

EXHIBIT D

PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES JUNE 11, 2026

CUP 26-012 Appeal

Contents:

1. Valley County Planning & Zoning Commission Draft Meeting Minutes – June 11, 2026 (draft)

Purpose:

This exhibit is submitted in support of Appellants' appeal and contains the official record of the Planning & Zoning Commission's deliberations and approval of CUP 26-012.

The minutes document discussion and findings relevant to several issues raised in this appeal, including:

- Discussion regarding consistency with the Valley County Comprehensive Plan.
- Discussion regarding compatibility of the proposed use with the surrounding residential area.
- Discussion regarding wildfire concerns, emergency response considerations, and conditions requiring the availability of equipment capable of relocating the propane tank during fire season.
- Discussion regarding traffic impacts and anticipated trip generation associated with the proposed facility.
- Discussion regarding conditions of approval imposed by the Commission.
- The Commission's final motion and vote approving CUP 26-012.

Appellants offer this exhibit in support of Sections I, III, IV, V, and VI of the Appeal and as evidence of the issues considered by the Commission, the conditions relied upon in approving the application, and the basis for the Commission's decision.

Valley County Planning and Zoning Commission

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Ken Roberts, Chairman
Carrie Potter, Vice-Chair

Brad Mabe, Commissioner
Ben Oyarzo, Commissioner
Heidi Schneider, Commissioner

MINUTES

Valley County Planning and Zoning Commission
June 11, 2026
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 4:00 p.m.

A. OPEN: Meeting called to order at 4:00 p.m. by Vice Chairman Potter. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Brad Mabe	Present via Teams
PZ Commissioner – Ben Oyarzo:	Excused
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present via Teams
PZ Commissioner – Heidi Schneider:	Present
PZ Planner II – Lori Hunter:	Present

1. MINUTES: Commissioner Schneider moved to approve the minutes of May 14, 2026, and May 21, 2026. Commissioner Mabe seconded the motion. Motion passed unanimously.

Vice Chairman Potter chaired the meeting.

C. OLD BUSINESS:

1. C.U.P. 24-08 White Meadow Subdivision – Final Plat Extension Happy Mountain Group LLC is requesting a two-year extension of the conditional use permit and final plat approval that expires on June 25, 2026. The 2.86-acre site is parcel RP17N03E330720 located in the NWNE Section 33, T.17N, R.3E, Boise Meridian, Valley County Idaho. Action Item. Not a public hearing.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report.

Staff responded to questions from Commissioners.

Commissioner Roberts moved to approve the final plat extension of C.U.P. 24-08 White Meadow Subdivision for two years. Commissioner Mabe seconded. Motion carried unanimously.

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

2. **SUB 26-005 Pine Creek Ranch South Subdivision - Preliminary Plat:** Pine Creek Ranch LLC is requesting a conditional use permit for a subdivision that will contain four-development parcels on 90.87 acres. Permanent public rights-of-way with privately maintained 28-ft wide gravel roads would be platted with the potential to provide emergency access to development within the city of McCall. The site would be accessed from Stockton Court, a public road. The site, addressed at 389 Stockton Court, is parcel RP18N03E154641 in the S ½ Section 15, T.18N, R.3E, Boise Meridian, Valley County, Idaho. **Tabled from May 14, 2026.** Action Item.

Vice Chairman Potter introduced the item and asked if there was any ex parte contact or conflict of interest; there was none. Commissioner Roberts stated that Randy Wall attempted to reach him via text. Commissioner Roberts did not open any of the information. Vice Chairman Potter cautioned the public and stated that all communications to the PZ Commissioners must go through Staff, not directly to any Commissioners.

Commissioner Schneider moved to remove SUB 26-005 Pine Creek Ranch South Subdivision from the table. Commissioner Roberts seconded. Motion passed unanimously.

Director Herrick stated there have been a number of requests to reopen the public hearing. At meeting on May 14, 2026, the PZ commissioners decided not to reopen the public hearing and determined the requested information concerning writing the condition of approval from Staff would not be additional information. The Prosecuting Attorney cautioned Staff about reopening public hearings. If the PZ Commission decided to reopen the public hearing; then a future date would need to be determined. Director Herrick confirmed that the applicant has not submitted or changed anything since the meeting on May 14, 2026. Commissioner Roberts and Vice Chairman Potter concurred with the Prosecuting Attorney. The public hearing was not reopened; the Commissioners continued deliberations.

Director Herrick presented the staff report addendum. The proposed conditions of approval remain the same with the addition of #13 regarding development agreements.

There was discussion between Commissioners and Staff regarding the various scenarios presented in the staff report addendum. If only the road is improved, the developer would pay for off-site mitigation. Any development on the parcel to the north would require a separate application process with the City of McCall. The new roadway would provide secondary access and circulation.

Commissioner Roberts stated that the proposal would change the land use to a road access is consistent with Valley County Code. The Commission is not tasked with the question about what a subdivision would look like in the City of McCall. Future development would require additional application(s) and approval(s).

In response to the concerns regarding a Wildland Urban Interface Protection Plan (WUI), the staff report included a table with information and a timeline for clarification. This is not new information. WUI plans would be required for future applications.

Road right-of-way widths were discussed. The proposal includes an 80-ft road right-of-way.

Director Herrick stated the PZ Commission will need to make a finding on Valley County Code 7-1-5 that requires annexation into the City of McCall for an adjacent parcel unless the Commission determines that there is not a change in the principal land use. Commissioners

discussed further. There is currently one residence on the property. The proposed use is residential with a new road. It is not a change in the principal land use.

The Commission reviewed the questions and standards of approval as listed in the Staff Report and Valley County Code.

1. Does this subdivision meet the minimum standards in Title 9, Chapter 5, of the Valley County Code in regards to frontage, lot size, etc.? If not, which ones does it not comply with?

Commissioner Schneider stated the project does meet the minimum standards and is compatible. Further development would require additional applications and approval. It is compatible. Commissioner Roberts concurred and stated the proposed 80-ft road right-of-way is greater than the minimum 70-ft required. Commissioner Mabe agreed that the proposal meets requirements.

2. Does this subdivision meet the minimum standards in Title 10 of the Valley County Code in regards to the access road, etc.?

Vice Chairman Potter stated this was also discussed under Question 1. Commissioner Roberts concurred and stated the Commission is making recommendations for the Board of County Commissioners (Board) regarding the development agreement. The Commission will lean heavily on the expertise of the County Engineer and Road Department to make sure additional traffic on the roads are mitigated through a development agreement. Vice Chairman Potter stated future development would likely require a revised traffic impact study at the time of development. Director Herrick stated that should be inserted in the development agreement.

3. Are impacts being properly mitigated? If not, which impacts are not mitigated?

Commissioner Schneider stated the impacts are being mitigated. Commissioner Schneider would like a recommendation for the development agreement to include a requirement for both paving and pathway if the roadway does provide connection with a future subdivision within the City of McCall. This would help mitigate the traffic and dust on Stockton. Commissioner Mabe and Commissioner Roberts both agreed.

Standard of Approval:

1. Will the application result in an increase in value of private property? VCC 9-5-2(B)(3).

All Commissioners concurred that the value of the private property would increase due to additional residential building sites.

2. Will the approval of the application result in an undue adverse impact on the environment? VCC 9-5-2(B)(3).

Commissioner Mabe stated nothing would be unusual. Commissioner Roberts stated as long as road building standards, Idaho Statutes, and Valley County ordinances for building a road are met, there would be no undue adverse impact. Commissioner Schneider concurred. Director Herrick stated the new riparian overlay codes would further control impacts to the environment. Vice Chairman Potter stated wetlands will be delineated and marked as "no build" areas.

3. Will the approval of the application result in an undue adverse impact on adjoining properties? VCC 9-5-2(B)(3).

Commissioner Schneider stated this would be mitigated by conditions of approval. The primary concerns heard from the public involved traffic and dust. Paving should occur upon additional development of parcel(s). Commissioner Roberts stated the impact will depend on future development proposals. A traffic impact study would flush out impacts to roads up to and including Highway 55.

4. Will the approval of the application result in an undue adverse impact on governmental services? VCC 9-5-2(B)(3).

Commissioner Roberts stated as long as the development agreement is adequate, impacts can be mitigated. Vice Chairman Potter stated additional connectivity would be an asset for the community. Commissioners concurred that the proposal would provide a secondary access and escape route for emergencies for existing subdivisions. Mandatory requirements exist for Federal Aviation Administration (FAA) form 7460-1 to protect McCall Airport.

5. Is the application consistent with the Valley County Comprehensive Plan? VCC 9-5-2(B)(3).

Commissioner Roberts stated the Commission is charged by Idaho State Statute to encourage development in and around existing areas of residential uses where central water and sewer services exist. The Commission is also charged with retaining the rural atmosphere of Valley County; this application is not proposing building a subdivision out in middle of flat, open pastureland. Vice Chairman Potter the proposal promotes development near existing infrastructure. Director Herrick stated the site is within the existing McCall Impact Area.

6. Conditional uses may be approved only after a C.U.P. has been evaluated to determine that the impacts can be mitigated through conformance with conditions of approval. VCC 9-5-2(A).

Commissioner Roberts believes #6 exists to make sure impacts are mitigated prior to approval.

Agencies have provided comments. Valley County Road Department stated the proposed connection would provide essential secondary emergency access to areas that are currently difficult or impossible for emergency services to reach, thereby improving overall public safety. McCall Fire and EMS stated the plans appear to meet the standards for access roads; however, site verification will be required.

Commissioner Roberts moved to approve the conditional use permit and preliminary plat for SUB 26-005 Pine Creek Ranch South Subdivision with the stated conditions. Commissioner Schneider seconded the motion.

Commissioner Roberts states the question before the Commission is about land use for an access road, not about approval of a bigger subdivision. If the applicant or someone else chooses to apply for a subdivision for a greater magnitude, the application still has to go through the process with the City of McCall and or the Valley County PZ Commission. It is reasonable to have an access road for secondary access or potentially for four lots.

The motion carried unanimously.

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

4:39 p.m.

D. NEW BUSINESS:

1. **SUB 25-019 Rocky Mountain Storage – Preliminary Plat:** Pearson Storage Partners LLC is requesting a conditional use permit for a subdivision on 18.47 acres. Block 1 would include 103 condominium storage units and two offices/bathroom units. Individual septic systems and individual wells are proposed. Access would be from a new private road onto Highway 55. The site, addressed at 14014 Highway 55, is parcel RP18N03E331807 and part of Vandal Flat Subdivision Lot 2 in the NE ¼ Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. **The Board of County Commissioners has remanded this item to the PZ Commission for further consideration of new information including the Traffic Impact Study and mitigation of visual impacts. Tabled from May 14, 2026. Action Item.**

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest. Commissioner Potter recused herself due to a conflict of interest. A quorum exists.

Commissioner Roberts moved to remove SUB 25-019 Rocky Mountain Storage – Preliminary Plat from the table. Commissioner Mabe seconded. Motion passed unanimously.

Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Paul Ashton, Parametrix and Valley County Engineer, listed requirements. (May 14, 2026)
- **Exhibit 2** – Email correspondence between the Valley County Engineer, Crestline Engineers, the applicant, and PZ Director Herrick regarding the approach onto Highway 55. Additional stormwater discharge will not result. (May 20, 2026, May 19, 2026)
- **Exhibit 3** – Kendra Conder, Idaho Transportation Department, confirmed that the ITD access permit is for both Rocky Mountain Storage and Vandal Flats Subdivision. (May 29, 2026)

Vandal Flats is the two-lot subdivision directly to the north. The storage units would share the access point with this subdivision. The access will be a platted road onto Highway 55, not a shared driveway.

Vice Chairman Potter asked for the applicant's presentation.

Matthew Parks of Clark Wardle located in Boise represented the applicant. The application was remanded back to the Commission by the Board of County Commissioners. Mr. Parks referred to the updated plat and renderings included in the staff report. Commissioner Maupin stated the proposed use is compatible with the area. Commissioner Thompson stated he could not deny the project. Staff assigned a favorable compatibility rating. The project is less intensive than many other commercial uses would generate minimal traffic according to the traffic impact study (TIS) that was provided to Idaho Transportation Department, paramedics, and County Commissioners. The project would generate 75 to 78 daily trips. The project would have a small impact on the neighbors noise-wise. Retail activity, manufacturing, outdoor storage, and residential occupancy would be prohibited. The Board of County Commissioners recognized these operational realities and indicated that the project is compatible for the area and the mixed-use corridor.

The one sold building along Highway 55 has been modified to four buildings. Landscaping has been revised and over 100 trees would be installed. There would be a 3-ft high berm, the building roof pitch would point downward toward the highway, the plat includes open space and a delineated wetland area. The screening features would be constructed of metal for maintenance purposes; a rendering was submitted. Substantial CCRs require maintenance of

property, and a property owner association would exist.

A 75-ft dedicated road right-of-way with a paved surface would address concerns of Commissioner Maupin and Director Herrick. Asphalt shingles would lessen the glare seen by the neighbors compared to a metal roof. The design is visibly pleasing and will help with snow shedding. Page 2 of the proposed plat shows over 100,000-sqft for snow storage area.

A TIS is not typically required in this type of project. The TIS had not been reviewed by the Valley County Engineer prior to the previous PZ Commission hearings. The TIS was reviewed prior to the Board of County Commission's public hearing; the engineer agreed with the findings of ITD.

One of the issues previous mentioned by the PZ Commission was the lack of potential environmental mitigation. This was addressed by the Board of County Commissioners; based on the mitigation efforts and the engineered storm water retention, there would be no impact on the environment. CCRs will require dark-sky compliant lighting. There will be no storage of hazardous materials, no long-term exterior parking, and no outside storage. The site would not be a contractor yard.

The applicant is agreeable to a development agreement which will provide a mechanism to allow Valley County to enforce CCRs. The applicant is agreeable to incorporating any environmental protections onto the final plat.

Mr. Parks stated that Valley County Code requires that the Commission evaluate this project, mitigation efforts, and compatibility. The project is compatible. There are robust conditions of approval proposed. A TIS was completed and three access points were consolidated into one. Concerns have been addressed.

Commissioner Mabe stated his previous denial was because the proposed design was not compatible along the Scenic Byway due to long line of buildings parallel to Highway 55. The revision does not address the impact to the Scenic Byway and the ability to see through or over the approximately 1000-ft length of buildings. This is not similar to the storage buildings across Highway 55. Originally the Commission was told that one building was split in order to provide snow removal. Now the one long building design has been changed to four buildings by removing one unit between each building. Has the applicant looked at other options?

Mr. Parks stated that the revision was to breakup the monotony of a solid building. At the Board of County Commissioner level, Commissioners Thompson and Maupin stated that orientation was not a concern. Mr. Parks stated that it takes a vehicle approximately 8-9 seconds to drive by the property. Other modifications have been considered but based on the site layout required setbacks from highway, and existing wetlands, this proposal is the best configuration.

Commissioner Roberts stated removing only one stall in the midst of a very long building does not break up the monotony. Has the applicant considered removing buildings? Mr. Parks stated the applicant has considered other alternatives. The revised site plan addressed concerns of the Board of County Commissioners. There will be four buildings fronting the highway.

Rob Pair of Crestline Engineers in McCall, stated the original site plan showed one long building fronting Highway 55. The design was changed to two buildings to break up the building and to add snow storage. The building design has been further modified to four buildings along the highway to break up the monotony. New features have also been added including windows on the highway side of the building. The screening walls will also break up the view. The Board of

County Commissioners discussed orientation of buildings. If the buildings run perpendicular to the highway, people would be able to see loading and unloading of the storage units.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents. There were none.

Mr. Parks added that renderings of the building with windows were included in the staff report.

Vice Chairman Schneider closed the public hearing. The Commission deliberated. The Commissioners confirmed that they were reviewing the most recent renderings and drawings as presented.

Commissioner Mabe stated that nothing has changed his original stance that the proposal and building design are not compatible with the Scenic Byway. He did watch the public hearing before the County Commissioners. He does not support the project.

Commissioner Roberts stated Commissioner Mabe raised good points. The applicant has attempted to compare the proposal with another project in close proximity. However, the overall natural grade and elevation of land lying east of Highway 55 at this site is substantially higher than that immediately west of Highway 55. The view of buildings located at a lower elevation on the west side is easier to overcome and more easily seen over. The proposal is not compatible to the adjacent residents in the Knob Hill area. The impact to the view corridor has been rarely addressed by the applicant. Safety issues remain along Highway 55. The 75-78 trips per day is significant. Left-handed lanes have been required for less trips. It behooves the Commission to stop allowing major development along Highway 55 that have significant trips without consideration of left-hand turn lanes. Approval would create a greater burden on the highway; there is a safety issue between Lake Fork and McCall. Commissioner Roberts disapproves of the buildings orientated parallel to Highway 55. As Commissioner Mabe noted, this is a Scenic Byway. In addition, this proposal incorporates a previous application for personal use of a site that has been changed to a commercial use. The normal process for land use has been short-cuttred. Commissioner Roberts is not in favor of the project.

Commissioner Schnieder stated she was not present at the February PZ Commission public hearing. Nor was she on the Commissioner during the decision approving the storage building for personal use. She also watched the public hearing held by the Board of County Commissioners. She agrees with Commissioner Mabe and Commissioner Roberts to some extent. The building design could be broken up more. However, the landscape plan is fantastic with a significant amount of landscaping that would mitigate the visual impact. Regarding traffic safety, Commissions rely on traffic engineers and ITD. If ITD has approved the approach with this proposed use, then she has a reason to support the applications. Reducing three approaches to one approach in this busy area is a win for the County and Highway 55 users.

Commissioner Roberts moved to deny the conditional use permit and preliminary plat for SUB 25-019 Rocky Mountain Storage. Commissioner Mabe seconded the motion. Commissioner Roberts and Commissioner Mabe voted in favor of the motion; Commissioner Schneider opposed the motion. The motion passed resulting in denial of the conditional use permit and preliminary plat for SUB 25-019 Rocky Mountain Storage

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

Commissioner Potter rejoined the Commission.

5:22 p.m.

- VAC 26-001 Boyer Vacation of Utility Easement:** Warren Boyer is requesting vacation of a 12-ft utility easement centered on the lot line between Lot 29 and Lot 30 of Lake Cascade Ranch Subdivision in order to build a shop over the lot lines. Each lot is 0.45 acres and addressed at 13128 Tucker RD and 13126 Tucker RD. The site is located in the W ½ of the NW ¼ Section 16, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Jerry Holenbeck, Donnelly Fire Marshal, had no comments, concerns, or requirements at this time. (June 8, 2026)

Director Herrick stated if approved, the property owner would complete a combination form with the Assessor's Office. There is an existing home; the owner wishes to add a shop that would be constructed over the area with the utility easement.

Vice Chairman Potter asked for the applicant's presentation.

Warren Boyer, Boise, owns the two adjacent lots. He did not know there was a utility easement on the lot line until recently. He concurs with the staff report.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated. Commissioner Schneider saw no issues. Commissioner Mabe stated there would be no impairment to future development. Commissioner Robert is in favor as long as the lots are combined.

Commissioner Schneider moved to recommend approval of VAC 26-001 Boyer Vacation of Utility Easement to the Board of County Commissioners. Commissioner Roberts seconded the motion. Motion carried unanimously. This matter will be forwarded to the Board of County Commissioners for a future public hearing.

5:29 p.m.

- C.U.P. 26-008 Troutner Multiple Residences:** Jeff and Kathy Troutner are requesting a conditional use permit for two residences on one parcel. The homes would share a well and an individual septic system is proposed. Access would be from a shared driveway onto Elk Haven Way, a private road. The 18.67-acre parcel, addressed at 84 Elk Haven Way, is Elk Haven Subdivision Lot 9, located in the NW ¼ Section 14, T.17N, R.3E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and summarized the following exhibit:

- **Exhibit 1** – Jerry Holenbeck, Donnelly Fire Marshal, had no comments, concerns, or requirements at this time. (June 8, 2026)

Commission Roberts expressed concern of the lack of road maintenance agreement among the existing landowners for the Elk Haven Lane and Elk Haven Way. This issue was brought up during a previous application. Director Herrick stated the roads are platted as private roads.

There are multiple properties accessing the private, platted roadways. This proposal would add a shared driveway for both homes on the lot; there would only be one shared access to the private roads.

Vice Chairman Potter asked for the applicant's presentation.

Micheal Cherry of Morton Buldings, Nampa, Idaho, is the contractor for project and represented the applicant. Property owners using the roadway were notified; a meeting notice sign was posted along the road. There would not be a woodburning device within the residence in the shop. The irrigation plan and weed control agreement have been signed and were included in staff report. The property owner would need to answer if the expanded use of the private roads has been approved the homeowner association. Mr. Cherry is not aware if an agreement for road maintenance, snow removal, or repair exists.

Commissioner Roberts was concerned about future maintenance and neighbor cooperation. He recommended a condition of approval stating that if there is a shared road maintenance agreement, this parcel shall contribute a proportional share based on number of residences.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated. Conditions of approval were discussed.

Commissioner Schneider moved to approve C.U.P. 26-008 Troutner Multiple Residences with the stated conditions.

COA: If a homeowner association exists, the applicant must have approval for expanded access.

COA: Shall contribute a proportional share for road maintenance based on number of residences.

Commissioner Roberts seconded the motion. Motion carried unanimously.

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

5:40 p.m.

4. SUB 26-008 Serenity Fields Subdivision – Preliminary Plat: Serenity Fields LLC is requesting a conditional use permit for a four-lot single-family residential subdivision on 10.5 acres. Lots would range from 1.6 acres to 5.6 acres in size. Individual well and septic are proposed. Access would be from a new private gravel road onto Highway 55. The site is part of a 27.46-acre parcel RP18N03E281774, addressed at 14091 Highway 55, and located in the S ½ of Section 28, T.18N, R.3E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Photos of the berm and revised preliminary plat (June 11, 2026)
- **Exhibit 2** – FAA form 7460-1 (Received from applicant on June 11, 2026)
- **Exhibit 3** – CDH application for subdivision review (Received from applicant on June 11, 2026)

- **Exhibit 4** – Shirley Florence stated Lake Irrigation District has approved the proposed water split and requests that the plat states that not all lots are assigned Lake Irrigation District Water. (Received June 11, 2026)

The berm has been hydroseeded.

The recent Idaho State Statutes Title 42, 38, and 67 and the distribution of surface water for irrigation of lots was discussed. Lake Irrigation District has shares, not water rights. Clarification from legal counsel is needed regarding the proposed transfer of water shares to remanent parcel. This issue will be resolved prior to final plat submittal.

The McCall Airport Manager's comments and a possible avigation easement were discussed. Director Herrick referred to the avigation easements required by the City of Boise that requires CCRs, increased soundproofing of buildings, etc.

The prior approved application was for seven residences on one parcel; that conditional use permit would expire and be replaced by this application with four residences. The previous approval required some mitigation of dust for the adjoining properties to the north. Staff did not receive any neighbor comments for this application.

Vice Chairman Potter asked for the applicant's presentation.

Jason Porter, 14091 Highway 55, represented the applicant. This subdivision application would reduce the number of residences to four and allow his children to get financing for the home construction. He met with Lake Irrigation District Board today and received approval of the proposal to transfer water use to the remanent parcel. Dust is a big concern. The posted speed limit on the existing driveway is 10 mph. The plan is to use different road material to reduce the dust; using "2-3 minus" material will have a lower content of fine material and less dust. There will be a road maintenance agreement and fire tank agreement. The stormwater plan and ITD access will be handled by Trevor Howard of Timberline Associates. The berm is in good shape with growing vegetation and will continue to be improved.

Commissioner Roberts was concerned about future dust control but agreed that the road material change would be beneficial.

Commissioner Mabe asked if the applicant was agreeable to an avigation easement. Further explanation of an avigation easement was given. This easement would recognize that planes fly over the property at low altitudes due to the proximity of McCall Airport. The easement would release the right to contest the noise, vibration, etc., that comes from living at the end of the airport runway. Additional installation in homes would reduce noise. Mr. Porter stated he is agreeable to an avigation easement and did submit the approved FAA form (**Exhibit 2**).

There was additional discussion with the applicant regarding irrigation. Mr. Porter stated that currently there is 20 inches of water for 29.5 acres. The agreement with Lake Irrigation District is 17.5 inches of water for the remanent parcel to the south, 2.5 inches for the 5.6 acres with the existing home; and no irrigation water for the other three lots. The method of conveyance must be approved by Lake Irrigation District. There are new Idaho Statutes requiring irrigation-related notes on the face of plats.

Vice Chairman Potter opened the public hearing and asked for proponents.

Doug Wilkinson, Meridian, plans to build on one of the new lots. The plan is for all four lots to be owned by family members.

Vice Chairman Potter asked for undecided. There were none.

Vice Chairman Potter asked for opponents.

Mike Houston, 14103 Highway 55, voiced questions regarding the access to and use of the remnant parcel, proposed building elevations, and setbacks from his property line to the immediate north of the proposed subdivision. He is concerned about possible shading of his property and garden.

Vice Chairman Potter asked for rebuttal from the applicant.

Mr. Porter addressed questions. The road width is 28-ft. Mr. Houston's property is higher than the proposed buildings sites on the new lots. The plat shows 85-ft to property line. Lot 2 has a 30-ft front setback. There will be room to park vehicles in front of the houses. There would be a driveway constructed just west of the berm to the remnant parcel south of the proposed subdivision.

Vice Chairman Potter closed the public hearing. The Commission deliberated.

Commissions concurred that this was a good proposal. It is better than the previous approval for multiple residences due to the reduction in homesites and for future sales of the homes. Commissioner Mabe wanted to require an avigation easement/ and dust control mitigation. Commissioner Roberts spoke to conditions of approval for irrigation water.

Commissioner Schneider moved to approve the conditional use permit and preliminary plat for SUB 26-008 Serenity Fields Subdivision with the stated conditions.

COA: Must clarify transfer of use and conveyance of surface water.

COA: Will require an avigation easement similar to City of Boise avigation easements.

COA: Must construct road to lessen dust or mitigate dust.

Commissioner Mabe seconded the motion. Motion carried unanimously.

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

6:21 p.m.

5. **SUB 26-007 Gestrin Grove Subdivision - Preliminary and Final Plat:** Michelle Basye and Ellis Leon Renz are requesting a conditional use permit for a four-lot single-family residential subdivision on 1.35 acres. Lots are 0.34 acres in size. Central sewer provided by North Lake Recreational Sewer and Water District and individual wells are proposed. Lots would be accessed from Gestrin Road and West Roseberry Road, both public, paved roads. The site is Fran-Dot Subdivision No. 3 Lot 2 in the SWSW Section 9, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and summarized the following exhibit:

- **Exhibit 1** – Jerry Holenbeck, Donnelly Fire Marshal, listed requirements. (June 8, 2026)

This would be a replat of an existing lot. Valley County Code requires a maximum 2.5 residences per acre; the applicant requested a 2.95 residences per acre. A variance from the required density was requested due to the configuration of existing lot. If not approved, the applicant would request a change in boundary and reduction to three lots; the resulting remnant parcel could be sold to the neighbor.

Vice Chairman Potter asked for the applicant's presentation.

Michelle Basye, McCall, described the proposal. The proposal meets the minimum lot square footage. Four lots would result in more affordable starter-home opportunities. No CCRs nor homeowner association are proposed. Camping would be allowed. The proposal fits the community's need for housing. Each lot would have a driveway.

Commissioners and the applicant discussed the size of the buildable portion of the lots. The sites are not meant for big homes and are longer than wide. The plat should show building areas so future owners would be informed. Maximum lot coverage is 35% and includes all impervious materials including asphalt or concrete driveways.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated. Commissioner Shneider is concerned that the addition of all impervious materials is pushing people to not pave driveway; she would like additional discussion on this matter at a future date. Director Herrick stated the change was made due to concerns of runoff of surface water into streams and lakes, made worse by people putting concrete right up to property line boundaries.

Commissioner agreed that the proposal is a creative solution for a unique lot and prefer four lots over three lots plus a remainder piece to reduce future problems and provide affordable lots. Commissioners agreed the variance from the maximum density is acceptable for this location. A variety of homes are needed in Valley County. The lot sizes and shapes would require homes that are not large or high-end. The homes would be on central sewer which is encouraged by the Commission. Unfortunately, central water is not available at this time.

Commissioner Schneider moved to approve the conditional use permit and preliminary plat for SUB 26-007 Gestrin Grove Subdivision with the stated conditions.

COA: Must place setbacks on face of plat.

COA: A variance from the maximum density is approved as part of the conditional use permit.

Commissioner Roberts seconded the motion. Motion carried unanimously.

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

6:40 p.m. – short recess to 6:44 p.m.

6. VAR 26-003 Rogers Cabin LLC Setback Variance: Rogers Cabin LLC is requesting a variance to relax the rear setback from 7.5 feet to 4.5 feet to replace the existing deck. The existing deck footprint would not change. The 0.30-acre site is Big Smoky No. 1 Subdivision Lot 20, addressed at 12969 Sandy Drive, and located in Section 21, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and summarized the following exhibit:

- **Exhibit 1** – Jerry Holenbeck, Donnelly Fire Marshal, had no comments, concerns, or requirements at this time. (June 8, 2026)

Vice Chairman Potter asked for the applicant's presentation.

Justin Higgins, Nampa, represented Rogers Cabin LLC, the property owners. The existing deck was constructed in 1978. All snow shed from the metal roof falls onto existing deck. The owners wish to reconstruct and the deck which has visibly failed and collapsed. The proposal would not change the building footprint that has existed for many years. Mr. Higgins referred to pictures that show the existing setbacks from U.S. Bureau of Reclamation-managed land. There are two points that conflict with the required 7.5-ft building setback. The deck is at ground level with the highest point at 24 inches above ground. However, the wraparound built-in bench is above the 30-inch building height that requires setbacks.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated.

Director Herrick referred to Valley County Code 9-4-3-2A. Any structure under 36-inches does not have to follow setback requirements. There was further discussion on the letter submitted by the U.S. Bureau of Reclamation concerning unauthorized encroachments onto Bureau-managed land. Commissioner Schneider, Commission Potter, and Commissioner Mabe had no issues as long as the deck remains in the same footprint. It does need repaired; it is a safety issue. Commissioner Roberts is concerned about setting a precedent and would like the Commission to identify why the variance should be granted as there is a propensity for people to place a deck as close to the water as possible. Commissioner Schneider referred to the pictures and stated there is a valid safety issue; only the existing footprint would be allowed with no expansion of the deck. Commissioner Potter stated if the built-in bench was not rebuilt, than setbacks would not be an issue as a building permit would not be required. Commissioner Mabe appreciated that a contractor proactively made sure the project would be in compliance with Valley County Codes. The Commissioners stated that reasons for approval include the use of the original, existing footprint, safety issues, ingress/egress from the home, and that the deck is not encroaching onto Bureau land. The deck does comply with the minimum 50-ft setback from the highwater line. Construction would include best management practices (BMPs) and a stormwater management plan approved by the Valley County Engineer.

Commissioner Schneider moved to recommend approval of VAR 26-003 Rogers Cabin LLC Setback Variance to the Board of County Commissioners; Commissioner Mabe seconded. Motion passed unanimously.

The matter will be forwarded to the Valley County Board of County Commissioners. This was a unanimous decision; therefore, the Board is not required to have a public hearing prior to making a decision.

7:05 p.m.

7. **CUP 26-009 CM Backcountry Rentals Shop and Lodge Amendment of CUP 24-07:** CM Backcountry Rentals LLC is requesting an amended conditional use permit to add an 8,000-sqft storage building to the existing shop, storage, and lodging quarters. The 4.8-acre parcel, addressed at 11 Rogers Lane, is Hinson Acres Subdivision Lot 1 in the NWNW Section 3 and NENE Section 4, T.17N, R.3E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any ex parte contact or conflict of interest; there was none. Director Herrick presented the staff report. The conditions of approval are the same as CUP 24-07. This proposal does not eliminate outside storage at the site.

Vice Chairman Potter asked for the applicant's presentation.

Cody Monroe, 313 McBride, McCall, stated the shop is desired to store equipment out of weather and to improve the overall look of the site. No additional traffic would result. The design would be similar to the existing building.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated. Commissioners agreed that the proposal was a good idea as inside storage is desirable. The building site is in a good location and fits in with the existing use of the property.

Commissioner Schneider moved to approve C.U.P. 26-009 CM Backcountry Rentals Shop and Lodge Amendment of CUP 24-07 with the stated conditions. Commissioner Mabe seconded the motion. Motion carried unanimously.

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

7:14 p.m.

8. **SUB 26-009 Paradise Cove II Subdivision – Preliminary Plat:** Loomis Homes INC is requesting a conditional use permit for a two-lot single-family residential subdivision on 2.38 acres. Proposed lots are 1.12 acres. North Lake Recreational Sewer and Water District would provide central sewer; individual wells are proposed. The lots would be accessed from Paradise Lane, a public gravel road. The site is part of parcels RP15N03E0300605 and RP15N03E030006 located in the N ½ of the NE ¼ Section 3, T.15N, R.3E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any ex parte contact or conflict of interest; there was none. Director Herrick presented the staff report and summarized the following exhibit:

- **Exhibit 1** – Jerry Holenbeck, Donnelly Fire Marshal, listed requirements. (June 8, 2026)

Vice Chairman Potter asked for the applicant's presentation.

Steve Loomis, Horseshoe Bend, concurred with the staff report. He clarified the proposal to create a cul-de-sac where there is currently only a snowplow turnaround on private property owned by Mr. Higgins. Paradise Cove Subdivision property owners pay Mr. Higgins annual fees for the use of a well. This easement and use would continue. Mr. Loomis is in the process of

applying for both central sewer and water services. He is not sure if central water would be available to this site.

The shaded area on the plat will be a new cul-de-sac. This turn-around area would be dedicated to Valley County. Paradise Lane is very narrow, and expansion of the road width would be beneficial to Valley County and the neighborhood.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated. The proposal looks straightforward. Commissioners preferred connection to central water services if possible. Positives include the additional land for a road turn-around and annexation into North Lake Recreational Sewer and Water District to provide central sewer especially since the site is near Lake Cascade. Access and the narrow road have been problematic for years.

Commissioner Mabe moved to approve the conditional use permit and preliminary plat for SUB 26-009 Paradise Cove II Subdivision with the stated conditions and

- **removal of proposed COA # 17 which duplicates # 14.**

Commissioner Roberts seconded the motion. Motion carried unanimously.

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

7:31 p.m.

9. CUP 26-010 Time Construction & Management: Time Construction & Management LLC is requesting a conditional use permit to operate a sheet metal and roofing company. The 0.97-acre site, addressed at 13876 Highway 55, is Pleasant Acres Subdivision Lot 5N in the SW ¼ Section 3, T.17N, R.3E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any ex parte contact or conflict of interest; there was none. Commissioner Mabe stated he has done business with the applicant in past but nothing currently. Director Herrick presented the staff report.

Vice Chairman Potter asked for the applicant's presentation

Tim Elam, 57 Deer Run RD, Cascade, stated the business is similar to previous uses at the site. The business provides and services the community with roofing and sheet metal products. The site is rented. He plans to work on the long-deferred maintenance on the existing building. There is room for customers to park on the side of the building instead of between the building and highway; occasionally customers park in front. Employees park elsewhere on the property. The building predates the 100-ft setback from Highway 55. There is a three-bedroom apartment that is used for employee housing. The other buildings are used for storage, office space, and showroom space.

Commissioner Roberts stated the site is along the Scenic Byway corridor and landscaping is a concern. There is pressure from the community to enhance landscaping and design along Highway 55. Mr. Elam said he is working with the landlord to clean up the area and will work with PZ Staff to guide landscaping.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none.
Vice Chairman Potter asked for undecided. There were none.
Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated. Parking and landscaping was discussed. It may be difficult to keep people from parking between the primary building and Highway 55. The area could be signed as "No Parking".

Commissioner Mabe moved to approve C.U.P. 26-010 Time Construction & Management with the stated conditions.

COA: Shall work with PZ Staff to develop a landscaping plan which includes no parking between the primary building and Highway 55.

Commissioner Schneider seconded the motion. Motion carried unanimously.

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

7:44 p.m.

10. CUP 26-011 Anderson Multiple Residence: Tim Anderson is requesting a conditional use permit for two residences on one parcel. The homes would share a well; individual septic systems are proposed. Access would be from a shared driveway onto Sixty Lane, a public road. The 60-acre site, addressed at 222 Sixty LN, is parcel RP12N04E287806 in the SE ¼ Section 28, T.12N, R.3E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report.

Vice Chairman Potter asked for the applicant's presentation.

Tim Anderson, Meridian, stated a barn with living quarters was constructed in 2024. They wish to add a primary residence to the property. The barn has a wood stove and another is desired in the new home.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none.
Vice Chairman Potter asked for undecided. There were none.
Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated. The property will remain one 60-acre parcel with two residences. A split of the property would require a subdivision plat. Commissioners agreed that this is a straightforward application with no issues.

Commissioner Roberts moved to approve C.U.P. 26-011 Anderson Multiple Residence with the stated conditions. Commissioner Mabe seconded the motion. Motion carried unanimously.

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

7:51 p.m.

11. VAR 26-004 Holden Setback Variance: Timothy Holden is requesting a variance to relax the front yard setback from 20 feet to 7.5 feet for placement of a shipping container. The

1.0-acre site is Gold Dust Ranch No. 2 Subdivision Lot 146, addressed at 90 W Prospectors DR, and located in the NESE Section 9 and the NWSW Section 10, T.13N, R.4E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and referred to pictures in staff report showing topography. Setback distance is measured on a horizontal line. The site is well above the road. The site plan, including septic drainfield and well locations, was reviewed by Commissioners.

Vice Chairman Potter asked for the applicant's presentation.

Tim Holden, 90 Prospectors Drive, stated the container would provide storage for vehicle and patio equipment. Additional storage needed at the home. This is the only available site without significant excavation and/or setback variances from either the existing garage or eastern property line. He was agreeable to a condition requiring removal of the shipping container if the property is sold.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated and had no concerns.

Commissioner Roberts moved to recommend approval of VAR 26-004 Holden Setback Variance to the Board of County Commissioners with the following condition of approval:

- Shipping container must be removed if property is sold.

Commissioner Schneider seconded the motion. Motion passed unanimously.

The matter will be forwarded to the Valley County Board of County Commissioners. This was a unanimous decision; therefore, the Board is not required to have a public hearing prior to making a decision.

8:00 p.m.

12. CUP 26-012 Schneider Propane Storage: Heidi and Ryan Schneider are requesting a conditional use permit to lease approximately two acres of a proposed 5.88-acre parcel to a propane distribution company for the purpose of propane tank storage and delivery. Access would be from Challis Lane, a private road, to Highway 55. The future parcel is a portion of RP12N04E172646 located in the NW ¼ Section 17, T.12N, R.4E, Boise Meridian, Valley County Idaho. Action Item.

Vice Chairman Potter introduced the item and asked if there was any exparte contact or conflict of interest. Commissioner Schneider recused herself due to a conflict of interest. A quorum exists. The proposed hours of operation per the applicant is 8:00 a.m. to 5 p.m.

Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Slide Presentation by Applicant

Staff and Commissioners discussed the application and a commercial versus an industrial

designation. There would be no retail sales at this site. Valley County Code Table 9-3-1 generally describes storage yards as commercial uses, light industrial is manufacturing, and heavy industry includes concrete plants. Therefore, the proposed use is best categorized as Commercial – Area Business.

Vice Chairman Potter asked for the applicant's presentation.

Heidi Schneider, 291 Ashton Lane, referred to Exhibit 1. The site was originally planned to be part of Saddle Rock 4. It is now a remainder piece. The site receives a lot of highway noise. Previous and current use of the parcel is a storage and equipment area for the buildout of the Saddle Rock Subdivisions. Exhibit 1 includes a more detailed site plan that includes setbacks from property lines. The site is not visible from Challis Lane nor Highway 55. Approximately 120-ft of the private road would be used by the business. As declarant to Saddle Rock, the Schneiders did retain the right to maintain private ownership of the road right-of-way; it will eventually be turned over to the homeowner association after completion of development. All property owners within Saddle Rock pay proportional fees for road maintenance, including landowners who own unplatted, rural parcels and use the private roads. This reduces the maintenance costs for everyone. The lessee will also pay toward road maintenance. In 2025, the fee was \$500 per lot. The lessee would only use 0.04% of the entire private road system, but still pay full amount that each lot owner does. The site is not visible off-site due to steep topography along Highway 55 and existing screening by conifers. The site is currently used for equipment storage which is not visible from highway or Challis Lane. The use would not affect any lot owners and she does not believe this use would affect future sales of lots.

The site has been treated as required under the approved Saddle Rock Wildland Urban Interface Fire Protection Plan. Propane is heavily used throughout Valley County. Exhibit 1 Includes pictures of filled storage tanks near a local school, in downtown Donnelly, and in a residential area next to a park in McCall; propane facilities are located throughout the County in variety of sites that are very visible. The benefit of proposed location is the lack of visibility.

There would be no retail sales, no public traffic or access, and no outdoor lighting. There would be empty storage tanks, a larger tank stored on site, and a bobtail-truck that leaves the site during the day.

The Schneiders have invested significant time and capital resources into the area. They do not want to negatively impact the character they have created in the subdivision. Mrs. Schneider reviewed the standards of approval included in the staff report.

- She does not believe the use would change the appearance or character of the area; the site is hidden from view.
- The use would not have an undue adverse impact on environment. The use is subject to approval by Cascade Fire. Significant time and money has been spent on fire mitigation in the Saddle Rock development area.
- Adjoining properties will not see, hear, or interact with the proposed use.
- ITD has approved the access points. The Commission relies on the expertise of engineers and agencies.
- The lessee will contribute toward private road maintenance.
- The use is compatible. The limited scale and operation will be effectively hidden from community and highway.
- The use serves a community need.

The 1-acre area would be fenced. Not all existing propane sites are currently fenced, but they may predate the current requirements of the Cascade Fire Department.

Commissioner Mabe stated that many properties in Valley County have 500-gallon or 1000-gallon tanks near homes. He appreciates that the site is not visible from Highway 55. The daily trips are minimal, the lessee would pay towards road maintenance, and the site is not within a platted subdivision.

Commissioner Roberts asked about the size of the large storage tank. Mrs. Schneider stated the 30,000-gallon tank is located on a chassis and will be used for filling the bobcat truck the filling tank. If any emergency such as a fire was to occur, the tank is mobile and can be removed immediately. The application shows the number of propane tanks planned to be stored. Equipment storage must stay within the leased area. There was additional discussion on the pictures of other propane storage in Valley County. The site will comply with Cascade Rural Fire and State of Idaho requirements, including automatic shutoff valves.

Vice Chairman Potter opened the public hearing and asked for proponents. There were none. Vice Chairman Potter asked for undecided. There were none. Vice Chairman Potter asked for opponents.

Dean Snyder, 10 Saddle Rock, Meridian, was one of the original owners of Saddle Rock lots. He does not dispute what Ms. Schneider has said. His property touches both entrances into Saddle Rock Subdivisions. His concerns are not about safety but the value of his property. His property has deed restrictions to protect the Saddle Rock development that include no commercial use or further subdivision. Randy Mead, a local realtor, told him the use would negatively impact his property value due to the perception of possible buyers.

Marvin Ward, Meridian, has mixed feelings. He is opposed to propane storage in residential areas. The perception is that this site was part of the Saddle Rock development. He is concerned that additional commercial uses would follow. He is concerned that use of the site would grow with additional tanks, trucks, and traffic. Currently the Saddle Rock area is not being used by full-time residents; therefore, this use would result in greater number of daily traffic compared to the individual lots. The use would impact future sales of property.

Gayle Ward, Meridian and owner of Lot 37 in Saddle Rock Subdivision, believes she has been deceived. She assumed that the site would eventually be residential lot. She is concerned about the addition of other commercial development in the area and the future growth of this company. They purchased this site to get away from commercial activities. Property insurance was difficulty to get already.

Brandon Fiscus, Meridian and owner of Lot 3 in Saddle Rock Subdivision, stated residents bought lots within Saddle Rock at a premium price to be in a secluded, forest area free from business uses. The property has strict CCRs. The proposed use does not align with the subdivisions culture, does not add value, and would increase insurance costs and traffic. The use would impact the private road greater than the payment made by the lessee. He is concerned about safety.

David Billig, 33 Challis Lane and 15 Dakota Way, Florida, concurs with the points the majority of Saddle Rock lot owners have voiced in opposition. He asked the Commission why Valley County needs another LPG company in the midst of a residential area. The private road declaration for the subdivision states that the private road is not for the general public nor for the benefit of the general public. The purpose of the Commission is to protect the health, safety, and welfare of County residents. A new 30,000 gallon LPG tank is already on site. A bobtail truck from a new company to the Cascade area may already be using the site without the approval of a conditional use permit.

Vice Chairman Potter asked for rebuttal from the applicant.

Mrs. Schneider stated if she or Ryan felt that the proposed use would devalue the surrounding properties, they would not allow the use. Saddle Rock Phased 3, 4, and 5 are still coming on line. She does not believe this use would affect the value of these properties which the Schneiders will have for sale. When the Schneiders began the Saddle Rock development, they did not own this specific 77-acre parcel. Mrs. Schneider referred to the recorded private road declaration. There are a number of parcels outside of the platted subdivision lots that use the private Saddle Rock roads. Those other parcels also pay the same amount for road maintenance. The roads are currently in fantastic shape. The roads serve the entire community and they as developers have maintained the right to annex any parcel into the private road system. The lessee will have to meet requirements of the conditional use permit. A change in use would require approval by the PZ Commission. If this company wants to expand, they would come back to commission or they would need to find another site. Mrs. Schneider did reach out to insurance and was told the proposed use would not affect insurance rates. There are large propane storage tanks are throughout the community including next to residential uses on individual lots. In addition, there are seven underground water storage tanks for fire suppression within Saddle Rock Subdivision Phases. There is a diesel tank currently on the site that has been there for many years; the diesel is used by the equipment used for developing the area. There are no propane tanks currently on the site. This site is private property that is not visible from off-site locations.

Vice Chairman Potter closed the public hearing. The Commission deliberated.

Commissioner Mabe stated he understands the concerns of the public. However, he believes the applicant has done a good job and mitigated these issues. He did not find any examples of insurance companies canceling or not providing insurance due to propane tanks. The ability to move the tank is comforting and reduces concerns compared to permanent tanks. The mitigation that has occurred and the recorded WUI also reduces concerns. The area must be fenced and secured. The number of daily trips and a growing business are controlled with conditions of approval.

Commissioner Roberts referenced the compatibility rating and a commercial versus light industry use. He concurs with the staff calculation of a (-8) for Questions 1, 2, and 3. Questions 4 – 9 are to determine if the use is compatible or if not, what can be done to mitigate impacts. Commissioner Roberts does not believe the road capacity is a big issue, the applicant has reserved the road for other things. He referred to the Standards of Approval 1-5. From the applicant's perspective, there is no loss in value; however, public testimony disagrees. There is potential for undue environmental impacts. He referred to the pictures of other storage facilities and stated these are generally not in wooded areas. There is impact on the neighbors based on testimony and people's perceptions. There are not adverse impacts to governmental services. Commissioner Roberts stated that a commercial propane storage facility within or directly adjacent to residential area is not compatible. People bought those lots with the intent that the site was going to be a residential area. The use would conflict with the Comprehensive Plan and the health, safety, and welfare of the community.

Commissioner Potter believes there are lots of positive aspects to this application. The site is already being used for storage and construction equipment. The site is already graded and is a 1-acre lease on larger parcel. Fire requirements will be complied with. Neighbors do have valid concerns regarding future growth of the business. The application states one 30,000 gallon tank and four trips per day. According to Google.com, a bobcat truck can hold up to 4,000 gallons of propane. Servicing four homes per day would be two trucks per day, a total of eight trips per day.

Commissioner Roberts stated the storage tank should be connected to a semi-tractor to be removable at all times during June through October. These tanks are typically plumbed; therefore, he is not sure if company would be willing to accommodate this. He stated that adding conditions to make something work means that the use is incompatible. The use would reduce property values, particularly those more proximal to site.

Commissioner Mabe stated that additional conditions are in response to public comments. Retail sales, trips limited due to concerns. Limiting the number of trips would be a response to the concerns raised by the public. There are conflicting comments on whether or not the use would impact property values. The applicants have the largest stake in value of the property, far greater than income from leasing the site. The applicant is also a realtor. This would be more an issue if the site was visible. Commissioner Mabe asked Commissioner Roberts to elaborate on the lack of alignment with the Comprehensive Plan.

Chairman Roberts stated the concern for health, safety, and welfare is founded in the Idaho Statute from which land use ordinances are written from. The value of adjacent property affects welfare. If the Commission allows a use on property that has a negative effect on another, that becomes an unmitigated takings from impacted individual(s). The Comprehensive Plan includes a chapter on land use, where uses should be located, and the impacts to adjacent landowners. Those types of businesses should be grouped together in areas where businesses are already located, not in the middle of rural Valley County where no other commercial use exists. If the site had been near one of the existing commercial hubs such as Clear Creek or Lake Fork, he would not have objections.

Commissioner Mabe believes the basis of the operation is understood. The debate remains concerns the impact to surrounding property values, if the use is compatible, and if the use would create a fire risk. Cascade Fire Chief has stated what standards must be met. The use will be hidden and there will be conditions to limit equipment and daily traffic.

Vice Chairman Potter stated that a number of things contribute to property values, including traffic, noise, privacy, and density. She believes the proposed use would have limited or no impact.

Commissioner Mabe moved to approve CUP 26-012 Schneider Propane Storage with the stated conditions.

COA: Must fence site.

COA: Shall limit number of daily trips to a maximum of eight (8) trips per day.

COA: Shall limit the use to a maximum of two (2) bobcat trucks.

COA: Shall limit the use to one 30,000-gallon tank on a chassis.

COA: Must have truck available to move the tank June through October.

Revised COA # 5: Must comply with requirements of the Cascade Fire District. Fire mitigation must meet or exceed fire department's requirements.

Vice Chairman Potter seconded the motion. Commissioner Mabe and Vice Chairman Potter voted in favor; Commissioner Roberts voted in opposition. Motion carried.

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

Commissioner Schneider rejoined the Commission.

E. OTHER

1. Appeal of Administrative Decision to require a conditional use permit for pool facility at Jug Mountain Ranch PUD

Commissioner Schneider recused herself due to conflict of interest.

Director Herrick stated she is not opposed to a pool at Jug Mountain Ranch; however, she would like the Commission to determine if a conditional use permit is required to add a pool facility to amenities available to the property owners within Jug Mountain Ranch. The 1997 application did specifically mention a pool; however, the 1997 application was withdrawn. A pool facility was not included in the approved 1998 PUD application. There were a number of amenities listed in the 1998 application; Director Herrick is not sure why a pool was not listed.

The Commission should determine if a pool facility fits the character of the recreational activities available at Jug Mountain Ranch. Jug Mountain Ranch did obtain a conditional use permit for a tubing hill.

The matter was discussed by the Commissioners; recreation is a loose term. All the bike paths and skiing is offered to the public. This would be a property owner amenity. It is standard for country clubs to have swimming pools. A swimming pool is mundane and not impactful; a go-kart activity is recreational but non-standard and would have impacts.

Commissioner Roberts moved that a pool at Jug Mountain Ranch would be considered an amenity and not require a conditional use permit. Commissioner Mabe seconded the motion. The motion passed unanimously.

F. FACTS AND CONCLUSIONS - Action Items:

- VAR 26-002 Koskella Shared Driveway Variance
- CUP 26-004 Maxton Short-Term Rental
- SUB 26-004 Orange Sky Subdivision
- CUP 26-006 Idaho Tree Equipment Storage and Employee Housing
- CUP 26-007 Idaho Fish and Game Office and Employee Housing
- CUP 22-34 Shoemaker Donnelly Storage – Extension Request

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

Vice Chairman Potter adjourned the meeting at 9:43 p.m.