



Valley County Planning & Zoning Commission

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Rob Garrison, Chairman
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Ed Allen, Commissioner
Johanna Defoort, Commissioner
Scott Freeman, Commissioner

MINUTES

Valley County Planning and Zoning Commission
November 10, 2016
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

A. OPEN: Call to Order

[06:00:48 PM \(00:00:03\)](#)

[P&Z Commissioner - Ed Allen: Present](#)
[P&Z Commissioner - Johanna Defoort: Absent](#)
[P&Z Commissioner - Bryan Cooley: Present](#)
[P&Z Commission Chairman - Rob Garrison: Present](#)
[P&Z Commissioner - Scott Freeman: Present](#)

Commissioner Defoort arrived at 6:03 p.m.

A quorum was present.

Also present was P&Z Administrator, Cynda Herrick, AICP, CFM and Lori Hunter, P&Z Assistant.

MINUTES: Commissioner Cooley moved to approve the minutes of October 6, 2016; Commissioner Allen seconded the motion. Motion passed unanimously.

B. OLD BUSINESS:

- 1. C.U.P. 16-11 Moudy Mountain Summer Festival:** Nancy Moudy is requesting approval to establish an annual three-day summer festival. The festival will include a craft fair, flea market, live music, food vendors, and overnight camping. Hours are from 9:00 a.m. to 10 p.m. Porta Potties would be located on the site. The site is addressed as 14078 Farm to Market Road and is part of 73 acres in SWNW and NWSW of Section 25, T.18N, R.3E, Boise Meridian, Valley County, Idaho. [*Tabled from September 8, 2016*]

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

Commissioner DeFoort arrived at 6:03 p.m.

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibits:

- Exhibit 1 – email from Ken & Carol Shaw and Benita & Alan Giltzow who expressed concern for setting a precedent in this rural neighborhood. Opposed to outdoor events.

Commissioner Allen asked about condition of approval regarding wedding venues. P&Z Administrator Herrick clarified that this revised request is for an outdoor summer festival and 3-day indoor Christmas bazaar and not weddings.

Chairman Garrison asked for the applicant's presentation.

Nancy Moudy, 14078 Farm to Market Road, completed paperwork with changes as recommended. People wish to enjoy a Christmas bazaar and would like that approval.

Commissioner Defoort asked applicant if she had further communication with neighbors. Mrs. Moudy replied that she did but apparently issues are not resolved. She wishes to have a time and place for seniors to socialize.

Mrs. Moudy would like Christmas bazaar approved. Understands there are liability issues. Wants to have a fun activity for people. What happened at last summer's camping was not as desired. No camping in future. No alcohol will be served. No fires. She wants to hold 2 events - Christmas and June festivals. She does hold essential oils sales about once a month, similar to Tupperware sales. Approximately 10 people once a month. Commissioner Allen asked if there is a profit. Chairman Garrison asked if the sales are in the home? The applicant replied affirmatively to both questions.

Commissioner Freeman asked how many days for Christmas bazaar? Mrs. Moudy replied: 3 days, 10 a.m. - 8 p.m.

Chairman Garrison asked for proponents.

R.A. Shaw, owner of 700-acre ranch across from the Moudy Ranch, is supportive of application and Mrs. Moudy's support of seniors.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents.

Trisha Shaw, 317 Boulder Lake Road, is an immediate neighbor whose biggest concern is that she doesn't want area to become commercial zoning but remains agriculture; concerned that people will ask for more and more every year. Map shows band area in back of house which is

adjacent to Trisha's property. She gave the commissioners four photographs of her property and the adjacent proposed locations of vendors, stage, and camp (Exhibit 2).

Chairman Garrison asked for rebuttal. Ms. Moudy does not have anything to add.

Chairman Garrison closed the public hearing.

The Commission deliberated. Commissioner Allen stated that the application narrowed down to a one-day event in June and a three-day Christmas bazaar. Can't go beyond what is approved without further review by P&Z Commission.

Commissioners discussed if the monthly sales of essential oils needed to be included in a conditional use permit. Home –based businesses generally need a conditional use permit; tupperware parties, etc., do not. Commissioner Defoort is worried about setting a precedent for sales parties which are regularly held by a number of people. Commissioner Allen responded that those sales are not generally on a regular basis at the same site, but these are. He is not proposing requiring conditional use permits for all gatherings.

Commissioner Cooley agreed with Commissioner Allen. Neighbors have concerns about future expansion but events have been scaled down to an acceptable use. Commissioner Freeman agreed that this is an acceptable use in the neighborhood. Commissioners asked the applicant to clarify the dates and hours of the two events. Mrs. Moudy would like the last Saturday of June and the first weekend in December, annually.

Chairman Garrison stated that events could not expand without getting a new conditional use permit. Commissioner Defoort wanted clarification if the events were free to attend. P&Z Administrator Herrick confirmed that there will be vendors but the events are free. Discussion as if this would start a trend? What if neighbors want to do something similar? Chairman Garrison replied that everything is reviewed on a case by case application.

COA – No other public activities without additional conditional use permit.

COA – Only one essential oil party per month.

COA – Summer activities will take place on the last Saturday in June; Christmas activities will be the first weekend (Friday, Saturday, Sunday) in December.

COA - Hours of operation for summer are 7:00 a.m. – 8:00 p.m.; winter activities from 11:00 a.m. – 8:00 p.m.

COA – All parking must be onsite.

Commissioner Allen moved to approve C.U.P. 16-11 **Moudy Mountain Summer Festival** with the stated and additional conditions. Commissioner Cooley seconded the motion.

Commissioner Defoort disagreed with the condition limiting the sales of oils. Commissioner Allen stated that if you allow random events to occur then you can lose track of what is

approved. P&Z Administrator Herrick stated that, if not specified, sales parties could occur daily. Commissioner Cooley stated if this was just a home selling oils than not a problem, but at this site there are already commercial uses. Commissioner Defoort believes the do terra parties were not part of the application and if someone thinks a conditional use permit is necessary, that would be a separate application. P&Z Administrator Herrick said that they can respond to an issue that was brought up during the meeting. Chairman Garrison asked for the definition of a home-based business. P&Z Administrator Herrick replied that if you start inviting people on a regular basis to your home and there is potential for impact to the neighbors than you need a conditional use permit. Commissioner Allen believes that adding this condition would take the guess-work away. Chairman Garrison said that the sales were not part of application but was mentioned, and could possibly get out of hand and not be limited to once monthly sales as stated by the applicant. Commissioner Allen agreed that Mrs. Moudy did mention it and agree that was part of what she does. P&Z Administrator Herrick replied that being specific about what is allowed clarifies the permit if questions arise in the future.

Commissioner Garrison called for the vote. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

2. C.U.P. 16-13 Activity Barn Expansion: Brundage Mountain Company, dba Activity Barn LLC, is requesting approval to expand C.U.P. 99-21 Activity Barn from current winter operations to year-round recreational facilities. Existing facilities use approximately 35 acres; the proposal would add 120 acres. Current activities include snow-tubing, snow-rail park, ski & snowboard lessons, and snow making equipment. Phased over five years, the proposed new activities include a base lodge, new maintenance facility, RV and tent campgrounds, fishing & skating pond, zip-line, ropes course, climbing wall, other adventure park activities, park shelters, concessions or food truck, and trails for cross-country skis, fat-tire bikes, and mini-snowmobile trails. The site is addressed as 141 Moonridge Drive and is part of RP18N03E290004 owned by Mirror Pond LLC in the NE ¼ of Section 29, T.18N, R.3E, Boise Meridian, Valley County, Idaho. [Public Hearing - *Tabled from October 6, 2016.*]

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibits:

- Exhibit 1 - Updated site plan for Phase 1
- Exhibit 2 – Letter from Wes Keller, 260 Moonridge Drive. He has concerns about traffic & safety, lighting, and sound.
- Exhibit 3 - Letter from Judy Secrist, 267 Moonridge. Her concerns are landscaping, screening, noise levels, traffic, and snowmobile use.

- Exhibit 4 – Email from Mike & Heidi, 168 Sue Drive, who are concerned about the impact on their family, particularly their children who use the adjacent pathway.
- Exhibit 5 – Letter from Earl Dodds, owner of 35 acres on the east side of Norwood Road, recommends approval be limited to individual activities not the overall concept plan. He is opposed to mini-snowmobile use at the site.
- Exhibit 6 – Fact sheet for Phase 1 supplied by applicant. Includes information on requested activities (food/beverage, maintenance shop, pole barn for events, ropes-course, and trails for bikes, skiing, and snowshoes), operating hours, events and group gatherings, site plan, lighting, and a picture typical ropes course area.

Commissioners took time to review the exhibits.

Commissioner Allen asked if the Commission was reviewing Phase 1 or the concept plan. P&Z Administrator Herrick said the original information was vague. She met with applicant after the October public hearing. Current application is only for Phase 1. Five phases are anticipated, each will require a conditional use permit. See the fact sheet (exhibit 6) for a list of Phase 1 activities. Phase 1 would increase the season. Summer hours would be Memorial weekend thru Labor Day. Regardless of the time of year, the Activity Barn would close at 10 p.m., similar to Roseberry.

Chairman Garrison asked for the applicant's presentation.

Bob Looper, Brundage Mountain Resort President, and Michelle Cretser, Activity Barn Supervisor, were present as well as Rob McFadden, Director of Operations, and Mike & Judd De Boer who owns both the site and surrounding property. Since the last P&Z meeting, they have met with P&Z Administrator Herrick to clarify application. Phase 1 is a two-year plan within existing site; no additional acreage at this time. The change is a move to year-round activities instead of just winter activities. A power point presentation was given (Exhibit 7). The closest residence is half mile away. This is a great location with agricultural buffer. The Activity Barn did an amendment to the Conditional Use Permit 99-21 last year which replaced the tube conveyor, built a new ticket office, and allowed extensions of operations with snowmaking. Presentation included pictures of Activity Barn as it currently exists with lights on. In 17 years of operations, lights have not changed and are in conformance with Valley County Ordinance. No change in lighting is proposed. Presentation included pictures of conveyor that replace the lift, the "pray for snow" party, and lighting from riding conveyor. For the next two years, they would like approval of a year-round venue. This would increase employment. Currently 13-14 people employed in winter. Ropes course feature will be a popular attraction and fits in with tubing hill. There is a huge demand to buy food and drinks and they receive frequent requests for events, wedding, etc.

Need maintenance shop to store tools. The Activity Barn is on border with rail trail; they will extend trail thru site.

Site plan slide shows no change in boundaries at this time. Adventure Park (ropes course) will be near the parking lot. The footprint of ropes course fits within one acre. There will be three levels of difficulty and could be used by 10-20 people at the same time. Participants are clipped in for safety. This is a fun feature not currently available in McCall.

Summer operations will be Memorial Day weekend thru Labor Day. The Activity Barn has been a winter gathering place for groups, families etc. by both locals and visitors and the same people are expected to use the facilities during the summer

Lighting – no change. No line of sight from nearest residences.

In 17 years of operations, they have never had a noise complaint. Winter operations will probably remain the peak time of use. Peak time is approximately 100 cars an hour, about a dozen days of year. Summer use probably will be much less. Last year added parking spots to stop vehicles from parking on Moonridge Drive.

A wetland delineation was previously done; they have not proposed any impacts or changes that would need a federal 404 permitting.

Employee housing has been on the site nearly since the beginning. Possible expansion of housing due to year-round activities. Current starting wage is \$10 per hour plus benefits.

The current and proposed landscaping is a natural-looking site. More of the grass pasture will be converted to mowed grass and irrigated with existing water rights.

Want to add food and drinks as demand is there.

Applicant will return in future for additional updates and approvals.

Chairman Garrison asked if the Commissioners have any questions for the applicants.

Commissioner Allen asked what exactly would group/family events entail. Mr. Looper replied approximately 150 people maximum. Currently three to five events every winter. They received permit from county. Events include church groups with barbeques and campfire. The Pole barn would allow a cover. Commissioner Allen asked about a stage? Mr. Looper said that noise is directed away from Moonridge, towards Highway 55. Used map from previous meeting to show location. Perhaps a flat platform stage. Amplified music is a must for weddings, etc. During winter they play music at base area in a tent with amplifiers. No complaints have been received. There is no music up on the tubing hill; everything is down at the base. Activity barn sets in a hole which limits noise travel. Locations of new and existing structures were clarified. New landscaping will be native materials. Upland areas will be mowed and irrigated.

Commissioner Defoort asked if there are any plans regarding the traffic safety concerns brought up by neighbors. Mr. Looper doesn't expect summer traffic to increase much. Re-graded parking and driveway areas have increased safety and traffic issues.

P&Z Administrator Herrick added that Valley County Pathways is paying the county to purchase traffic yield signs for pathways crossing Moonridge and Nisula.

Commissioner Defoort asked if alcohol is currently served. Mr. Looper responded that it is served only when they receive a permit for a specific event such as "pray for snow" party.

Chairman Garrison asked for proponents.

Marlene Berg, 13816 Antler Court, McCall, is the Controller at Brundage Mountain. Proposal would be an economic boost and add year-round employment. The Activity Barn pays more than minimum wage. Proposal would be an amenity to immediate community as well as those further away. The Activity Barn has affordable activities for families; would be nice to have affordable activities year round.

Bryan Hill, 81 Johnson Lane, lives near southern border of property. Family has enjoyed the Activity Barn and it is a great economic asset to Valley County.

Chairman Garrison asked for uncommitted.

Judy Secrist has lived at 267 Moonridge Drive for 35 years and has questions regarding this application. Would events larger than 150 people require additional conditional use permits? If food and beverage is available can people using pathways but not paying for Activity Barn activities be allowed to use parking area? Traffic concerns are not the parking area but actually the upward corner on Moonridge that is a dangerous corner. Large RVs and bus traffic likely with this proposal. Original hearing in 1999 was not for a large footprint and she learned to live with loss of rural agriculture land. Hours are reasonable. No loud speakers allowed; however, amplifiers can be quite loud. Music is reasonable request but needs to be kept at a reasonable decibel. Lighting needs to be up to date and meet current Valley County requirements. Regarding safety and road issues, the Valley County Road Department and County Commissioners need to know that this road was designed as residential access and a redesign should be considered in planning for future.

Kathy Scott, 270 Moonridge Drive, stated that the 90° turn on Moonridge is dangerous and wonders if the commissioners have been on this road. She is concerned about large vehicles on the road. Also concerned about a slippery slope changing the rural, pastoral area and increased traffic. Wants to commend the wages and benefits that are paid. Noise is a concern as is the sale of beer and wine leading to an increase in traffic incidents.

Chairman Garrison asked for opponents.

Ron Dennis, 231 Brook Drive, Payette River Estates, believes this is a "Great idea, wrong place". Traffic situation has already been brought up. Beer and wine sales don't go with family and

religious groups. Tubing hill has evolved into other things. Potential for 300 cars. He can hear the music from Broken Hill Brewery approximately two miles away from his house. Noise will travel in winter. Concerned about increases in uses, a little bit at a time. Asked Commissioners to consider the approximately 300 homes that are in this area and why people choose to live there. Currently a white tent is on the site. He requests that the Road Department look at Moonridge Drive.

Chairman Garrison asked for rebuttal from the applicant

Bob Looper stated:

- Large group would require an event permit.
- Access – busses have been accessing the Activity Barn since the beginning. Not proposing to change the density or time of peak use. Moonridge Drive traffic is about 15-25 cars per hours during peak time. Not proposing to increase the peak use of the road.
- Noise – airplane flight traffic and highway traffic already exists.
- Will point speakers toward airport and Highway 55 and away from Moonridge Drive.
- One of the few locations with a 15-acre buffer of private ground. Couldn't put this in cities of McCall, etc. Area is buffered.
- Beer and wine sales – lots of requests and are needed to make events commercially viable.

Judd DeBoer, 115 West Lake, McCall, responded as the property owner. Regarding beer and wine sales, this is very similar to the ski resorts that also sell alcohol on site. "The nearest neighbor is me." Many trees already exist on site. "If not here, then where?" This is a great amenity for McCall; an affordable family activity. No snowmobile use. Corner on Moonridge is a bad corner and he would cooperate with improving it such as they did with the dip on Mission Street in terms of land acquisition, etc.

Commissioner Allen asked if Moonridge Drive was a school bus route. Judy Secrist replied that people pull over to let school bus go by.

P&Z Administrator Herrick stated that lights are in compliance with Valley County Code section 9-5B-2-3 recreational facility lighting. They meet the height restrictions and are fully shielded. Jeff McFadden, Valley County Road Superintendent, was at last meeting and has reviewed the application.

Chairman Garrison closed the public hearing.

The Commission deliberated. Moonridge Road was discussed. Commissioner Defoort asked who is financially responsible for the road. P&Z Administrator Herrick said applicant would need to discuss with Road Department. The applicant could monitor and let Road Department know when sanding, etc. is needed. Commissioner Allen asked if the Commission can request that Road Department look at the design at this corner. Chairman Garrison replied that the County does have a plan. P&Z Administrator Herrick stated that they can expect 50 additional cars per hour on 12 days per year. Residential area planning estimate six trips per day per

residence; 300 residences equal 1800 trips. Chairman Garrison noted that they have improved parking area and removed the parking along road.

Commissioners discussed noise. Noise will be muffled. P&Z Administrator Herrick read from the Valley County Code.

COA – No music will be amplified from the top of the hill and amplifiers will be oriented toward the east.

Commissioner Allen asked about toilet facilities for 150 people. Central District Health Department will have to approve.

Commissioner Cooley said they are not changing the scope a ton, even with additional structures the overall impact of activity will remain unchanged except for year-round use.

Chairman Garrison said the original application had motorized uses and removing the snowmobiles makes people happier.

COA - Fireworks and use will occur after 10:00 p.m. only on New Year's Eve.

COA – Maximum of 150 people for large gatherings.

COA – Recommends Activity Barn work with Road Department to monitor ice on Moonridge Drive and work out a plan to mitigate.

Commissioner Freeman likes the way conditions are stated and this new application is more clear and focused.

Commissioner Cooley moved to approve C.U.P. 16-13 with the stated conditions. Commissioner Allen seconded the motion. Motion carried unanimously.

P&Z Administrator Herrick clarified that the approval is for Phase 1 and not approval of overall concept plan.

Chairman Garrison explained the ten day appeal period.

5 minute recess

[08:01:32 PM \(02:00:47\)](#)

C. NEW BUSINESS:

- 1. C.U.P. 16-16 Zemke Bed and Breakfast:** Ray and Peg Zemke are requesting approval to operate a two-room bed and breakfast in an existing home. Utilities include an individual well and sewer is provided by North Lake Recreational Water and Sewer District. The site is

1.0179 acres, addressed at 2259 West Mountain Road, located in Royal Scot Subdivision 3 Lot 4 in the SW ¼ Section 29, T.16N, R.3E, Boise Meridian Valley County, Idaho.

[08:08:45 PM \(02:08:00\)](#)

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report. There were no additional responses received since the staff report was written. P&Z Administrator Herrick clarified that this application is for a home in the North Lake Sewer and Water District

Chairman Garrison asked for clarification on setbacks. P&Z Administrator Herrick stated this proposal is more of a residential business than a hotel. Chairman Garrison asked if a variance is required to reduce setbacks. Discussion ensued on residential setbacks (20' front, 20' rear, 7.5' side) versus neighborhood business setbacks (30', 30', 10'). Chairman Garrison discussed neighborhood business versus bed & breakfast business setbacks. P&Z Administrator Herrick said that in past B&B applications have been more for larger businesses, such as a boarding house. Chairman Garrison asked if a variance is necessary if we call it a bed and breakfast. P&Z Administrator Herrick agreed that yes, unless Commission re-categorizes the business. Chairman Allen asked if we can recommend a variance with this application. P&Z Administrator Herrick replied yes.

P&Z Administrator Herrick stated that the ordinance is not precise; determinations of category are made by Commission. Table 9-3 -1 is not meant to be an all-inclusive list of uses.

Chairman Garrison asked for the applicant's presentation.

Ray Zemke of Saint Maries Point, Minnesota spoke. He and his wife recently closed on property at 2259 West Mountain Road. Their intention is a small bed and breakfast. He is a wine buyer who travels worldwide. Wife, Peg, owns beauty salon. They both know lots of people who are outdoor enthusiasts. Want to have a place where people they know can spend a few days to enjoy outdoor activities with a friendly atmosphere, not a large resort. Not changing lighting or structure except for adding a garage to property. Home purchased was previously used as a vacation rental home which was advertised to sleep up to 16 people per night. Will have less impact than previous owners. Will not park along road.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison closed the public hearing.

The Commission deliberated. Chairman Allen says only issue seems to be the setbacks. Commissioners discussed setbacks. Existing setbacks of current buildings are 30' plus. Commissioner Garrison has no problem classifying business as a neighborhood business

COA: Will be classified as a neighborhood business and shall comply with neighborhood business setbacks

Commissioner Allen moved to approve C.U.P. 16-16 **Zemke Bed and Breakfast** with the stated conditions. Commissioner Defoort seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

2. C.U.P. 16-17 Binnion Multi-family Dwelling Unit: Dianna Binnion is requesting approval to convert two bedrooms into two studio apartments on the second floor of an existing home. Each unit would be approximately 300 sq. ft. and have a full bath and kitchen. The site is 0.5 acres, addressed at 1907 Lone Tree Road, and is in Northlake Subdivision No. 1, Lot 14 in the SW ¼ Section 8, T.15N, R.3E, Boise Meridian Valley County, Idaho.

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report and summarized the following exhibits:

- Exhibit 1 – email from Mike & Gretchen Young who own both 1905 & 1907 Big Pine Drive and oppose the request.
- Exhibit 2 – email from Bret & Lorian Rodgers who oppose this request due to proximity to their property.

P&Z Administrator Herrick stated that the ordinance limits density to 2.5 dwelling units per acre. This lot is half-acre. The Commission needs to decide if this proposal is for one dwelling unit or three.

Chairman Garrison asked for the applicant's presentation.

Lee Binnion, 1907 Big Pine Drive, 1907 Lone Tree Drive, stated that the house was originally built with a separate entrance for upstairs. Proposal will not change the exterior of house. Outside lighting all point downwards. Parking area is available without needed to park on street. Neighbors do currently park trailers and other vehicles in the cul-de-sac.

In response to the neighbors, she says 1911 Big Pine Drive is usually empty. The adjacent lot is vacant and for sale. There is a nearby home on five acres that is regularly rented out. These small apartments would likely be for young people working at Tamarack. No change to outside of house is proposed. She has a meeting with Josh of Central District Health Department on

Monday to determine what needs to be done for the septic.

This proposal would classify her home as a townhouse and be considered a single unit per the Valley County ordinance.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents.

Brad Webb, Northlake #1 subdivision, 1915 Lone Tree, lives two houses down from proposed site. The subdivision CCR's restrict this lot to recreational residential building purposes (exhibit 3).

Chairman Garrison asked for rebuttal. Ms. Binnion said the covenants already have been broken. Multiple homes are rented. A horse barn exists although CCR's say no livestock in the subdivision.

Chairman Garrison closed the public hearing.

The Commission deliberated.

P&Z Administrator Herrick stated that Valley County Code 9-5C-6 states that density of any residential development or use requiring a conditional use permit shall not exceed 2.5 dwelling units per acre. Valley County Code 9-1-10 defines dwelling unit and dwelling equivalent.

The commissioners discussed the interpretation of dwelling unit. Is this one unit or three? Is it an apartment? A boarding house? If it was only single family residence and one apartment it would be an Accessory Dwelling Unit.

Commissioner Allen noted that by state law, we cannot enforce CCR's.

Commissioner Defoort stated that there are separate accesses, three kitchens, and three bathrooms; therefore, three dwelling units. Commissioners Garrison and Allen agreed.

P&Z Administrator Herrick said adding a third unit changes sprinkler requirements per the Fire Department. She also stated that one additional unit under 1,000 sq. ft. would be a permitted use as an accessory dwelling unit.

Commissioner Defoort does like idea due to housing shortage.

Commissioners agreed that this is three dwelling units; however, if there was only one common kitchen, it would not be.

Commissioner Defoort moved to approve C.U.P. 16-17 **Binnion Multi-family Dwelling Unit** with the stated conditions and only one additional dwelling unit and that the applicant must meet CDHD and Fire Department requirements. Commissioner Cooley seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

3. C.U.P. 16-18 Harlow Rose Subdivision - Preliminary and Final Plat: John and Alice Millington are requesting approval for a two-lot residential subdivision on 5.0 acres. Each lot will be 2.41 acres with individual well and septic systems. Access will be from South Samson Trail in the SE ¼ NE ¼ of Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho.

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report. There was no additional information.

Chairman Garrison asked for the applicant's presentation.

Bob Fodrea, 105 N Main ST, Cascade, represents applicants. Exhibit 1 is an 18 x 24" preliminary plat showing topography, lot lines, and portion to be deeded for road right-of-way; maps are available in application packet. Current fence lines do match property lines. Open grassy land as shown on aerial photo in packets. Lots have good sites for drain fields. Density is reasonable and compares to others in area. There is an existing well; dug 240-260 ft deep with good water quality and 20 gallons per minute supply. Well driller reports from the area show good reports of water in area. Owners intend to gift property to children. Owners are available for questions.

No questions from the Commission for the applicant at this time.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents.

Scott Harris, 86 Ilka Lane, lives approximately half mile away from site. This is a scenic corridor. Water is an issue. At least three neighbors have had to redrill their wells. They have cut back on

their irrigation this fall due to lack of well water. Static water has dropped 20 feet since 1978. Perched water table in this area.

Carl Thompson, 1510 Samson Trail, is adjacent to proposed site. He is very concerned about well water. For past two years neighbors irrigate out of a deep well has brought Carl's 180 ft deep well level down and has also affected other neighbors. Static water levels are probably up now as the neighbor is not irrigating in the fall but there is a noticeable effect when the neighbor is irrigating. He believes Elk Mountain Church has also recently dug their well deeper. He opposes this development at this time due to the water issue. Static water should be measured in the summer during irrigation season.

Scott Harris added that his well static level dropped five years ago, prior to neighbor's irrigation well.

Chairman Garrison asked for rebuttal.

Bob Fodrea responded to well water concerns. A possible condition would be to not irrigate the pasture area but still allow an irrigated grassy fire prevention area.

Chairman Garrison closed the public hearing.

The Commission deliberated. PZ has no jurisdiction over water rights. This subdivision is basically a lot split and is greater than minimum requirements (1 acre). Commissioners and staff discussed regulating irrigation of pasture from well water. Well water use is regulated by the State of Idaho. It is believed that Idaho regulations allow ½ acre to be irrigated from a residential well.

Commissioner Cooley moved to approve C.U.P. 16-18 **Harlow Rose Subdivision - Preliminary and Final Plat** with the stated conditions and to authorize the chairman to sign the plat. Commissioner Freeman seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

4. C.U.P. 16-19 Sleigh Rides: Lyle Points and Doris Arlene Griffiths are requesting approval for a base area for the Elk Sleigh Rides complete with graveled-parking lot, ticket and office building, and porta-potties. The site is part of approximately 80 acres adjacent to Farm-to-Market Road currently addressed as 12960 Farm to Market Road in the SW ¼ NW ¼ SW ¼ Section 24 T.16N, R.3E, Boise Meridian, Valley County, Idaho.

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

Chairman Garrison asked for the Staff Report. Staff presented the Staff Report. There was no additional information.

Chairman Garrison asked for the applicant's presentation.

Lyle Points, 12960 Farm to Market Road, said that staff report covered everything. The parking lot is primarily clay soil covered with fiber and sand and will hold about 25-35 cars. They use two sleighs, about 15 people per sleigh, per elk tour. The structure is for storage and warming use by the family/employees, not the public.

Chairman Garrison asked for proponents. There were none.

Chairman Garrison asked for uncommitted. There were none.

Chairman Garrison asked for opponents. There were none.

Chairman Garrison asked for rebuttal. There was none.

Chairman Garrison closed the public hearing.

The Commission deliberated. The applicant has complied with Valley County Code as requested.

Commissioner Defoort moved to approve C.U.P. 16-19 **Sleigh Rides** with the stated conditions. Commissioner Cooley seconded the motion. Motion carried unanimously.

Chairman Garrison explained the ten day appeal period.

D. OTHER:

- 1. Appeal of Sign Permit S-16-01** condition of no outside advertisement signs on buildings located at Mile High Power Sports, 13924 Hwy 55.

Commissioners discussed the sign ordinance regarding outside signs. Bryan Hill of Mile High Power Sports discussed manufactures' contract requirements. A variance would require a physical hardship (e.g. topographic restrictions). Commissioners decided Mile High Power Sports may apply for a modification to their Conditional Use Permit to allow more outdoor signs than allowed by Valley County Code.

- 2. C.U.P. 98-4 Shiloh Bible Camp** – Is new C.U.P. needed for multi-purpose building? Shiloh Bible Camp would like to add a 50' x 90' multi-purpose building to the existing site plan. Commissioner Defoort does not believe that this would change the nature or scope of the project. All commissioners unanimously agreed that the building can be added to the camp without amending the conditional use permit.

3. FACTS AND CONCLUSIONS:

- C.U.P. 16-14 Morrison Solar Panels
- C.U.P. 16-15 McCall Party Rentals

Commissioner Defoort moved to approve the Facts and Conclusions as listed and authorized

the Chairman to sign. Commissioner Cooley seconded the motion. Motion carried.

E. ADJOURN: 10:25 p.m.