

Valley County Planning and Zoning Commission

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Katlin Caldwell, Chairman
Ken Roberts, Vice-Chairman

Sasha Childs, Commissioner
Scott Freeman, Commissioner
Gary Swain, Commissioner

MINUTES

Valley County Planning and Zoning Commission
March 9, 2023
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. by Chairman Caldwell. A quorum exists.

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|-------------------------------------|---------|
| PZ Director – Cynda Herrick: | Present |
| PZ Commissioner – Katlin Caldwell | Present |
| PZ Commissioner – Sasha Childs: | Present |
| PZ Commissioner – Scott Freeman: | Present |
| PZ Commissioner – Ken Roberts: | Present |
| PZ Commissioner – Gary Swain: | Present |
| PZ Assistant Planner – Lori Hunter: | Present |

B. MINUTES: Commissioner Childs moved to approve the minutes of February 9, 2023, and February 21, 2023. Commissioner Roberts seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

- 1. C.U.P. 21-09 Copper Rock Subdivision – Final Plat:** Biltmore Investments is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of 13 single-family residential lots and two common lots. Lots would be assessed from shared driveways onto Dawn Drive (public). The 6.4-site is a portion of parcel RP16N03E161805 in the SE 1/4 Section 16, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Not a public hearing.**

Chairman Caldwell introduced the item. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

Condition of Approval No. 3 requires the final plat to be recorded by April 20, 2023. The applicant is asking for an extension to allow time to complete infrastructure.

Keven Amar, Meridian, Idaho, representing Biltmore Investments, finds general agreement with the conditions of approval. The improvements are in the ground but ran out of time to complete installation and electrical connections due to weather. The electric work has been scheduled with Idaho Power. Changes will be made to the plat as stated in the staff report. Fiber optics

have been installed along the west side of Dawn Drive. Storm Water Pollution Prevention Plan (SWPPP) will be complete [COA 16].

Commissioner Roberts moved to approve the final plat of C.U.P. 21-09 Copper Rock Subdivision with the changes and to extend the final plat approval to October 20, 2023, and authorize the Chairman to sign the plat. Commissioner Childs seconded.

The Commissioners discussed the motion. Conditions of approval must be completed prior to review by the Board of County Commissioners. Valley County Code requires that the final plat conform substantially to the approved preliminary plat. Commissioners believe that the submitted final plat is substantially compliant; fine tuning will occur prior to approval of Board of County Commissioners. Before the plat is recorded, Donnelly Fire Department must submit an approval letter. The six-month extension allows time for Idaho Power to complete the electrical work; the electrical work must be completed before Donnelly Fire Department will write an approval letter.

Commissioner Childs, Commissioner Freeman, Commissioner Roberts, and Chairman Caldwell voted in favor of the motion. Commissioner Swain abstained from voting. Motion passed.

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

6:17 p.m.

2. C.U.P. 22-04 The Preserve at McCall Ranch – Final Plat: River Investments LLC is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat consists of eight single-family residential lots. Lots would be assessed from a new private road onto Norwood Road (public) and Johnson Lane (public). The 20-acre site is currently addressed at 86 Johnson Lane and is parcel RP18N03E299005 in the SESE Section 29, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Not a public hearing.**

Chairman Caldwell introduced the item. Chairman Caldwell asked if there was any ex parte 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 exhibit:

- **Exhibit 1** – U.S. Army Corps of Engineers letter regarding wetland delineation. (Feb. 14, 2022)

The proposed Y-shaped turn-around was clarified. The water delivery easement was clarified; Note 13 on the plat specifies the easement information.

Rob Pair, Crestline Engineering, McCall, represented the applicant. Plat Note 11 limits each lot to one wood-burning device. The Y-turnaround design is approved in the International Fire Code but not in Valley County Code. They will have a letter from McCall Fire Department stating their approval of the design prior to recording the final plat.

Commissioner Roberts moved to approve the final plat of C.U.P. 22-04 The Preserve at McCall Ranch, authorize the Chairman to sign, and accept the Y-turnaround as addressed by Valley County Engineer and the McCall Fire Department. Commissioner Childs 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.

6:30 p.m.

D. NEW BUSINESS:

1. **VAC 23-01 Vacation of Utility and Drainage Easement:** Alexis Martin and Joe Brinkley are requesting a vacation of a 10-foot-wide utility and drainage easement centered on a portion of the lot line between Lots 27 and 28 in Alta Vista Subdivision in order to build over the current easement location. The lots, addressed at 253 and 265 Alta Vista Drive, are located in the SW ¼ Section 36, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell 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** – Confirmation that the lot line adjustment has occurred. (Mar. 7, 2023)
- **Exhibit 2** – Laura Lacy, Idaho Power Company, stated Idaho Power does not have facilities located within the area and agrees to relinquish their interest in the specified public utility easement. (Feb. 17, 2023)

The Commissioners asked if other utility companies other than Idaho Power would use the utility easement. Director Herrick stated that the phone company [Zipty] is sent notice of proposed easement vacations but typically does not respond.

Chairman Caldwell asked for the applicant's presentation.

Alexis Martin, 265 Alta Vista DR, concurs with the staff report. The lot line adjustment has occurred. Vacating the utility easement would allow the owners to build over the original lot line that is located within the reshaped lots.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated.

Commissioner Childs moved to recommend approval of VAC 23-01 to the Board of County Commissioners. Commissioner Swain seconded the motion.

Commissioner Freeman is in favor of the vacation as Idaho Power has stated they do not need the easement location. Idaho Power is the primary user of utility easements.

Motion carried unanimously.

This matter will be scheduled with the Board of County Commissioners for a future public hearing.

6:37 p.m.

2. V-1-23 Franklin Building Supply Setback Variance: Franklin Building Supply CO is requesting a variance to relax the setback from the property line along Highway 55 and the southwest portion of the site. The site, addressed at 23 Johnson Lane and 14047 Highway 55, includes parcels RP18N03E330606, RP18N03E330621 and RP18N03E330645, and is located in the NWNE Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and displayed the site plan and GIS map on the projector screen. The site plan was reviewed.

The variance request is to allow storage within the 100-ft setback area. Director Herrick does not believe that the storage of materials within the 100-ft setback from Highway 55 was allowed per C.U.P. 99-1; the applicant disagrees. Regardless, the applicant is asking for a variance.

Chairman Caldwell asked for the applicant's presentation.

Abby Germaine, of Elam & Burke, Boise, is representing Franklin Building Supply CO. Ken Leavitt, Regional Manager for Franklin Building Supply, is also available to answer any questions regarding on-site operations. Franklin Building Supply is requesting a variance to use the 100-ft setback area for the storage and staging of materials as shown in the site plan for C.U.P. 99-1. She referred to the confusion between the uses in the southwest and southeast corners of the site. Storage is allowed in southwest area on site plan; staff and Franklin Building Supply are in agreement. Franklin Building Supply is willing to limit parking in the southeast area to the area marked on site plan.

Franklin Building Supply is a lumberyard that has been in operation at this site since 1983. In 2022, Planning and Zoning Staff met with representatives of Franklin Building Supply regarding the setback area. The company has tried unsuccessfully to move the temporary storage and staging area to different portions of the property; this interfered with the efficiency and cost-effectiveness of the operation. Not using the contested setback area rendered the facility non-operational.

Ms. Germaine referred to the site plan from C.U.P. 99-1 that was submitted with the application. The words highlighted in yellow state:

- Existing storage yard
- Black-top surface extends east and west from rail fence [green] to irrigation culvert [blue] and north to south from cyclone fence [orange] to south storage building [pink].

Based on that language and intent of conditional use permit, the site plan clearly depicts that storage can occur all the way from the rail fence to the irrigation culvert. However, based on discussions with staff and discrepancies in interpreting the site plan, a variance is requested to allow storage within the 100-ft setback area and provide clarity for the Planning and Zoning Department for future enforcement.

Valley County Code 9-5H-10 allows a variance to be granted upon showing undue hardship. Franklin Building Supply states that an undue hardship would exist if this variance was not granted. The typical use of the area is staging and loading of materials, from a couple of hours to overnight. The area is wide enough to allow heavy equipment to turn around, provide a drive-thru aisle, and allow for safe and efficient loading of materials.

The storage and staging area cannot occur in other areas on the property due to wetlands, wet soils, and septic system location, all which restrict heavy equipment use. The existing berm on the west side of the buildings was requested by the PZ Commission to shield the site from the residences to the west. The berm has reduced the land available for operational use. In regard to the requirement for “undue hardship”, if Franklin Building Supply is not able to utilize the area indicated on site plan, operations will be drastically affected and the business inoperable. This would result in millions of dollars in lost revenues and taxes to Valley County.

Franklin Building Supply has been a good partner and has worked cooperatively with Valley County regarding the façade design and dark-sky appropriate lighting.

Ms. Germaine responded to questions from the Commissioners. The variance request is for “Temporary storage” to be granted into perpetuity. If Idaho Transportation Department (ITD) decides to widen the highway at this location, the eminent domain process would lead to a future discussion. This would apply regardless of approval of this requested variance. Franklin Building Supply has no intention for any permanent buildings within the 100-ft setback.

The sight-obstruction from Johnson Lane and ITD response letter were discussed. The Idaho Administrative Procedures Act includes “recommended”, not “required”. There is space between the pavement and the property line to meet this 14-ft setback. There is an existing access permit from ITD for the southern access to the property.

Ken Leavitt, Regional Manager for Franklin Building Supply, Star, Idaho, stated that the staging area is used for temporary storage, not permanent storage. The height of materials has been lowered. He explained how the site is used. Trucks are parked where they do not impede with sight view from Johnson Lane. Eventually there will be more lanes on Highway 55; however, this variance is needed for operations today. Moving the equipment did not allow for efficient or safe operations. The ditches are different than what shows on the GIS map. Drainage was discussed. There is a drop off at least eight feet west of the buildings. The staging area was set up to be at the current spot. The berm was required as a conditional use permit.

Commission Swain stated there is room to expand; thus, an undue hardship does not exist. If the area was approved as a staging area as part of a previous conditional use permit; therefore, a variance is not necessary.

Commissioner Roberts questioned if the variance could be granted subject to future highway expansion.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell asked for rebuttal from the applicant.

Ms. Germaine submitted site plans that were also included in the application submittal (**Exhibit 1**). The applicant believes that the current use of storage and staging of materials within the 100-ft setback from Highway 55 was allowed per C.U.P. 99-1. The variance is an amicable resolution to clarify the issue.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Roberts wants more information from the Valley County Prosecutor and property owner. His concerns include the future expansion of Highway 55, eminent domain, and the property owner’s expectation of land use compensation. Commissioner Childs states that giving a variance is something that needs to be questioned. She states that the conditional use permit

allows the storage on the site plan; however, she is willing to table the matter to obtain more information. Commissioner Swain does not believe the requirement for “undue hardship” has been met. However, he is under the impression that a variance is not needed because the use is allowed per the conditional use permit. Commissioner Freeman concurs with Commissioner Swain; the note is clear that the intent was for staging; and a variance is not needed. Chairman Caldwell concurs with Commissioners Freeman and Swain. However, she did point out that the site map does clearly point out the 100-ft setback which is direct conflict with existing use. The site plan also contradicts as it includes both the 100-ft setback information and a description that includes the area up to the fence. The Commissioners discussed if the 100-ft setback on the site plan referred to a temporary “lay down” use as well as a permanent structure. Director Herrick stated that her recollection is the area is for “drive through” and lay-down area and pick-up area but was not intended for parking or storage of materials. According to applicant “temporary” could be a couple of hours or overnight. Valley County Code does not allow parking in setback areas. Commissioner Swain asked if the applicant could identify the current use and parameters, including length of time materials are stored.

Commissioner Roberts moved to table V-1-23 Franklin Building Supply Setback Variance for further consideration and more information until the regular meeting on May 11, 2023.

This would allow the Commissioners and staff to explore options and determine if granting a variance creates a value. The applicant shall better define the use within the 100-ft setback from Highway 55 and define the length of “temporary storage”. Staff will provide a copy of the C.U.P. 99-1 file, including application and meeting minutes.

Commission Childs seconded. Motion passed unanimously.

7:40 p.m.

3. C.U.P. 23-01 Sands 55 Subdivision – Preliminary Plat: Lake Fork 55 LLC is requesting a conditional use permit for a 4-lot, mixed-use subdivision that includes commercial use, light-industrial use, and multiple-residences (apartments). Proposed lot sizes range from 0.87 acres to 3.27 acres. Access would be from State Highway 55. Individual wells and individual septic systems are proposed. The 10.3-acre site is parcel RP17N03E033995 located in the W ½ Sec. 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Chairman Caldwell asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Updated civil plans which show the routing of the drainage. (Mar. 9, 2023)
- **Exhibit 2** – Lake Irrigation District response letter. (Mar. 2, 2023)
- **Exhibit 3** – Michelle and Dave Butler. They and others use the water that flows within ditch. Follow-up from neighborhood letter. (Mar. 8, 2023)

The applicant submitted a list of allowed uses for Lot 2. The Planning and Zoning Director would determine if conditional use permit is required for uses not listed. Approving this use does not result in commercial zone designation. If uses change from what is listed in the application and staff report, a conditional use permit may be required. A more specific list is required.

There is an irrigation ditch along western boundary plus another ditch within the site. Staff requests more information on the plans for these ditches. Approval from Lake Irrigation District

will be required.

The proposed driveway configuration was discussed.

Director Herrick confirmed that letters from US Corps of Engineers regarding wetland delineation are only good for five years. The letter submitted in the application is from a previous application at the same location; a new letter will be required.

Chairman Caldwell asked for the applicant's presentation.

James Fronk, 14028 Norwood Road, represented the applicant. The land is predominantly flat. The irrigation easements were shown on the plat; he described the locations. There will be a deeded easement shown on the final plat for the access and maintenance of the irrigation ditch. There is a drainage swale in Lots 1 and 2; this would be filled in. The applicant is in process of receiving an updated letter from US Army Corps of Engineers. The "concrete abandoned siphon" shown on the plat is not abandoned. There is a ditch on the east side of the Highway on highway that then turns west at the siphon site. An easement will be clarified with the Lake Irrigation District.

- Lots 1 and 3 have proposed uses as identified in the staff report.
- Lot 2 would be commercial or light industrial use.
- Lot 1 – two-unit residential building for employee housing
- Lot 2 – three-unit residential building; undetermined if for employees only or open to general public
- Lot 3 – no residential use

McCall Fire Department will require a 30,000-gallon water storage tank for fire. The residential units in Lots 1 and 2 would have sprinklers on both first and second floors.

The Idaho Transportation Department [ITD] letter states a study is required. Mr. Fronk believes this is inaccurate and is stated as "standard language"; he has had discussions with other ITD personnel. The application packet includes an approval letter from ITD.

The area in front of commercial buildings will be paved after one year to allow time for the ground to settled. The area behind the commercial building on Lot 1 will be graveled. After conversations with future lot owners, prefer to keep Lot 2 and 3 as gravel with ability to pave in future; this is a change from the submitted application.

Civil drawings have been submitted to the Valley County Engineer for review. Central District Health [CDH] has been onsite and has monitoring data from 2000's and from 2022. The septic engineer report needs to be completed and approved. Both Lot 1 and Lot 2 would each have a septic system; the commercial and residential units on a lot would share a combined septic system.

A neighborhood meeting was held; information was included in the staff report. A commercial use was expected based on past approvals; most concerns were about the residential component. Screening will be added. The second floor of the residential units were designed to reduce impact to neighbors. Patios are recessed into the building, not hanging out over posts. CCRS will include requirements for noise, quiet hours, and animals. The use is similar to the surrounding area.

Landscape plan was explained further. The site plan includes a row of trees and bushes to buffer; this will be extended further south. Neighbors asked for additional fencing and trees. The neighbor meeting lasted about 1½ hours at nearby Gemma's. The Commissioner packets

contained information on this meeting from both the applicant and the neighbors (Butler).

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Freeman is concerned about tree roots from the proposed landscaping and the irrigation ditch. Chairman Caldwell said an approval letter from Lake Irrigation District would be required. It is not common to approve building permit applications before final plats are required; certificates of occupancy would be held until plat is recorded. Valley County Building Department will not issue building permits without septic approval from CDH. Commissioner Childs is in favor of approving building permits prior to final plat as long as the applicant has CDH approval, has worked out irrigation issues, and has worked with ITD. Commissioner Childs likes the application and appreciates the work force housing. CCRs should require this use in perpetuity so the housing would not become short-term rentals. The tenant of Lot 3 would like to start construction immediately. The applicant will provide an easement for the ditch on Lots 1 and 4 in cooperation with Lake Irrigation District. The applicant will be required to obtain a permit from ITD. The area behind the commercial buildings may or may not be paved.

Valley County Code 10-7 states all subdivision applications must submit a Wildland Urban Interface Fire Protection Plan. For this location, the applicant can submit a complete a form instead of the typical plan. The form is available on the Valley County website.

Commissioner Roberts agrees this is a well laid out application. He also appreciates the worker housing component.

Prior to final plat approval, the applicant will submit a more specific list of approved uses for Lot 2. Certain uses might require special drains and/or CDH approval.

Commissioner Roberts moved to approve C.U.P. 23-01 Sands 55 Subdivision – Preliminary Plat with the stated conditions and:

COA: Will provide easement for ditch on Lot 1 and 4 in cooperation with Lake Irrigation District.

COA: Must have permit from Idaho Transportation Department for accesses.

COA: May or may not pave areas behind buildings.

COA: No short-term rental of the housing units.

COA: Prior to final plat, will submit a more specific list of approved uses for Lot 2.

Revised COA 4: Need updated letter from U.S. Corps of Engineers.

Revised COA 13: Building permits can be approved prior to recording of final plat upon approval by Central District Health, Lake Irrigation District, and Idaho Transportation Department. However, final occupancy will not be approved until after the recording of the final plat.

Commissioner Freeman seconded the motion. Motion carried unanimously.

The Commission complemented the applicant for meeting with the neighbors prior to the public hearing and providing opportunity for issue resolution. The applicant submitted a complete and organized application.

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

8:33 p.m.

4. C.U.P. 23-02 McCall Landing Subdivision – Preliminary Plat: Jeremy Sands is requesting a conditional use permit for a single-family residential subdivision. The plat includes 19 residential lots and 6.4 acres of open space on 64.6 acres. Proposed lot sizes range from 2.2 acres to 4.6 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from new private roads onto State Highway 55. The site is located in the N ½ Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any *ex parte* contact or conflict of interest. There was none. Commissioner Swain stated his son owns property on the west side of his property; however, Commissioner Swain has no financial interest.

Chairman Caldwell asked for the Staff Report. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Lake Irrigation District response letter. (Mar. 2, 2023)
- **Exhibit 2** – Email conversation regarding McCall Airport. (Mar. 9, 2023)
- **Exhibit 3** – Email conversation regarding Idaho Transportation Department [ITD]. (Mar. 9, 2023)
- **Exhibit 4** – Letter from Brook, Shelley, and Le'Ray Spelman, 1400 Norwood RD (Mar. 9, 2023)

Valley County 9-5A-2 Roads and Driveways requires developments to have two access roads or driveways to a public street wherever practical. However, Highway 55 is limited-access highway. This access point will be shared and would be directly across the highway from another shared driveway.

Chairman Caldwell asked for the applicant's presentation.

Jeremy Sands, 190 Krahn Lane, presented the application. Steve Millemann, legal counsel, and Rob Pair, Crestline Engineering, are also available to respond to questions. The proposal is for 19 residential lots plus 6.4 acres of open space, mostly pond and other wet areas. Lot 16 is approximately 345-ft from Highway 55. There are no current plans for the land designated as "future development" on the preliminary plat.

The access location is the one preferred by Idaho Transportation Department; a second access was removed due to the allowed distances between driveways accessing Highway 55. He has met with ITD; a traffic study would not be required. This conflicts with the form letter included in the staff report.

A survey company surveyed the entire property and marked the location of the pond. He had the sediment mucked out of the pond and removed; much of the sediment was due to a break in a levee. He did receive the proper permits for the pond; the pond boundary was not expanded.

There is an existing barbwire fence along the entire perimeter of the property. This fence will be repaired during Summer 2023. The Commissioners asked about fencing maintenance responsibility. Mr. Sands is not opposed to including fencing maintenance in the CCRs to obligate lot owners to maintain fence. Staff stated that although this site is in a herd district, Valley County Code (VCC) 9-5A-5F requires the applicant to construct fencing and provide or the maintenance.

He will look at the option of a shared driveway instead of cul-de-sac [proposed Sunbridge Place].

Mr. Sands responded to the comments from the McCall Airport Manager. This site is under the airport approach surface. This information will be included in CCRs. The approach is approximately 135-ft above the property. Building heights will be limited to 35-ft. He does not believe an aviation easement is required or appropriate for this property.

He has reviewed the proposed conditions of approval and has no issues. The proposed subdivision meets requirements of the ordinance and received a positive compatibility rating score.

No landscaping along western portion of the development is proposed.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided.

Mary Jo Zimmer, 37 Johnson Lane, owns the adjoining property, directly north of Lots 10 and 11 and the open space lot. She does have cattle on her property. She maintains an existing smooth wire and electric fence inside her property line as she does not want barbed wire on her property. The fence that Mr. Sands referred to is in disrepair. She is also concerned that there was not a response from the Valley County Soil and Water District regarding Mud Creek drainage.

Emily Hart, McCall Airport Manager, referred to her submitted comments and Mr. Tankersley. She understands the risk is low for this site. Her main goal is to manage community expectations and enhance situational awareness. She recommends that the application checklist be modified to add information and regarding airport concerns and required forms. She referred to the map she submitted. This site is about two-thirds in the Approach Area and one-third in the Horizontal Surface. She is hoping to reduce future complaints regarding airplane noise and fumes. The airport community would appreciate conditions of approval that include information on flight paths and proximity to airports.

Barry Mathias, 37 Johnson Lane, stated the subdivision should have their own fence.

Chairman Caldwell asked for opponents.

Dennis Musgrove, 36 Garden Lane, is concerned about the water table in the area, the necessity to drill new wells, and water quality. He had to put in a new well pump last year; the water level has already dropped a foot. His well is about 70-ft deep. He heard that two other neighbors had to redrill wells. The subdivision is not needed for housing and would likely be seasonal use. It would increase traffic in an area that is already difficult. He wants to stay "out in the country".

Chairman Caldwell asked for rebuttal from the applicant.

Steve Millemann, McCall, representing the applicant, said it is appropriate to include clear disclosure that livestock activity occurs on adjoining properties, so purchasers are aware. The applicant will be required to maintain a fence on his property line. He does not think an aviation easement is appropriate for this property as it would give control to the City of McCall. CCRs should include clear disclosure about airport approach surface, airport proximity, airplane

noise, etc. He will review the proposed CCRs with the McCall Airport Manager. This is a low-density application; under Valley County Code, twice the number of lots could exist on this property. Irrigation water will be provided by irrigation water rights instead of well water; this will be included in CCRs. Using the wells only for potable water will significantly lessen the amount of well water used by lot owners. Idaho Department of Water Resources has been monitoring wells and has concluded that Valley County does not have a significant draw down from residential wells.

Commissioner Roberts stating VCC 9-5A-5F does require the applicant to provide the fencing and maintenance. The trespass of dogs and dogs chasing livestock is a concern. What type of fencing would be required to keep pets on properties? Mr. Millemann stated that CCRs are an appropriate way to address this issue. He recommends that the property owner association be responsible for fencing maintenance. The subdivision boundary will be surveyed and delineated with “pins”. The primary perimeter fence surrounds the property.

Chairman Caldwell closed the public hearing. The Commission deliberated. Fence style and maintenance were discussed. Commissioner Swain recommended woven fence and smooth wire as children and barbwire are not good together. VCC allows multiple use. Commissioner Roberts believes Staff’s compatibility rating is appropriate. The corridor between Lake Fork and McCall is developing with both residential and commercial uses.

The application meets required standards. The Commission can recommend no short-term rentals in the subdivision but cannot require this restriction. Road development agreement is not required as access is from private roads onto State Highway 55. Staff did present this application to Valley County Soil and Water District and did not receive any comments. The applicant did have the proper permits for the pond work. The pond boundary matches the past boundary in past aerial maps. Commissioner Childs stated the proposal is appropriate land use. An avigation easement shall not be required.

Commissioner Childs moved to approve C.U.P. 23-02 McCall Landing Subdivision – Preliminary Plat with the stated conditions and:

Revised COA 16: In accordance with Valley County Code 9-5A-F, the applicant is responsible for constructing a fence. Repair and maintenance shall be provided in CCRs and shall be the responsibility of the Homeowners Association. The fence should keep dogs and livestock separated.

COA: CCRs must include notification of airport proximity and noise, recommendation of additional soundproofing, and discourage enhancements that will attract additional migratory birds.

COA: Property owners must restrain animals; dogs may not trespass on adjacent properties. This shall be added to the CCRs.

COA: Add plat note: “Agricultural uses and livestock activity may be adjacent activities.”

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.

9:35 p.m.

E. OTHER

- **C.U.P. 21-43 Huckleberry Ridge:** Are the proposed changes substantial?

Director Herrick displayed the GIS map to show area of approved Huckleberry Ridge Subdivision and adjacent properties. Mr. Gallucci has had conversations with adjacent property owners regarding the property and connectivity.

Mr. Gallucci is requesting the ability to:

- Extend the subdivision road westward to the property line;
- Add land [from RP17N02E232405] into the subdivision boundary, resulting in an additional lot;
- Add a ¼-acre piece of land located between proposed Lot 9 and West Mountain Road.
(**Exhibit 1**)

Valley County Code requires the Commissioners to determine if a final plat is substantially the same as the approved preliminary plat.

Commissioner Childs moved that the Commission does not believe that addition of one more lot and extension of the property boundary is a substantial change. Commissioner Freeman seconded. Both Commissioner Roberts and Chairman Caldwell stated they understand the reasoning but are concerned about setting precedent.

Commissioner Childs - aye
Commissioner Swain - aye
Commissioner Freeman - aye
Commissioner Roberts - no
Commissioner Caldwell - no

Motion is approved. A new conditional use permit is not required for these revisions.

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

F. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 22-54 Haney Solar Panels
- C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B– Preliminary Plat
- C.U.P. 22-57 Lamon Multiple Residences

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

Chairman Caldwell adjourned the meeting at 9:50 p.m.