

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
November 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.

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

B. MINUTES: Commissioner Swain moved to approve the minutes of October 19, 2023. Commissioner Caldwell seconded the motion. Commissioner Freeman and Commissioner Roberts abstained from voting as they were not at the October meeting. Motion passed unanimously.

C. NEW BUSINESS:

- 1. C.U.P. 21-38 Jug Mountain Ranch P.U.D. 97-1 – Phase 3 Village South – Extension Request:** Jug Mountain Ranch LLC is requesting a two-year extension of the conditional use permit and preliminary plat approval that expire on December 21, 2023. The original approval was for 8 single-family residential lots plus 1.48 acres of open space. Lots will be accessed from Jug Mountain Ranch Road, private, onto Farm-to-Market Road, public. The 3.33-acre site is located in the SW ½ Section 6, T.17N, R.4E, 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 preliminary plat and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Amy Pemberton’s response to Jon Carter’s letter in the staff report. (Nov. 3, 2023)

Chairman Caldwell asked for the applicant’s presentation.

David Carey, McCall, this is a straightforward submittal. As has been stated, an extension is requested to allow additional time to work with Idaho Department of Environmental Quality

(DEQ) to bring the sewer system up to their requirements. The timeline is unknown; it will be determined by DEQ. Jug Mountain Ranch has been approved for a pilot program which changes the operation of sewer system. This is the same system that was approved in 2003. It has always passed inspections and is a functional operating system. DEQ and Central District Health approved 163 lots for the system. The system is operated by a licensed operator, inspected annually, and tested weekly.

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 Roberts stated capacity is a concern with these types of systems. However, these systems must be licensed and operated correctly, or they will be shut down for noncompliance. Thus, he does not think this is a big issue. He has no problem approving the extension request.

Commissioner Swain moved to approve a two-year extension for C.U.P. 21-38 Jug Mountain Ranch P.U.D. 97-1 – Phase 3 Village South. Commissioner Freeman 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.

6:10 p.m.

2. C.U.P. 23-39 Morgan Acres Subdivision – Preliminary and Final Plat: Jeff and Brenda Morgan are requesting a conditional use permit for a 2-lot single-family residential subdivision on 20 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from Willey Lane and Farm to Market Road, both public roads. The site is parcel RP17N03E135555, located in the NWSW Section 13, 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, displayed the site, preliminary plat, and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Wildland Urban Interface Fire Protection Plan (Nov. 6, 2023)

Director Herrick described proposed changes to the plat removing the flag portion of Lot 2. There will be no shared access. Lot 1 will be accessed from Willey Lane; Lot 2 will be accessed from Farm to Market Road.

Chairman Caldwell asked for the applicant's presentation.

Jeff Morgan, Middleton, ID, stated after a conversation with Jeff McFadden, a driveway site for Lot 2 was approved directly onto Farm to Market Road. Thus, the panhandle portion of the lot with access to Willey Lane would be removed from Lot 2 and become part of Lot 1.

Commissioner Roberts stated it appears that the driveway would cross the wetland swale area. Mr. Morgan concurred; he has been working with Jeff McFadden, Valley County Road Superintendent. Director Herrick stated a permit from U.S. Corps of Engineers would be required. Valley County does not have jurisdiction over wetlands. This decision could be revisited prior to recording the plat. An access easement could be added through Lot 1 if access is not available from Farm to Market Road.

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 Roberts stated that the lots are large enough for both primary and backup septic drainage fields away from the wetland area. The conditions of approval were reviewed.

Commissioner Roberts moved to approve the preliminary and final plats of C.U.P. 23-39 Morgan Acres Subdivision and authorize the chairman to sign with the following change:

Revised COA # 6: A letter of approval is required from Donnelly Fire District.

In response to a question from Chairman Caldwell, Director Herrick stated she believes the submitted wildland urban interface fire protection plan is adequate for this proposed subdivision that has two lots in an open location. This form is allowed under Valley County Code 10-7-4B.4.

Commissioner Freeman 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.

6:28 p.m.

3. C.U.P. 23-41 Shabby Chic on the Cheap Event Venue: Diane and John Wiley are requesting approval for an event venue. An individual septic system and porta-potties would be used. Access would be from Summer Place, a private road, onto State Highway 55. The 3.8-acre site is parcel RP12N04E057645, addressed at 3 Summer Place, and located in the SW ¼ Section 5, T.12N, R.4E, 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, site plan, and GIS map on the projector screen. Summer Place is a “dead-end” road; it does not connect with Cabarton Road. Staff has not received any updates from Central District Health at this time.

Chairman Caldwell asked for the applicant’s presentation.

John Wiley, Kuna, has talked to Jeff McFadden, Valley County Road Superintendent, regarding Summer Lane and access to Highway 55. It is difficult to widen the private road due to ownership and a water drainage area.

A new, separate access to the property directly from Highway 55 would require an Idaho Transportation Department (ITD) access permit. Director Herrick quoted Valley County Code 9-5F-1D.1: “Where commercial uses are proposed on a lot or parcel having frontage on Highway 55 and a side street, the access shall be limited to the side street.” This parcel does have frontage on Highway 55. Approval would require a variance from this code.

Mr. Wiley stated they are working with Central District Health (CDH) on the septic issue. Dishes would be cleaned off site. The septic system would not be used during events; the restroom in the trailer would not be used. Porta-potties would be used and more would be available than

listed in the application. Two would be available all summer. The applicant stated there has been a learning curve as to what is required for an event venue compared to private use of the property.

Diane Wiley, Kuna, stated they did not find out until Monday that the existing septic system had not been approved by CDH. They purchased the property in 2014. The septic system information was not disclosed at time of purchase. Until the septic system is approved for the use, porta-potties would be available for events. According to CDH, 50 people require two porta-potties, additional people require more. They would like signage at Highway 55: a metal "bigfoot" sign plus a smaller sign. Some dead or dying trees have already been removed. There are a few near the house that need to be removed. They have had family weddings plus a friend's wedding on the property. Other possible events would include baby showers, birthdays, reunions, etc. The use would be limited to 100 people. Mrs. Wiley would be the onsite manager and would set up the tents and tables for events.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents.

Tawni Trevino, Boise, owns the adjacent five acres to the west of the proposed site. They purchased the property for a quiet place to enjoy the solitude as an escape from Boise. The days they can use the property would be the same days that events would likely occur. She can already hear music from Clear Creek Station at their property. Traffic is already difficult on a Sunday. Visibility is good at the intersection of Highway 55 and Summer Place; however, drivers need to be quick. It is difficult to get onto the highway from Summer Place. If approved, a privacy fence is requested. She thinks they will need to add a video camera for security.

Robert Berryman, Emmett, is part owner of adjacent property to the west. Natural drainage from the proposed site runs onto his property. Discharge from vehicles must be contained on the site and not allowed to leave.

Chairman Caldwell asked for rebuttal from the applicant.

Mrs. Wiley is willing to add another access directly to Highway 55. They understand they must comply with noise ordinance; speakers would face Highway 55. Parking areas are located in the northern and/or western parts of the property. The trees on the west side are dense; one cannot see the home to the west from this property.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Roberts said there are a couple of issues with this application. Adding additional access from Highway 55 would require a variance. There would be a safety issue on a blind corner, especially for an event venue. The Valley County Comprehensive Plan includes the protection of private property rights and consistency with the neighborhood. The plan that has been submitted is not complete. He calculated a compatibility rating of -10. He is not optimistic about mitigation of questions 4 – 9. Question #4 asks if the property is large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses. With the setbacks from Highway 55, he believes this is a huge problem.

Commissioner Swain concurs. The application and site plan are incomplete and include overflow parking within the setback areas. The septic system is questionable. If approved, he would like a barrier between residential and commercial properties to keep people from migrating onto the neighbors' properties. Commissioner Freeman concurs with previous

comments. This is a tight spot for an event venue. Summer Road is small and hidden in the trees. Access would be difficult. Chairman Caldwell concurs with previous comments. Chairman Caldwell stated the proposed use is not compatible with the adjacent uses.

Commissioner Roberts moved to deny C.U.P. 23-41 Shabby Chic on the Cheap Event Venue. Commissioner Freeman 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.

Short break to 7:05 p.m.

4. C.U.P. 23-42 Paradigm Custom Homes – Shop and Storage: Toby Bunce is requesting approval of a conditional use permit for a shop, storage units, and five employee housing units. Individual septic systems and individual wells would be used. The site would be accessed from a new private road onto State Highway 55. The approximately 12-acre site is part of RP18N03E331211 located in the SWNE 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, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Paul Ashton, Valley County Engineer / Parametrix, response. (Nov. 8, 2023)
- **Exhibit 2** – Slide Presentation submitted by applicant. (Nov. 9, 2023)
- **Exhibit 3** – ITD permit cover sheet for C.U.P. 23-02 McCall Landing Subdivision.

Realignment of the new private road with the driveways across Highway 55 was discussed. The boundary of the proposed adjacent subdivision was reviewed. The conditional use permit would limit the five housing units to long-term rental or employee housing. Using a unit as a short-term rental would be a violation. If the business' employees do not need housing, the units would be offered to others for long-term rental. Staff recommended the housing component be added to this application (COA).

Chairman Caldwell asked for the applicant's presentation.

Toby Bunce, 1222 Elo Road, stated that employee housing was suggested by Director Herrick as worker housing is difficult for people to find. The rentals would be offered to employees at a discounted rate.

Aaron Vizina, Bend, Oregon, is working with the applicant on this project. He presented **Exhibit 2** on the projector screen. The project involves two phases, to be completed in 2024 and 2025. Access would be from the new private road connected with the adjacent approved subdivision. Initially there would be a single access onto this property to access the office and shop. There would be an estimated 8-10 vehicles daily; this number would increase to approximately 20 vehicles per day once storage units are constructed. These would be long-term storage, not accessed daily. Affordable employee housing is needed; 1600-1800-sqft for each residence is proposed. There would be a sales office and showroom building with an apartment on the second floor. Illustrations of the proposed buildings were shown. Stone and natural wood would be used. Xeriscape landscaping is important for this site. The landscaping, including the pond, would showcase the work of local landscapers. The site plan was explained. Phase 1 (2024) would include housing, sales office, and a storage/shop building. Phase 2 (2025) includes the second shop building. Storage would include lumber, other supplies, and construction equipment such as dump trucks and flatbed trailers. The storage buildings would have natural colors and 14-ft

doors. The site which is along Highway 55 would be aesthetically pleasing. A sign with back lighting would meet ordinance requirements. Lighting on the buildings will be can-lighting in the eaves pointed downward. Storage buildings are highly needed. These would be fully insulated 20-ft x 50-ft units and could store boats, UTVs, etc. Phasing of the storage units would vary based on other construction. Rocks and natural landscaping would be positioned between buildings.

Mr. Bunce replied to Commissioner Swain's question regarding water drainage and an irrigation easement on the property. They are working with Crestline Engineering to determine grading, etc. The retention pond will be lined to keep drainage from flowing into the wetland area or irrigation area. There is an option to pipe the water and move the headgates. They will work with the Lake Irrigation District to determine best option for this site. There are two canals, one belongs to Lake Irrigation District and the other is State-owned. Only the drainage will affect this area; the proposed buildings are all to the north. Water would be used to irrigate landscaping.

Commissioner Roberts the applicant needs to determine water rights. Any water rights from Lake Irrigation District must be used on the property. The point of diversion was discussed. The applicant will be subject to Lake Irrigation District requirements to deliver water through the property. There is a new direction in water laws in the State of Idaho; if a property is within an irrigation district, irrigation water must be used instead of drilling a new well.

The proposed septic drainfield site is within 100-ft setback from Highway 55. This could be affected when Highway 55 is widened in the future. Commissioner Swain stated that a septic system is considered a "utility" and can therefore be located in the setback area. Director Herrick stated the setback limit is for anything over three feet in height. Mr. Bunce said if needed, the septic drainfield can be put on the north side of the building, outside the setback area from Highway 55.

The applicants responded to questions regarding the landscaping plan for this site that is along the scenic byway. They do not want large berms along the highway. A pleasing natural color scheme will be used with alleyways between buildings to give a western view from the highway. Commissioner Roberts stated some berms can be too tall and seem like a tunnel along the highway. Small berms can partially eliminate the view of the buildings. He would like more specific landscaping plan. Mr. Vizina showed pictures of other existing landscaping along Highway 55 that would be similar (**Exhibit 2**). Mr. Bunce said the landscaping would be part of the sales pitch to possible customers. Commissioner Swain stated they should find out how far snowplow will spread the snow onto the property from Highway 55 as this could kill the landscaping.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided.

Doreen Eld, 6 Garden Lane, lives on the adjacent property directly south of the proposed site. She has a few concerns. The unnamed stream comes into her pasture and pond. She walked the property this afternoon with the applicant. Her questions regarding the septic system and filling the pond have been answered. Has the sale of the triangular piece [owned by Ned Crossley] been completed?

Director Herrick stated that if the purchase agreement with Ned Crossley has not been completed by the time McCall Landing plat is recorded, he will be included as an owner and will sign the plat.

Dennis Musgrove's, 36 Garden Lane, property abuts Doreen Eld's property. Will the new road be dirt or paved? He is concerned about additional dust in the area as Garden Lane is a dirt road. Adding additional businesses along Highway 55 and more traffic is a concern. Garden Lane gets used as a short-cut and increases the dust in the neighborhood. He is concerned about the line of sight along Highway 55.

Ronald Hoogendyk, 51 Pleasant Acres Drive, owns the shop and adjacent property [14019 Highway 55]. He is curious about the property line along his property. He is concerned about the existing septic easement across this site from his property.

Director Herrick stated that Jeremy Sands, the developer of McCall Landing Subdivision, will be moving the existing driveway off of Mr. Hoogendyk's property.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell asked for rebuttal from the applicant.

Mr. Bunce has been in conversation with Mr. Sands and is aware of the agreement with Mr. Hoogendyk which will modify the property line from the presented site plan. The site plan used the most current boundary drawing from the proposed subdivision.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Swain has questions regarding the property line and irrigation; however, those do not affect the heart of this proposal and can be easily corrected. He likes the proposal. Commissioner Roberts stated the proposed use of the land is compatible with adjacent landowners and adjacent land uses with mitigation. He would like a condition of approval requiring the signoff of the Lake Irrigation District on both the irrigation delivery system and drainage system plans. Their letter has issues that have not yet been completely addressed. The applicant, engineer, and Lake Irrigation District should come to an agreement. The Irrigation District must also have access to the easements for maintenance and repairs. It is the responsibility of the applicant to evaluate the water rights and points of diversion for any water rights. He would like a more detailed landscaping plan prior to the issuance of building permits. Commissioner Freeman believes the site will look nice and the proposed use does fit the area.

Commissioner Roberts moved to approve C.U.P. 23-42 Paradigm Custom Homes – Office, Shop and Storage with the stated conditions and:

COA: Shall work with irrigation district on all easements and the designs for the irrigation delivery and runoff.

COA: Applicant shall evaluate water rights and points of diversion for any water rights in collaboration with Idaho Department of Water Resources and water right holders.

COA: A detailed landscaping plan shall be submitted prior to the issuance of building permits.

COA: Leases for employee housing should be a minimum of one year.

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.

7:54 p.m.

5. **C.U.P. 23-43 Round Valley Haven Subdivision – Preliminary Plat:** Philip Portsche is requesting a conditional use permit for a subdivision with eight single-family residential lots and 3 common / open space lots on 34 acres. Building lot sizes range from 1.7 to 6.6 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from a new private road onto State Highway 55. A variance on the roadway and ditch width standards is requested. The site is parcels RP12N04E190004 and RP12N04E190480, located in the NWNW Section 19, T.12N, R.4E, 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; Commissioner Freeman removed himself.

Director Herrick presented the staff report, displayed the site, preliminary plat, and GIS map on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Response from Paul Ashton, Valley County Engineer / Parametrix. (Nov. 8, 2023)

Director Herrick does not believe the proposed road within Phase 2 of Saddle Rock Subdivision will be located near the property line.

Chairman Caldwell asked for the applicant's presentation.

Philip Portsche, Boise, stated the property was originally approved for a two-lot subdivision. However, after research and counsel, they decided to reapply to allow additional lots. The cost of implementing the Wildland Urban Interface Fire Protection Plan is part of the reason.

Rob Pair, Crestline Engineers, McCall, said the project fits with nearby subdivisions. At the time of application, the two common lots were to be under ownership of the homeowner association. The purpose was to provide structures for snow removal equipment. However, the owners would like to obtain ownership of these two lots to use for dry storage. The lots would have no water or septic system availability. The plat would be changed to remove the common lot wording.

Director Herrick clarification that the lots would be used for storage of snow removal equipment for the private roads. Any commercial use of the lots by the applicants' business would require a conditional use permit.

Mr. Pair added that the "Open Space" parcel would be for viewshed and owned by the homeowner association. The private road would be owned and maintained by the homeowner association. The proposed road uses an existing logging road. Water rights have been transferred into the owners' company name. They will consult with Idaho Department of Water Resources once the preliminary plat has been approved. The ponds existed when the applicants purchased the property. Earthen dikes were used to create the three ponds. It is the applicant's desire to remove middle pond, but will work with the appropriate agencies. Common lots will be designated as lots and the CCRs will be corrected. They have reapplied to Idaho Transportation Department (ITD) for this subdivision proposal and are awaiting approval.

Private road standards require a 28-ft road width; a variance to allow a 24-ft road is requested. The preliminary plat shows a 24-ft wide road. The topography is mellow until the third curve in the road, then it becomes steep. The design allows use of the existing road corridor and minimizes tree removal. The culdesac will be built to meet Valley County and Fire District requirements. This road width would meet the minimum 20-ft required by ITD. Regarding the

topography, the limit of 10% slope for the shared driveways will not be exceeded.

Proposed Condition of Approval #8 refers to a buried water tank. However, email correspondence from Cascade Fire Marshal Steve Hull states that a dry hydrant can be installed in the upper pond in lieu of a water tank. Fire equipment would be able to connect to the dry hydrant to access water. It would need an inspection and approval by the Cascade Fire District. He believes the ponds are included in the water rights but will research. Multiple forms of water rights do exist for this property. Commissioner Roberts stated a pond retention water rights permit would be required.

Mr. Pair will coordinate with Dan Dunn, the surveyor, to correct the southern property line discrepancy.

Commissioner Swain asked for clarification of the property owners' desire to keep ownership of what is labeled as common lots on the preliminary plat. Mr. Pair stated the subdivision would change from an 8-lot subdivision to a 10-lot subdivision with one open space lot.

Chairman Caldwell asked for proponents. There were none.
Chairman Caldwell asked for undecided. There were none.
Chairman Caldwell asked for opponents.

Micheal Pierce, attorney for Jerald Hansen, elaborated on the letter included in the staff report. Mr. Hansens' property is surrounded on three sides by the proposed subdivision. Ten lots would result in approximately 20-30 additional cars, motorcycles, ATVs, etc., using the private road. The draft CCRs allow short-term rentals which would add additional traffic. Paving of the road is essential. Dust is Mr. Hansen's primary concern. A homeowner association would not be able to raise the necessary money to pave the roads; thus, it needs to be on the developers to do so. Mr. Hansen's property rights need protected. He would also like a privacy fence where the road is adjacent to his property [culdesac location].

Chairman Caldwell asked for rebuttal from the applicant.

Mr. Portsche said the short-term rental language was added into the CCRs as a way to define limits for future residents. He is willing to prohibit short-term rentals.

Mr. Pair responded to the dust concerns. The proposed graveled private road meets the private road standards. The applicants have reached out to Mr. Hansen regarding allowing Mr. Hansen access onto the private road and are currently in negotiations.

Commissioner Roberts stated perimeter fencing is required if the adjacent land is used for grazing for more than 30 days. Is there an existing fence? Mr. Portsche said there is not currently a fence along the property boundary. There will be no cattle on the property within the subdivision. If the adjoining property runs livestock for over 30 days, then fence would be constructed.

Mr. Portsche is open to suggestions for dust mitigation. However, he should not have to meet additional requirements that other subdivisions do not. Director Herrick stated dust mitigation was not required for the adjacent Saddle Rock subdivision.

Mr. Portsche has reached out to Mr. Hansen and not received a response. He just recently received contact information for the owners of Saddle Rock Subdivision property and will send a letter regarding possible emergency access.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Swain does not believe dust mitigation or fencing should be mandated for this application. There are no existing structures on the adjacent property. The current wording stating “common lot” is deceptive for future property owners. He would like to see the plat changed to reflect a 10-lot subdivision. Chairman Caldwell believes this is the intention and the common lot designation will be removed. Director Herrick stated those two lots will be restricted to only dry storage structures; no other buildings or wells will be allowed. Commissioner Roberts would like to prohibit short term rentals and believes dust mitigation can be required. Chairman Caldwell stated the Commission is charged to mitigate impacts. Commissioner Swain stated that dust mitigation would then be required for all other applications. Commissioner Roberts stated the road must be built to Valley County private road standards; the top four inches could be basalt to reduce dust. Director Herrick stated public roads are required to be paved, private roads are not. Private road requirements, dust mitigation, and precedence were discussed further. Staff will look to see if past subdivisions have had dust mitigation requirements; it is difficult to enforce a dust mitigation requirement.

Commissioner Roberts moved to approve C.U.P. 23-43 Round Valley Haven Subdivision and preliminary plat with the stated conditions and:

COA: Must control fugitive dust in accordance with Idaho Department of Environmental Quality.

COA: Shall work with Idaho Department of Water Resources on designation of water rights.

COA: Must have approval from Idaho Department of Water Resources for ponds.

COA: Recommend approval of traveled road width variance from 28-ft to 24-ft.

COA: Private road shall be deeded to the homeowner association.

COA: Equipment storage cannot be used for commercial uses but only for storage of equipment to maintain road pertinent to subdivision.

COA: No short-term rentals allowed.

COA: Must renumber subdivision lots.

Revised COA #8: The water tank and/or dry hydrant for fire suppression shall be shown on the final plat.

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.

Commissioner Freeman returned to the Commission.

8:48 p.m.

6. C.U.P. 23-44 Cell Tower: Maverick Towers is requesting a conditional use permit for a 150-ft tall cell tower with a backup generator. The site would be a 100-ft x 100-ft leased portion of parcel RP12N04E093155, located in the SE ¼ Section 1, T.15N, 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** – Option and Ground Lease Agreement (Nov. 2, 2023)
- **Exhibit 2** – Updated ingress/egress information from Jason Evans. There will be 10-11 power poles above ground. (Nov. 3, 2023)

Commissioner Swain asked about proposed Condition of Approve #12. Director Herrick responded that if the cell tower is abandoned, removal would be required as part of the lease. The landowner is ultimately responsible. Overhead power lines and buried power lines advantages and disadvantages were discussed by staff and Commissioners. The proposed location of the power poles was discussed. Staff and Commissioners also discussed if Valley County Code 9-8-5B requires a camouflaged tower and what methods of camouflage are possible. The height of trees around the proposed site would help camouflage this proposed site. The cell tower at Goode Lane blends into the mountain side. The cell towers in the Blackhawk area and State land north of Cascade are mostly hidden by trees.

Chairman Caldwell asked for the applicant's presentation.

Jason Evans, Meridian, spoke on behalf of both Maverick Towers and Verizon. The Snowbank cell tower on the mountain top covers a large area. To improve service, cell towers are transiting to a greater number with a smaller coverage area. Valley County's ordinance is restrictive and limits possible locations. The proposed tower meets Valley County Code and will blend in. This location does meet all required setbacks, fall zone, distance from residences, etc. Customer demand is driving the need for additional towers. The revised access plan **Exhibit 2** will avoid wetlands.

Mr. Evans responded to questions from Commissioners. The range of the tower would be from south side of Cascade to Round Valley. This tower would help reduce the current load on the tower on Snowbank Mountain. The more people try to camouflage cell towers, the more they stand out as being something that does not belong. A dark brown or dark green color would work for this site although galvanized steel blends in well during the winter. The maintenance schedule of a painted finish is about five years. The design of the structure was discussed and shown on the projector screen. The cell tower site would be surrounded by a 6ft chain link fence. Multiple users would be able to use the site as required by Valley County Code. The application is for the cell tower. Verizon would be installing the tower and generator and would obtain a building permit. No lighting is proposed. The Federal Aviation Administration (FAA) requires a beacon on towers 200-ft high; thus, this site would not require beacon. The generator is a backup for the Verizon equipment and is a federal requirement. The location of the power poles is subject to Idaho Power's determination. He is willing to ask Idaho Power about moving power lines to the east of the site instead of between the site and Highway 55. This would also require approval and easements from property owners east of the cell tower site. Using underground power lines approximately triples the cost. Per Idaho Power, there would be 10-11 poles from Highway 55 to the site.

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 agreed that the cell towers camouflaged as pine trees in Eagle and Donnelly are obvious. The proposed site would be partially hidden from Highway 55 by trees and be adequately camouflaged.

Commissioner Swain moved to approve C.U.P. 23-44 Cell Tower with the stated conditions.

Commissioner Freeman 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.

Short break to 9:15 p.m.

7. C.U.P. 23-45 Lake Fork Preserve Subdivision – Preliminary Plat: David Ochoa is requesting a conditional use permit for a 2-lot subdivision on 10.5 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from Adams Circle, public, onto Elo Road, public. A shared driveway would be used for Lot 2. The site is Lake Fork Estates Lot 29 located in the E ½ Section 23, 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, preliminary plat, and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Wildland Urban Interface Fire Protection Plan (Nov. 6, 2023)
- **Exhibit 2** – Peter and Lynda Vrgora, 14211 Adams Circle, recommend approval. (Nov. 6, 2023)

Director Herrick stated the site is not within the floodplain. The applicant's representative has met with U.S. Corps of Engineers and there are no wetlands on the site.

Chairman Caldwell asked for the applicant's presentation.

Sima Muroff, Meridian, represented the applicant and agrees with the conditions stated.

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. The application meets Valley County Code.

Commissioner Roberts moved to approve C.U.P. 23-45 Lake Fork Preserve Subdivision and preliminary and final plat with the stated conditions and authorize the chairman to sign. Commissioner Freeman 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.

D. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 23-37 Tamarack Resort P.U.D. 98-1 – Amended Village Plaza Condominium
- C.U.P. 23-38 Heron Hollow
- C.U.P. 23-40 Ahlquist Bunkhouse, Ranch Office, Helicopter Landing Pad, and Hangar:

Commissioner Swain moved to approve the Facts and Conclusions as presented and authorize the chairman to sign. Chairman Caldwell seconded the motion. Commissioner Freeman and Commissioner Roberts abstained as they were not present at the meeting on October 19, 2023. Motion carried unanimously.

Chairman Caldwell adjourned the meeting at 9:30 p.m.