

# 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  
**October 19, 2023**  
Valley County Court House - Cascade, Idaho  
PUBLIC HEARING - 6:00 p.m.

Due to technical difficulties, the first hour of the meeting was recorded with video but without audio. Due to the requirement for a transcribable record, the following items were revisited later in the meeting to record information on the public hearings, the motions, and votes:

- C.U.P. 21-09 Copper Rock Subdivision – Final Plat Extension Request;
- C.U.P. 22-19 Valley Heights – Final Plat;
- C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B– Final Plat;
- C.U.P. 23-02 McCall Landing Subdivision – Final Plat; and
- C.U.P. 21-27 Timber Creek Reserve Subdivision – Extension Request.

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

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

**B. MINUTES:** Commissioner Swain moved to approve the minutes of September 14, 2023. Commissioner Childs seconded the motion. Motion passed unanimously.

### C. OLD BUSINESS:

- 1. C.U.P. 21-09 Copper Rock Subdivision – Final Plat Extension Request:** Biltmore Investments is requesting a one-year extension of the final plat approval. The Commission approved the final plat on March 9, 2023, and it was to be recorded by October 20, 2023. The plat contains 13 single-family residential lots and two common lots. 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 and 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.

Commissioner Childs asked Staff to clarify if a bond is being requested. Director Herrick replied that the applicant is willing to bond. The Board of County Commissioners typically make decisions regarding bonding for plats. The applicant is waiting on a part. Approving an extension would give the applicant time to get mylars, etc., ready for the Board of County Commissioners, regardless of if the applicant needs to bond or not prior to recording the plat.

Kevin Amar, Meridian, representing Biltmore Investments, stated the sewer lift station is installed and ready to go. A part is still needed for the fire-suppression water tank; this part is to arrive "any day now". The applicant will work with staff on whether to bond or to wait to record plat.

Commissioner Childs moved to approve the final plat extension request for C.U.P. 21-09 Copper Rock Subdivision for one year. Commissioner Swain seconded. Motion carried unanimously.

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

*6:08 p.m.*

**2. C.U.P. 22-19 Valley Heights – Final Plat:** Ryan Valley 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 five single-family residential lots. Access would be from a new private onto Finlandia Road (public). Shared driveways are shown on the plat. The 33-acre site is parcel RP16N04E065407 in Section 6, T.16N, R.4E, Boise Meridian, Valley County, Idaho. Action Item. Not a public hearing.

Chairman Caldwell 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 displayed the site and GIS map on the projector screen.

Director Herrick responded to questions from Commissioners. Conditions of Approval #9 and #11 are still needed. These will be submitted prior to Board of County Commissioner review and approval of the plat. Legal documents such as the plat, declaration of private roads, etc., will be signed prior to Board review. Financial guarantees were discussed. Typically, financial guarantees are a decision by the Board. Financial guarantees would allow the plat to be recorded, lots sold, and building permits approved.

Rob Pair, Crestline Engineers, McCall, stated the surveyor corrections will be made. Payment has been made to Idaho Power for the joint trench. The road has also been paid for in advance. Crestline Engineers will work with the surveyor to address the Valley County Engineer comment.

Commissioners concurred that the final plat substantially conforms with the approved preliminary plat and conditional use permit. The applicant will work with staff to complete requirements prior to Board review.

Commissioner Swain moved to approve the final plat of C.U.P. 22-19 Valley Heights and authorize the Chairman to sign. Commissioner Childs seconded. Motion carried unanimously.

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

7:20 p.m.

- 3. C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B– Final Plat:** Jug Mountain Ranch 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 12 single-family residential lots and 4.9 acres of open space on 29.37 acres. Access would be from new private roads onto York Street, an existing private road. Shared driveways are shown on the plat. The site is in the SW ½ Section 6, T.17N, R.4E, Boise Meridian, Valley County, Idaho. Action Item. Not a public hearing.

Chairman Caldwell 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** – Amy Pemberton, Response to Staff Report (Oct. 17, 2023)
- **Exhibit 2** – Email correspondence regarding sanitary restrictions on the plat. (Oct. 18, 2023)
- **Exhibit 3** – Revised Declaration of Private Roads (Oct. 19, 2023)

Director Herrick stated the applicant has met with the Board of County Commissioners and research is ongoing regarding past development agreement payments. Private road standards do not require pavement; the road is currently graveled.

The applicant, David Carey, McCall, is available for questions. The staff report and submittal were detailed. The road will be paved in the spring after the road has stabilized over winter. Additional test holes will be monitored on the one lot. He responded to questions regarding the existing Jug Mountain Ranch sewer system. The system works great and has higher standards than local municipal systems. The change in requirements by Idaho Department of Environmental Quality has become a challenging, frustrating, and expensive process in recent years. Jug Mountain Ranch is the oldest P.U.D. in Valley County. The development agreement is still in negotiation with Valley County Board of County Commissioners.

Amy Pemberton, McCall, representing the applicant, stated the development agreement negotiation is a condition of approval and will be completed prior to plat recordation. One plat was recorded prior to the necessary payment; this was an oversight. The shared access agreement (COA 15) is addressed by CCRs 6.3.

Commissioners concurred that the final plat substantially conforms with the approved preliminary plat and conditional use permit. The applicant will work with staff to complete requirements prior to Board review.

Commissioner Swain moved to approve the final plat of C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B, with a condition that there is compliance with the development agreement, and authorize the Chairman to sign. Commissioner Childs seconded. Motion carried unanimously.

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

6:36 p.m.

- 4. C.U.P. 23-02 McCall Landing Subdivision – Final Plat:** Jeremy Sands 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 includes 19 residential lots and 6.4 acres of open space on approximately 65 acres. Access would be from a new private onto State Highway 55. Shared driveways are shown on the plat. The site is located in the N ½ Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. Not a public hearing.

Chairman Caldwell 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** – McCall Fire District response. (Oct. 17, 2023)
- **Exhibit 2** – Lake Irrigation District response. (Oct. 17, 2023)
- **Exhibit 3** – Revised CCRS, Declaration of Private Roads, and Declaration of Utilities. (Oct.18, 2023)

Director Herrick does not know if the applicant received an access permit from Idaho Transportation Department (ITD). The area marked as “future development” is not part of the plat.

Rob Pair, Crestline Engineers, McCall, represented the applicant. An ITD permit was received in August 2023; he will send a copy to Staff. Ground water monitoring has occurred, and sanitary restrictions will be released. There are a few changes from the preliminary plat. The number of lots are the same. The preliminary plat had a cul-de-sac road that has been converted to a shared driveway for lots 16, 17, and 18.

Jeremy Sands, McCall, property owner and applicant, responded to questions from Commissioners regarding perimeter fencing, adjacent agricultural uses, and dogs. Condition of approval # 16 stated that applicant must install a perimeter fence. He has installed a 4-ft “pet” fence around the perimeter of the proposed subdivision. CCRs state lot owners must keep pets on property. CCRs also state that the fence must be maintained.

Commissioners concurred that the final plat substantially conforms with the approved preliminary plat and conditional use permit. The applicant will work with staff to complete requirements prior to Board review.

Commissioner Childs moved to approve C.U.P. 23-02 McCall Landing Subdivision final plat and authorize the Chairman to sign. Commissioner Caldwell seconded. Motion carried unanimously.

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

6:50 p.m.

#### **D. NEW BUSINESS:**

- 1. C.U.P. 21-27 Timber Creek Reserve Subdivision – Extension Request:** Northlake-Durham LLC is requesting a one-year extension of the conditional use permit and preliminary plat approval that expire on October 26, 2023. The original approval was for 81 single-family residential lots. The 37-acre site is located in the SESE Section 21 and NE ¼ Section 28, T.16N, 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 and GIS map on the projector screen.

Chairman Caldwell asked for the applicant's presentation.

Joe Pachner, KM Engineering, representing the applicant, stated the 85% of the roadway is paved; the rest will be paved tomorrow. He is hoping to have a final plat to staff in 45 days for review. The applicant is willing to consider the rear lot line location as requested by the comment letter within the staff report.

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. Commissioners concurred that the lot line in question is logically a rear lot line; however, this should not be a condition of approval.

Commissioner Childs moved to approve a one-year extension of the conditional use permit and preliminary plat approval of C.U.P. 21-27 Timber Creek Reserve Subdivision with the stated conditions. Commissioner Swain seconded the motion. Motion carried unanimously.

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

There was a short break.

**Due to technical difficulties, the previous portion of the of the meeting was recorded with video but without audio. Due to the requirement for a transcribable record, the following items were revisited later in the meeting to record information on the public hearings, the motions, and votes:**

- **C.U.P. 21-09 Copper Rock Subdivision – Final Plat Extension Request;**
- **C.U.P. 22-19 Valley Heights – Final Plat;**
- **C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B– Final Plat;**
- **C.U.P. 23-02 McCall Landing Subdivision – Final Plat; and**
- **C.U.P. 21-27 Timber Creek Reserve Subdivision – Extension Request.**

7:03 p.m.

**2. C.U.P. 23-37 Tamarack Resort P.U.D. 98-1 – Amended Village Plaza Condominium –**

**Preliminary Plat:** TRH-Village LLC is requesting a conditional use permit to amend a portion of Tamarack Resort Planned Unit Development to correct the locations and dimensions of certain common areas, exclusive use common areas, residential units, and commercial units. The plat includes one additional residential unit that has been constructed. The 4.37-acre site is within Lot 16, Tamarack Resort Phase 2 Village in the NW ¼ Section 5, T.15N, R.3E, B.M., 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. Chairman Caldwell recused herself due to a family member in contract with the applicant and left the meeting room.

Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. The applicant is also requesting approval of the final plat. All of the documentation has been received except for lot closures. Staff recommends the Commission approve both the preliminary and final at this time. Central District Health (CDH) wants a new engineering report due to the additional residential unit.

Acting Chairman Childs asked for the applicant's presentation.

Scott Turlington, representing Tamarack Resort, the applicant, stated the amended plat is needed as changes and modifications were made, particularly due to construction efficiencies. This is a "clean-up" process. The footprint did not change. Some interior changes occurred, for example, a planned pool was removed. They will work with CDH and will meet the requirement. The additional residential unit is still owned by the applicant. There are a total of 130 residential units in the Village; approximately 20 are unsold. The Village Plaza Association has approved the proposed plat. All building is complete in the Village.

Amy Pemberton, McCall, stated this plat is not for the residential units except for the new unit and common areas which are owned by the applicant and for the commercial areas which are also owned by the applicant. Therefore, the plat only needs to be signed by Scott Turlington, representing the property owner.

Acting Chairman Childs 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. Acting Chairman Childs stated CDH requirements will be completed prior to review of the plat by the Board of County Commissioners.

Commissioner Swain moved to approve preliminary and final plats of C.U.P. 23-37 Tamarack Resort P.U.D. 98-1 – Amended Village Plaza Condominium and authorize the Chairman to sign. Commissioner Childs seconded the motion. Motion carried unanimously.

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

Chairman Caldwell returned to the Commission.

7:20 p.m.

- 3. C.U.P. 23-38 Heron Hollow Subdivision – Preliminary Plat:** Jason and Sarah Whipple are requesting a conditional use permit for a 3-lot single-family residential subdivision on 10 acres. Proposed lot sizes range from 2.0 acres to 4.87 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from Potter Lane, a public road. The site is parcel RP17N03E010606, addressed at 265 Potter Lane, and located in the NE ¼ Section 1, 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 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.

Chairman Caldwell asked for the applicant's presentation.

Sarah Whipple, McCall, has submitted an application with Central District Health for the three lots. She has no concerns with the listed conditions of approval. The existing pole building and garage would become part of Lot 2. The buildings do meet side setbacks.

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 Swain said this is a straightforward application. Commissioner Childs stated the application meets codes and ordinances.

Commissioner Childs moved to approve C.U.P. 23-38 Heron Hollow Subdivision with the stated conditions. Commissioner Swain seconded the motion. Motion carried unanimously.

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

7:28 p.m.

- 4. C.U.P. 23-40 Ahlquist Bunkhouse, Ranch Office, Helicopter Landing Pad, and Hangar:** Tommy Ahlquist is requesting approval of a conditional use permit for a 3200-sqft building to be used as a ranch office storage, and four-bedroom dormitory for housing temporary employees and guests. The request also includes a helicopter landing pad and hangar with a bedroom and bathroom. The 261-acre parcel is addressed at 3324 West Mountain Road and located in the NW ¼ Section 12, T.17N, R.2E, 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, site plan, and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Staff's Compatibility Rating
- **Exhibit 2** – Jim Fronk's, Applicant's Representative, response to questions in the Staff Report. (Oct. 18, 2023)
- **Exhibit 3** – Emily Hart's, McCall Airport Manager, response. (Oct. 18, 2023)
- **Exhibit 4** – Deborah Bertossa's, 165 Stillwater CT, response in opposition. (Oct. 12, 2023)
- **Exhibit 5** – Virginia Bradley, Blackhawk Ranch Property Owners Association Manager, sent responses from POA members in response to an email from the POA.

Commissioners asked Staff for clarifications regarding the Staff Report and Valley County Code.

Building heights cannot be taller than 35-ft per Valley County Code (VCC) 9-5C-4. A conditional use permit is not required for a US Forest Service fire emergency encampment nor for a Life Flight landing. VCC Title 8 is an early 1970's ordinance that predated our Land Use ordinance. We rely on the expertise of the McCall Airport personnel. Thus, our office reached out to Emily Hart, McCall Airport Manager, for her comments on this specific application. The Commission can use VCC Title 8 in their discussion and decisions. Regarding the compatibility rating (**Exhibit 1**), staff determined the biggest change would be the addition of the building with four dormitories and the residential use in the hangar. Commissioners could use the matrix for each of the three different proposed uses.

Chairman Caldwell asked for the applicant's presentation.

Jim Fronk, McCall, represented the applicant. He referred to the site plan drawings; there are existing buildings and two proposed buildings. The bunkhouse would include an office for the ranch manager plus residential areas for ranch workers and occasional use by family members, no commercial use. Monitoring of soils and groundwater for septic systems will occur this winter.

The proposed helipad location is a concrete pad currently used for recreational uses. The proposed hangar would include accommodation for one residence. The owner of the helicopter is a business partner of the property owner. The helipad would be used no more than three times per month. The ranch is 622 acres. The helipad site is 190-ft from the centerline of West Mountain Road. The next closest dwelling is owned by the applicant. The closest dwelling in Blackhawk Lake subdivision is approximately 2500 feet to the north. A residence on other side of Payette River is approximately 4600 feet away. Ms. Escosa's residence is approximately 4200 feet from the proposed helipad. Mr. Fronk agreed with the comment(s) received and stated that the project description was incorrect, and the helicopter noise is actually approximately 90db at a certain distance, and decreases over distance.

Mr. Fronk replied to questions in the staff report (**Exhibit 2**). The site would not be used commercially. The bunkhouse would be used on a seasonal basis. There is no club association with this ranch property. Lights will meet Valley County Code requirements. He understands that a conditional use permit for the fire encampment is not needed, but wanted to include the use in the application. The area has many scattered residences within the wildland urban interface. He has talked to fire personnel who support the proposed use of the site for personnel encampment and storage of equipment. This use would not be used in property marketing. Life flight landing availability would benefit the people in this area.

The proposed concrete helipad would cause minimal dust. West Mountain Road is paved at this location. It is a noisy area with an existing conditional use permit for a gravel pit a mile away. Numerous gravel trucks frequently use both the graveled and paved portions of West Mountain Road. Mr. Fronk submitted information on noise for helicopters and comparisons to other equipment. The existing large truck noise in the area is similar. (**Exhibit 6**). The business partner owns an Airbus Helicopter, same as referred to in **Exhibit 6**. Helicopters range in size and power.

Commissioner Swain stated his research on helicopters showed almost 80db at 1000 feet; thus, a greater sound at West Mountain Road would be expected. Helicopter noise is noticeable.

Mr. Fronk believes there would be little effect on the neighbors. Only the helicopter associated with the business partner would use the helipad. Travel will be to and from the south and east



of the helicopter pad. The pilot would only fly the other direction and over Blackhawk Lake if an emergency.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided.

Allan Chandler, 9 Bitterroot Court, stated many of his questions have been answered. He has more questions about the fire camp use. He is ok with personal use of the helicopter. How would additional helicopter use be regulated?

Chairman Caldwell asked for opponents.

Steve Holder, 5 Bitterroot Court, is an adjacent neighbor to the north who has had multiple issues with the property owner regarding a shooting range. The applicant is a nuisance. Mr. Holder does have video and picture of helicopter flying below FAA airspace in the area today. It is only a 15-minute drive to McCall Airport. The helicopter use would negatively impact property values in the area. Both LifeFlight, the fire district, and ambulance would respond and transport to McCall Hospital. A fire encampment would be stationed at the McCall airport and would not need to use the shallow pond on the property.

Bob Rathbone stated the proposed helipad is in a hole with RedRidge on one side and the river on the other. Helicopters reverberate and pound air into the ground and critters. People further away than those noticed would be impacted by the helicopter. *The Code of the New West* is available on the County's website and says to "respect your neighbors' livelihood and property and be aware that your actions may have an adverse impact on your neighbors, human and otherwise." People move here for the open space, quiet, and availability of recreational activities. This site is not remote and is only 7.5 miles from the McCall Airport on a year-round, paved road from McCall Airport and the McCall Smoke Jumper Base. No need for helipad on this property.

Jonathan Walker, McCall, does not see a reasonable need for a helipad at this site when the facilities area so close. It is inevitable that airspace would be above residential properties.

Judy Anderson, 13775 Nisula Road, requests denial in order to maintain the rural character, the health of residents, quiet enjoyment of property, to protect the river corridor, and property values. Low altitude flying helicopters are particularly noisy. The blade-slap percussion vibrations seem louder as they are felt as well as heard. The proposed minimal use would inevitably creep up. Biggest issue is precedent for future requests of other helipad sites as a convenient amenity.

Pete Fitzsimmons, Blackhawk Ranch and Blackhawk Lake, is skeptical. A lot of money would be spent to save three 30-minute round trips per month. After a previous meeting with Mr. Ahlquist, a helicopter, likely this helicopter, flew over the Blackhawk area in a flagrant violation of FAA rules regarding minimum altitude, through the trees near his home. This helipad site would likely have no available radio and be behind locked gates; therefore, Life Flight would be better to land in a culdesac in Blackhawk Ranch. Last summer the applicant blocked a trail granted by an easement. Last summer, the applicant hosted some type of summer camp that involved multiple days of shooting.

Lisa Holder, 5 Bitterroot Court, stated that earlier today a helicopter flew across Blackhawk Ranch Subdivision at a low altitude over homes. This is an intrusion of a quiet rural residential

area. How would monitoring of the number of landings per month occur? Who would be responsible for the monitoring?

Chairman Caldwell asked for rebuttal from the applicant.

Tommy Ahlquist, 305 Blackhawk Lake DR, stated many lies have been told by people giving testimony. He actually has allowed public along the river trail working with the Payette Land Trust. His partner, Mike Boran, is elk hunting in wilderness; therefore, the helicopter that people took pictures and recordings of today does not belong to him. Private property rights matter. He referenced the McCall Airport Manager's response. Having a place to land, especially during inclement weather conditions, is important. Mr. Boren, who has several active cattle ranches, would like to land his helicopter. The property is an active cattle ranch. The helicopter landing one time, approximately three years ago. He is requesting a maximum of three times per month; use would likely be three times per year. Most of the comments made in opposition are false.

Commissioner Swain is concerned about the noise level discrepancy in the impact report. Mr. Fronk stated he did not fill out the impact report; the 60 dbs came from the application letter. He realized he was incorrect after reviewing a comment from the public.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Swain believes in private property rights but not at the cost of taking someone else's rights away. He does not have a problem with the overall land use change but does have a problem with the helipad proposal. A noise study would be needed at a minimum. He believes the helipad would be an overreach by one person at the expense of many. Commission Swain gave the following reasons for denial:

- VCC 9-5B-1 Noise
- VCC 9-5-2 - The comprehensive plan states in part that the rural atmosphere of the valleys be protected.
- VCC 9-5-2.B - Allowing conditional use permits in areas and to standards that increase property values without undue adverse impacts on the environment and adjoining properties.

This proposal would have an impact on the adjoining properties.

Commission Childs tends to concur with Commissioner Swain on those points and ordinances. There is a lot to this application. Fire camps and LifeFlight landings can occur without a conditional use permit; therefore, she is hesitant to approve them with a conditional use permit. Her concerns include neighbors' rights, the short distance to the McCall Airport, control of the helicopter use, etc. A noise study would not guarantee that the site would always be used by same aircraft. The proposed helipad use does not meet the compatibility required by our multiple use system; the multi-family use barely passes compatibility with the surrounding land use.

Commissioner Childs stated the multi-family portion of the application does receive a positive number. That would be the only part of the application that she is comfortable approving.

Chairman Caldwell tends to agree. Impacts have not been mitigated. Private property rights are important.

Director Herrick stated the Commissioners can approve a portion of the application by making a condition of approval to exclude the helipad and US Forest Service use of adjacent land. Chairman Caldwell stated if the Commission approved a portion of the proposal, the applicant

could then either move forward with this C.U.P., appeal the decision, or submit a new application.

Chairman Caldwell stated the proposed helipad is in close proximity to an active airport. Director Herrick stated that the proposed dormitories are for multiple residences for agricultural use; a conditional use permit is required.

Commissioner Childs moved to approve C.U.P. 23-40 Ahlquist Bunkhouse and Ranch Office excluding the helicopter landing pad and hangar; approval does not include use of the property to the north for emergency fire protection as a conditional use permit is not necessary for that use. Commissioner Swain seconded the motion. Motion carried unanimously.

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

**Due to technical difficulties, the approximately first hour of the meeting was recorded with video but without audio. Due to the requirement for a transcribable record, those items were revisited at this time in order to record information on the public hearings, the motions, and votes.**

- **C.U.P. 21-09 Copper Rock Subdivision – Final Plat Extension Request:**

Commissioner Childs moved to approve the final plat extension request for C.U.P. 21-09 Copper Rock Subdivision for one year and authorize the Chairman to sign. Commissioner Swain seconded. Motion carried unanimously. There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

- **C.U.P. 22-19 Valley Heights – Final Plat:**

Commissioner Childs moved to approve C.U.P. 22-19 Valley Heights Final Plat and authorize the Chairman to sign. Commissioner Swain seconded. Motion carried unanimously. There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

- **C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B– Final Plat:**

Commissioner Childs moved to approve the final plat of C.U.P. 22-55 Jug Mountain Ranch P.U.D. – Phase 3B, with a condition that there is a compliance with the development agreement, and authorize the Chairman to sign. Commissioner Swain seconded. Motion carried unanimously. There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

- **C.U.P. 23-02 McCall Landing Subdivision – Final Plat:**

Commissioner Childs moved to approve C.U.P. 23-02 McCall Landing Subdivision final plat and authorize the Chairman to sign. Commissioner Caldwell seconded. Motion carried unanimously. There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

- **C.U.P. 21-27 Timber Creek Reserve Subdivision – Extension Request:**

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. The staff report was presented. Removal of sanitary restrictions is needed. The applicant has completed two-thirds of the road paving. The public input from the adjacent neighbor was discussed. The PZ Commission determined that PZ Commission determined it was naturally going to be a rear setback. The applicant presented; there was no testimony from the public. Chairman Caldwell closed the public hearing.

Commissioner Childs moved to approve a one-year extension of the conditional use permit and preliminary plat approval of C.U.P. 21-27 Timber Creek Reserve Subdivision with the stated conditions. Commissioner Swain seconded the motion. Motion carried unanimously.

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

## **E. OTHER**

### **1. C.U.P. 20-27 Ed Staub Propane – Driver’s Office – Site Plan. Action Item.**

Staff displayed the location of the site on the GIS map. C.U.P. 20-27 was approved and included an addition to the existing building to add a break room. However, this was not constructed. Instead of adding the break room, the applicant would like to add additional space for covered vehicle parking. The C.U.P. 20-27 conditions of approval state that new structures must have building permits and be approved as part of a conditional use permit, and any change in the nature or scope of land use activities shall require an additional conditional use permit. Would this request require an amended conditional use permit?

The Commissioner deliberated. Commissioner Childs said the request would not increase the existing operations. Staff stated they want to extend the existing building to have room to store more vehicles instead of using the additional building space as a break room. Chairman Caldwell does not view this request as a new building, nor will the building extend into the setbacks. Chairman Caldwell does not believe the change warrants a new conditional use permit. Commissioner Childs concurred. Director Herrick added that the applicant has agreed to fix the exterior lighting.

Commission Childs moved to allow C.U.P. 20-27 Ed Staub Propane to continue with the approved site plan but to change the use of the expansion and extend the existing building. Chairman Caldwell seconded the motion. Motion passed unanimously.

## **F. FACTS AND CONCLUSIONS – Action Items:**

- V-2-23 Clover Valley Properties Sign Variance
- VAC 23-02 Vacation of Utility and Drainage Easement and V-3-23 Peterson Setback Variance
- C.U.P. 23-35 Dobson Multiple Residences
- C.U.P. 23-36 Pratchett Auto Repair Shop

Director Herrick stated that Commissioner Roberts has requested a change to the facts and conclusions for V-2-23 as the meeting was opened with quorum but only two commissioners were available to hear and vote on V-2-23. However, the PZ Commission Bylaws state that when a public hearing is closed, Roberts Rules of Order are suspended. Legal counsel has agreed with this determination. Chairman Caldwell agrees; the precedent was previously set. Voting by only two Commissioners has occurred on other occasions. Commissioner Swain

believes that Robert Rules of Order begin again at the time of a motion. Staff disagrees. Legal counsel previously concurred with Staff. Chairman Caldwell stated that Planning and Zoning Staff is the first point of contact for Commissioner questions. Staff can refer the question to legal counsel. Chairman Caldwell added that this is consistent with how the Commission has operated in the past. A quorum is needed to open the meeting but is not necessary for a vote. Director Herrick added that legal counsel is adamant that the Commission just needs a quorum to open the meeting. Prior Valley County legal counsel has also agreed with this decision. The applicant has withdrawn the application for V-2-23.

Commissioner Childs moved to approve the Facts and Conclusions for

- V-2-23 Clover Valley Properties Sign Variance,
- VAC 23-02 Vacation of Utility and Drainage Easement and V-3-23 Peterson Setback Variance,
- C.U.P. 23-35 Dobson Multiple Residences,
- C.U.P. 23-36 Pratchett Auto Repair Shop,

and authorize the chairman to sign. Commissioner Caldwell seconded the motion. Commissioner Swain said he recused himself from the vote on V-2-23, he will recuse himself from the vote on the facts and conclusions for V-2-23. The motion carried unanimously.

#### **G. OTHER:**

Commission Swain asked for clarification on voting by a Chairman. The PZ Commission Bylaws state that a Chairman can vote on motions and make motions. The Chairman can choose to vote or not. Staff stated the Chairman of the Board of County Commissioners routinely makes motions.

Upcoming meeting dates:

- Nov. 9, 2023
- Dec. 14, 2023
- Work session dates will be determined at a later date when Commissioners are in attendance..

Chairman Caldwell adjourned the meeting at 9:03 p.m.