valley County Website along with the audio recording of the public hearing.

Chairman Cruickshank asked if there were any questions from the Commissioners. Commissioner Hasbrouck asked if service animals were able to be granted access to the proposed campground? It was explained that service animals would be able to have access. Commissioner Hasbrouck asked if showers were being provided? It was advised that showers would not be provided. Commissioner Hasbrouck asked about security? It was informed that this would be addressed during the proponents of the C.U.P. Application. Chairman Cruickshank asked if there was a determination what kind of fencing would be built? Cynda advised that there would just be a barrier put up for the wetlands.

Chairman Cruickshank asked to hear from the appellant. Mr. Brian Reese, resides at 13276 Finlandia, Donnelly, Idaho. He advised that he is a lot owner in the subdivision. Mr. Reese advised that he is not an agent of anyone and his comments that are being made are his own. He explained that he was the original appellant. Mr. Reese expressed that he is not here because he doesn't like the Huckleberry Jam. He advised that the location of the campground is not at the laydown site it would be located in the wetlands. He believed that the campground would be an established background. He believed what is wanted to be done violates Idaho Code in Title 9 Section 5. He believed based on the code he had four basic objections. He believed that there would be detrimental environmental impact because the campground would be on designated wetlands. Mr. Reese believed that the conditional use permit would be an ongoing matter and the potential impact that could be caused to the landowners is evident by the guidelines that were established by the P&Z Commissioners. He compared the Huckleberry Jam to what occurs at North Beach and believed that it has the potential for negative impact on the environment. He advised that there was no discussion at the Planning & Zoning meetings about the exact location of the wetlands. He does not believe that three security guards would have the ability to prevent participants to cross into the wetlands and to violate personal property rights. Mr. Reese read the response from the Bureau of Reclamation. He believed that this would be an ongoing permit. He asked who would the property owners go to if there was damaged caused by the Huckleberry Jam. Mr. Reese also had concerns about the condition of the road after the event takes place. He believed that there were alternative locations for the campground to be established at Tamarack Resort. Mr. Reese was respectfully asking the Commissioners to deny the C.U.P. 16-01 Huckleberry Jam Camping Site.

Chairman Cruickshank accepted testimony from Townsquare Media Boise to present to the Commissioners. Mr. Mike Owens who was representing Townsquare Media, 827 Est Park

Board of County Commissioners Meeting

May 2, 2016

Page 4

Blvd Suite 100, Boise, Idaho, explained that it was there interest to be good neighbors. He provided an overview of the Huckleberry Jam event and the participants who attend. Mr. Owens advised that there would be 3 security guards for every 50 participants. He expressed that Town Square Media was concerned about the rights of personal property owners and he advised how they would limit the impact to the property owners. He believed that those who attend the event are families and not young partiers. He advised that there was also a volunteer base that assists with the cleanup of the sites after the event. Mr. Owens provided an explanation of where the fence would be built. Commissioner Hasbrouck asked how many years the event had taken place and why the event couldn't be held at the Donnelly Airport? Mr. Owens advised that the Donnelly Airport site was too far away. Commissioner Willey commented about the Donnelly Airport site and how it appeared that the event there was successful. Mr. Owens explained that the complaints that were received by the participants were that the campground was too far away. Commissioner Hasbrouck asked about creating a campground within the Tamarack Resort? Mr. Owens indicated that Town Square Media did look for other campgrounds to be created but did not find a location that would work. Commissioner Willey asked what the cost to stay at the campground was? Mr. Owens indicated that the cost was \$40 for the three nights. Chairman Cruickshank asked for clarifications where the music events would take place? Mr. Owens explained that Thursday night there would be a music concert at the campsite and the main concert would be held at Tamarack. Chairman Cruickshank asked how Town Square Media allows more than 5 family members to attend? Mr. Owens advised that families would have to purchase more than one campground. Chairman Cruickshank suggested alternative routes to access Tamarack.

Chairman Cruickshank asked for testimony of individuals who are in favor of the appeal. Mr. Brad Webb, 229 Longview Drive, Emmett, Idaho. He explained where his summer is located in Donnelly, Idaho at North Lake Subdivision. He advised that he was the home owner president. He advised that many homeowners had concerns about the event taking place at the proposed site. He had concerns about the impact that the proposed site would have on wild life. Mr. Webb wanted to make clear that he was not against the event but against the proposed site.

Phyliss Wolrey, 2725 Shamrock, Nampa, Idaho, testified to the Commissioners as an individual who was in favor of the appeal. She indicated that her main concerns were related to the possibility of fires. She had concerns that the participants would be intoxicated and could cause problems to the personal property owners. She believed that it was a poor area for the proposed site because of the impact that it would have.

Ms. Susan Oconnell, 12960 Ponderosa Drive, Donnelly, Idaho, testified to the Commissioners as an individual who was in favor of the appeal. She believed that the proposed site would have a negative effect on the wetlands and the property owners. She believed that Tamarack Resort has other areas inside the resort. She believed that Town Square Media should have the event and the prior location.

Ms. Yvette Davis, 19 Warm Lake Highway, Cascade, Idaho, had concerns that if this was an ongoing C.U.P. it could grow to a bigger event which could further impact to the subdivision.

Chairman Cruickshank asked to hear from anyone else who was in favor of the appeal. The Record will reflect that there was no one else who wanted to speak in favor of the appeal.

Chairman Cruickshank asked to hear from anyone who was uncommitted to the appeal.

Brad Backus, 240 East State Street, Donnelly, Idaho was speaking as uncommitted. He advised that he was the prior Mayor of Donnelly and provided an overview of the event that occurred at the Donnelly Airport. He advised that when that event took place, Town Square Media executed the event without any issues. Commissioner Hasbrouck asked if the event had a positive impact on the City of Donnelly? Mr. Backus believed that it had a positive impact on the City of Donnelly.

Chairman Cruickshank wanted the record to reflect that there was no one else who was uncommitted.

Chairman Cruickshank asked to hear from those who were opposed to the appeal.

Mr. Brad Larsen, 40 Twin Peaks Drive, Tamarack, Idaho. General Manager of Tamarack Resort spoke as an individual who were opposed to the appeal. Mr. Larsen advised that the location does have existing parking lots and he advised that there would not be a infrastructure for campsite and it was just an open area. He advised that Tamarack was hoping for an event to take place there 3 days a year. Commissioner Hasbrouck asked about the event being done at the golf course at Tamarack? Mr. Larsen advised that would not be possible because Tamarack does not own the golf course. Chairman Cruickshank asked about the possibility of having campsites and the south lay down area? Mr. Larsen believed that the lowest impact would be at the proposed site. Mr. Larsen reviewed a map with the Commissioners and pointed out the proposed site.

Kevin Godwin, advised that he works with Townsquare Media. He advised that the music that would be playing would be bluegrass and felt that it was relaxed type of music. He explained that he books the music and it is important for the event to be successful. He advised that the biggest complaint was that the campground was too far away and he felt that the proposed area was the best area. Commissioner Hasbrouck asked why the campground couldn't be at the Tamarack Resort? Mr. Godwin provided an overview of why the campground inside Tamarack Resort would not work. Chairman Cruickshank asked how many individuals stayed at the campsite at the Donnelly Airport? Mr. Godwin believed that the Donnelly Airport had 125 participants and thought that the site was maxed out. Chairman Cruickshank also proposed another entrance to be utilized. Mr. Owen reported that for the event to be successful it was important to have a campground near the main stage. Commissioner Willey asked if it would be possible to have the main event without the camping? Mr. Owens advised that it impacts those who would attend if camping was not available. He believed that it provides a three day experience for those who attend and it allows the community to show what can be offered. Commissioner Hasbrouck asked if anyone approached the owners of the golf course? Mr. Owens advised that they owners of the golf course have not been asked.

Chairman Cruickshank asked Mr. Owens what Townsquare Media would do if a fire broke out? Mr. Owens advised that they would work with the Donnelly Fire Department. Chairman Cruickshank asked what type of fencing would be used? Mr. Owens advised that chain link fencing would be built. Chairman Cruickshank asked about damage to the roads? Mr. Owens advised that they would work with the Road Department. Chairman Cruickshank asked about

the vacant lots that are at Tamarack Resort and why they can't be used? Mr. Owens advised that it would be a possible option but they have not researched the option.

Mr. Brian Reese provided a rebuttal to the Commissioners to consider. He provided three points for the Commissioners to consider before a decision was made. He just believed that it was a bad location for the proposed campsite. He believed that there were alternative areas for the campground to be established at the Tamarack Resort. He again respectfully requested that the Commissioners grant the appeal and deny the C.U.P.

Chairman Cruickshank brought the Public Hearing to a close at 2:48 p.m. for a decision to be made by the Commissioners. Chairman Cruickshank asked if the Commissioners had the ability to deliberate and make a decision at a later date? Planning & Zoning Administrator, Cynda Herrick was unaware if that was possible. Chairman Cruickshank explained that there were several questions that were brought to light during the appeal process. Chairman Cruickshank asked if it meets with the Valley County Comprehensive plans or the Tamarack P.U.D.'s. Chairman Cruickshank believed that there were several matters that needed to be answered including what type of fence would be built. He asked if the boundaries were clearly defined? Commissioner Willey advised that there was only one question to determine and that is the location of the campground. It was his opinion that the location is not appropriate and believed that there were other sites that could be explored. He referred to the comprehensive plan and ordinances. Commissioner Hasbrouck believed that there were other sites that could be proposed and unfair to the North Lake Residents.

Commissioner Willey made a motion to uphold the appeal of C.U.P 16-01 Huckleberry Jam Campsite on the basis on the external impact on the properties, undo negative impact on wetlands and Duck Creek, potential for destruction of county roads and incomplete impact statement. Commissioners Hasbrouck seconded the motion. No further discussion, all in favor. Motion passed to uphold the appeal of C.U.P. 16-01 Huckleberry Jam Campsite on the basis of the external impact on the properties, undo negative impact on the wetlands including Duck Creek, destruction of county roads and the incomplete impact statement.

The Budget Workshop began for the Road Department at 3:00 p.m. and concluded at 4:02 p.m.

Chairman Cruickshank adjourned the meeting at 4:03 p.m.

Chairman Gordon Cruickshank

Attest:

Douglas Miller, Clerk