

# Valley County Planning and Zoning Commission

PO Box 1350 • 219 North Main Street  
Cascade, ID 83611-1350



Phone: 208-382-7115  
Email: [cherrick@co.valley.id.us](mailto:cherrick@co.valley.id.us)

**Katlin Caldwell, Chairman**  
**Ken Roberts, Vice-Chairman**

**Scott Freeman, Commissioner**  
**Carrie Potter, Commissioner**  
**Gary Swain, Commissioner**

## MINUTES

Valley County Planning and Zoning Commission

**March 14, 2024**

**Valley County Court House - Cascade, Idaho**

**PUBLIC HEARING - 6:00 p.m.**

**A. OPEN:** Meeting called to order at 6:02 p.m. by Chairman Caldwell. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Carrie Potter:	Arrived at 6:16 p.m.
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Gary Swain:	Present
PZ Planner II – Lori Hunter:	Present

Commissioner Swain moved to amend the agenda to put P.U.D. 23-02 MacGregor Townsite first on the agenda. Commissioner Freeman seconded the motion. Chairman Caldwell stated P.U.D. 23-02 MacGregor Townsite has been on multiple previous agendas and thus should be at the beginning of tonight's agenda. Director Herrick asked that the two final plats be discussed first and then P.U.D. 23-02 MacGregor Townsite. Commissioner Swain moved to amend the agenda to reflect this request. Commissioner Freeman seconded. Motion passed unanimously.

**B. MINUTES:** Commissioner Freeman moved to approve the minutes of February 8, 2024, and February 12, 2024. Commissioner Swain seconded the motion. Motion passed unanimously.

### **C. OLD BUSINESS:**

**1. C.U.P. 23-26 Legacy Ranch at Whitetail Club Subdivision – Final Plat:** Shore Lodge Whitetail 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 includes six residential lots and 1.58 acres of open space on approximately 65 acres. Access would be from a new private road onto a private road system in Adams County. Variances are requested to allow a culdesac road longer than 900-ft, an accessory dwelling unit up to 3500-sqft on each lot, and wood-burning devices in each residence. The site is parcel RP18N02E133560 located in W ½ Section 29, T.18N, R.2E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item, stated that this is not a public hearing, and asked if there was any exparte contact or conflict of interest. Chairman Caldwell stated she has a conflict of interest due to the fact the applicant put in a bid to a family member's business.

Chairman Caldwell left the meeting room and Vice Chairman Roberts became the Acting Chairman. 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, applicant’s legal representative, responded to questions and proposed conditions of approval within the Staff Report. (March 12, 2024)

Staff stated there have been minor modifications from the preliminary plat in the road layout. Draft documents will be finalized prior to submittal to the Board of County Commissioners. Financial guarantee amounts will be approved by the VC Engineer.

Commissioner Swain moved to approve the final plat of C.U.P. 23-26 Legacy Ranch at Whitetail Club Subdivision and authorize the Vice Chairman to sign. Commissioner Freeman seconded. Motion carried unanimously.

Chairman Caldwell returned to the Commission.

6:17 p.m.

**2. C.U.P. 21-34 Saddle Rock Subdivision Phase 2 – Final Plat:** Ryan and Heidi Schneider are 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 14 residential lots on approximately 51.4 acres. Access would be from private roads onto Highway 55. A shared driveway is proposed for three lots. The site contains parcels RP12N04E187630, RP12N04E188220, and RP12N04E188355, RP12N04E189125 located in SE ¼ Section 18, T.12N, R.4E, Boise Meridian, Valley County, Idaho. Not a public hearing.

Chairman Caldwell introduced the item, stated that this is not a public hearing, 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** – Trever Howard, PE, applicant’s engineer stated the roadways and culverts have been constructed in general conformance of the approved construction drawings and Valley County standards. (March 7, 2024)
- **Exhibit 2** – Laurie Frederick, Valley County Cadastral Specialist III, have not ascertained any discrepancies within the plat. Both “Ryan S. & Heidi Schneider” will need to deed their individual interest when selling these lots by developer(s) currently listed on the Certificate of Owners. (March 7, 2024)
- **Exhibit 3** – Heidi Schneider submitted approved Idaho Transportation Department (ITD) approach permits; these approaches have been completed. (March 14, 2024)
- **Exhibit 4** – Heidi Schneider responded to questions listed within the Staff Report. (March 12, 2024) Staff has clarified lot number concerns with Ms. Schneider. The lot and block numbers will be modified.

Heidi Schneider, the applicant, stated the issues stated in the staff report will be addressed and the plat will be corrected. Roads have been built to specifications (**Exhibit 1**). ITD approaches were completed in the fall of 2022 when the section of Highway 55 was repaved. The only thing still being worked on is the implementation of the wildland urban interface mitigation plan which will be completed and inspected by the Cascade Fire Department soon.

Commissioner Freeman moved to approve the final plat of C.U.P. 21-34 Saddle Rock Subdivision Phase 2 and authorize the Chairman to sign. Commissioner Potter seconded. Motion carried unanimously.

- 3. P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1 Preliminary Plat:** Groves Family LLC is requesting approval of 341 residential lots, community amenities, and open space. The net density is 2.19 units per acre. North Lake Recreational Sewer and Water District would provide water and sewer service. Construction would occur in six phases over a 15-year period. Access would be from Loomis Lane and Old State Road, both public roads. Internal roads would be private. Variances from Valley County Code are requested to reduce right-of-way widths, reduce front and rear setbacks, reduce maximum lot coverage, and reduce frontage widths along roads. Open space will be 98.5 acres. The 159-acre site is parcel RP16N03E270005, located at the intersection of Loomis Lane and Old State Road, in the NE ¼ Section 27, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Tabled from February 8, 2024

Chairman Caldwell introduced the item. Commissioner Roberts moved to move P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1 Preliminary Plat from the table for public testimony. Commissioner Freeman seconded. Motion passed unanimously. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report addendum for March 14, 2024; displayed the site and GIS map on the projector screen; and summarized the following exhibits:

- **Exhibit 1** – Ed Aschenbrener, homeowner in the Wagon Wheel Subdivision, is opposed to another 341 homes in this already congested area as it would exacerbate existing issues with roads, traffic, boat launch, and schools. (March 14, 2024)
- **Exhibit 2** – Craig Groves, applicant, stated that North Lake Recreational Sewer and Water District approved annexation. (March 8, 2024)
- **Exhibit 3** – Mr. Groves submitted draft Articles of Incorporation, Bylaws, and CCRs. (March 13, 2024)

Director Herrick stated at the last meeting, Commissioners requested a document with information on the proposal and requirements of Valley County Code (VCC). Director Herrick reviewed portions of Valley County Code 9-9 Planned Unit Development (P.U.D.). A P.U.D. allows changes from standards. The applicant has submitted a phasing plan and a sequencing plan.

Chairman Caldwell asked for the applicant's presentation.

Representing the applicant were: Craig Groves, applicant, 154 Shadows Trail, Donnelly; Bonnie Layton, Land Use Planner for NV5, Meridian; Gregg Tankersley, Civil Engineer for Crestline Engineering, McCall; Heathe Clark, legal representation; and Ben Groves.

Bonnie Layton presented a slide show (**Exhibit 4**). She gave a recap on the proposed 160-acre development. The applicant could have applied for a standard subdivision that allows a density of 2.5 units per acre; this would have allowed a maximum of 308 units with no open space requirement. The applicant is requesting a P.U.D. which allows a variety of lot sizes and home sizes. This proposal has 87% of the 341 lots exceeding the minimum size required for a standard subdivision. There are 43 lots that are approximately 5000-sqft. The remaining residential lots are larger:

The applicant desires to develop a community with amenities available to both property owners and the entire community. Ms. Layton compared the updated site plan with the original. Revisions were made based on comments from neighbors and Valley County. The ponds were enlarged to help buffer the adjacent properties to the west. A lot was added to the northwest corner for the use of the County's snowplow. The project provides ample open space, connectivity, and pathways. Ms. Layton reviewed the proposed central open space and amenities. VCC gives the Commission the ability to reduce the open space requirement if found

to be warranted based on amenities. The common open space will provide ponds, trails, and open area. Split-rail fencing along the western property line and some privacy fencing along the side of residential lots is proposed. The development will have housing for a variety of people. Mountain modern architecture is proposed, examples were shown. The site used to be a logger camp prior to being an agricultural field. The proposal is designed to improve the existing water issues by improving draining and reducing flooding in the area. The drainage area west and south of this property has been filled in which is causing issues in the entire area.

The updated site plan reduced the residential unit count by 10 units and increased open space to 98 acres from 80 acres. The updated plan added smaller lots around the center core for those folks who cannot afford or do not want the maintenance of a large lot or large home. Landscaping will include native plant species.

Craig Groves stated this project would provide alternative housing in Valley County. The development would provide housing for professionals including teachers, doctors, professions, fireman, and law enforcement. His goal is that 50% of the community will be local residents. The current estimate for Valley County is that local residents live in 29% of the homes while the rest of second / vacation homes. He discussed his email correspondence with the McCall-Donnelly School District Superintendent including the data on expected number of students at full buildout. Mr. Groves has had multiple conversations over the past three years with the school district. Mr. Groves stated the superintendent did not respond to the estimated number of student data. Mr. Groves believes his calculations are conservative.

Gregg Tankersley stated that the North Lake Recreational Sewer and Water District (NLRSWD) recently approved annexation of the site. The area is included in the NLRSWD's Master Plan. The development would require upgrades to improve sewer and water systems which will enhance the infrastructure for the surrounding area; these upgrades will likely include pump upgrades and possibly electrical upgrades, and an increase of the line around the Smoky Lift Station. There will be conditions of annexation for Mr. Groves to review and agree to. Mr. Tankersley will meet the NLRSWSD staff and engineer. Mr. Groves stated that the estimated cost is unknown, but sewer and water are available at this property; some offsite upgrades are needed for this proposed development. Mr. Tankersley stated that there is adequate capacity at the plant for treatment.

The ground water is currently being monitored. The expectation is that lots would be raised 1-½ feet; building foundations would be constructed as slab-on-grade. The development can solve problems with drainage concerns and stormwater management concerns for the area, not just the site.

The applicant and representatives responded to questions from Commissioners. Eighty parking spaces are available in the central area for users of the open space and amenities. No on-street parking would be allowed. The pond was enlarged, and some lots were lost. This led to the addition of the townhouse concentrated in the central area of the site. Due to the filling of off-site drainage ditches, there is no way for the water to leave the site. Mr. Tankersley stated that requirements include no increase in water leaving the site, based on the 25-year average. The proposal meets standards for Valley County. There are three exit points for water to leave the site. The 20-ft drainage easement on adjacent properties has been filled in, causing flooding issues. Mr. Groves has been speaking to Mr. Barton, the property owner to the south; water flows from the site through Mr. Barton's property and then to Lake Cascade. Mr. Barton did some work in 2023 to improve the drainage and Mr. Groves will work with him to further improve the drainage flow. Mr. Tankersley stated that the development of the property and water conveyance as part of the road plan will help manage the drainage. Mr. Clark stated that they have submitted the preliminary stormwater drainage plan as required by Valley County Code.

Valley County Engineer will require review and approval of the final stormwater drainage plans.

The Idaho Department of Environmental Quality has documented Cascade Reservoir as an impaired waterway. This is not referred to in the application. Mr. Tankersley stated that the stormwater drainage plan best management plans (BMPs) will help filter the water. Storage of the water in the ponds will help improve water quality. The water currently drains into Lake Cascade with no control. The site plan will allow water quality to be enhanced before it flows into the reservoir. Water will flow approximately ½ mile from the site to Lake Cascade.

The proposed open space was discussed. The open space requirement is met by including the unbuilt portion of each lot. The staff report including a map of the overall open space proposed (Figure 6). The areas marked in blue and orange indicate open space outside of the residential lots. The hybrid open space which includes the front and rear setbacks of the residential lots, is marked in green. The hybrid open space does not include side-yard setbacks. CCRs will include limits on building coverage. There is approximately 22 acres of hybrid open space that can only include landscaping, no buildings.

7:15 p.m. Chairman Caldwell asked for proponents.

Trever Brown, 434 Wilhelm Creek CT, supports the project because business owners need affordable housing. It is important that the County and developers work together for affordable developments. People keep coming to the area who will outbuy the locals and build big houses. He would love to see a condensed multifamily development. His millennial employees are looking for affordable homes in Valley County with low maintenance. He does understand the opposition, but housing is needed. He responded to questions from Commissioners. His employees need “attainable” housing. Real estate price is affected by the cost to build, which is higher in Valley County. Density must increase and home size decrease to increase the available affordable housing. His business does operate outside of Valley County; people can find housing cheaper in areas where there are no jobs and no economy. The majority of his employees would prefer the type of housing proposed in this development.

Joe Critchfield, Cascade, first met Mr. Groves at an economic summit meeting. This is his first sight of the project. There is a shortage of living spaces in Valley County. He is working on an affordable housing project in Cascade. By 2030, there will be over 200 people in Valley County that need this type of housing. He is an advocate of putting heads in beds.

Miles Gunning, Meridian, owns a lot adjacent to the site. The proposal will improve the site. The new housing units may not be “affordable” but will add to the total number of residential units within Valley County. Other homes will become available when people move up into these homes.

Gordon Haller, 250 Angus LN, has known Mr. Groves since approximately 1987. He is impressed by the many high-quality subdivisions that Mr. Groves has developed.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents.

Tyler Hlawatschek, 12920 Spring Valley Road, recognizes need for affordable housing but is concerned about his privacy. This would open up the existing adjacent backyards to the public. He would prefer more homes and less amenities. The proposal does not fit the existing neighborhood.

Steve Vaus, a full-time resident at the corner of Grand Fir Drive and Red Fir Road, questioned the proposed density. There are 159 acres and 98 acres of "open space". The density is actually 5.8 units per acres when the open space is not included. He does not want to breath the smoke from an additional 341 wood fireplaces. The ponds would be an attractive nuisance for children with algae. There is no vehicle access to these ponds. The overflow ditch for ponds goes into his neighborhood ditch. It has overflowed in the past. The additional concrete would increase the water flow into his property.

Eric Upson, 213 McLeod Lane, stated the proposal is a Meridian-style neighborhood that does not fit the area. The perimeter lots should be larger lots to give a more rural look as people drive by.

Dan Doyle, 174 Wagon Wheel Lane, stated the proposal is not affordable housing; it would be good to see true affordable housing built here or elsewhere to support the working class. Loomis Lane is in rough shape. Boulder Creek Recreational Site is overcapacity, and the boat parking area is over saturated. The increase in density will increase the recreational use of Cascade Lake. He recommends not allowing short-term rentals in the development as they would increase housing prices and increase the use of recreational areas.

Terry Linthicum, 12908 Spring Valley Road, stated the proposal is an urban-style development and is a duplicate of an existing neighborhood in Star, Idaho. He lives adjacent to the proposed ponds which are currently wetlands used by wildlife and migratory birds. This development would result in the loss of approximately 10-acres of woodlands; wildlife habitat would be gone. The requested variances would reduce the amount of space between the homes. Where would snow storage locations be located? The melting snow would flow towards other neighborhoods. He reviewed the existing density in the adjacent and nearby subdivisions. This proposal would change the neighborhood.

David Gallipoli, Floyd Street, McCall, supports the comments in opposition. There is not enough information to make a decision. Approximately 43% of the waterways in Valley County are impaired. This proposal would not enhance or improve the water quality in Lake Cascade. Senator Craig recently stated that "Highway 55 is the most dangerous road in Idaho"; this would add additional cars to Highway 55 as people travel to work and school. A traffic study is needed. This proposal would destroy wildlife habitat and movement corridors. The habitat for sand-hill cranes is in crisis. This proposal would also add to the crisis for emergency services as we add people that they cannot service; would increase the housing crisis, and compound existing problems.

Deana Wagner, 155 Camas Lane, lives in the Wagon Wheel subdivision. Her biggest concern is wildfire danger. Is there a fire mitigation plan for the development. The Wagon Wheel Recreation group is trying to do fire abatement. There is only one road out of the Wagon Wheel area.

Mike Seibert, 12701 Smoky Drive, is concerned about the effect of additional short-term rentals. There needs to be a thorough look at and modifications made to the P.U.D. portion of Valley County Code. The Code allows too many people in too small an area. Road maintenance is badly needed in the area; this development would make it worse. This would not provide affordable housing.

Steve Byrne, 12894 Spring Valley Road, is opposed to proposed density that does not fit the rural area. The proposal disregards impacts to existing residents. Concerns include traffic, infrastructure, and the cost to taxpayers. Who will maintain the ponds and control algae and mosquitos?

Art Troutner, 193 West Lake Fork Road, stated his primary concern is that there is not a complete stormwater drainage plan. How can the development approval proceed without knowledge of the plan's effectiveness? Valley County Ordinances require stormwater to be contained on site. Cascade Lake is in poor shape and is under a TMDL [Total Maximum Daily Load]. If we keep impacting the waterways, the water quality conditions will not improve nor will the quality of life. One of the jobs of the PZ Commission is to protect the quality of life of people in Valley County.

Kelly McCracken, 12918 Spring Valley Road, is opposed to the proposed development, particularly the drainage plan. He has an artesian spring behind his house; the water table is at grade, resulting in a swampy area that does not dry up. He believes the ponds will have problems due to the high groundwater. He is concerned about the drainage plan and believes that Lick Creek Meadows Subdivision and River Ranch Subdivision in McCall have better plans. His home is adjacent to proposed ponds.

Brandon Arnott, 12890 Spring Valley Road, stated there should have been public notice to people greater than 300-ft from the site. He is strongly opposed and is particularly concerned about the increased traffic numbers and increased speed that would result.

Kyle Dolsby, 12785 Chuckwagon Road, did not think that lots could be used as open space. He is concerned with snow storage and drainage. Last year a tractor was buried in the field for a month.

Chairman Caldwell asked for rebuttal from the applicant.

Bonnie Layton stated that the traffic study and wildfire plan were part of the original application submittal. The traffic impact study has been updated. The applicant's goal is to provide housing to increase the overall housing supply for the community, particularly the local professional work force. She referred to the chart provided in the latest staff report regarding density. Calculations were done according to code. The applicant is requesting 2.17 units per acres versus the maximum 2.5 units per acre allowed by Valley County Code (VCC). She referenced the open space requirements in VCC; latitude is allowed by Commissioners for P.U.D. applications. The development would provide amenities such as sport activities for the neighborhood and children. Visual open space would flow from the open space corridors into the lots. In regard to the previous comments regarding a lack of studies, the application is a thick document that meets the P.U.D. ordinance and submittal requirements. If approved, the next step is to flesh out these documents. The applicant is amenable to a condition of approval requiring that the traffic impact study be updated over the life of full project buildout. Idaho Transportation Department was involved with input for the traffic impact study.

Craig Groves stated this proposal is not another Meridian-type subdivision. He has engaged the companies of Loring-Evans and Breckon Landscape. Loring has been involved in many local projects within Valley County. The development will include materials and plants that fit the environment; there will be very little manicured grass. He discussed the ponds and maintenance. The ponds will be a minimum of 15-ft deep with diffusers at the bottom of the ponds. The top of ponds will have geysers to distribute the water. These designs are good for habitat and the health of ponds. The site is within the mosquito abatement district.

Ben Groves responded to drainage concerns. Homes would be required to have a drain pit in backyards for stormwater runoff, approximately 8 to 15 feet deep. He has done these frequently in other developments. They do not want lakes to form in backyards.

Mr. Tankersley stated that this project would help improve the numerous existing problems of drainage and infrastructure. The current Fir Grove water system is insufficient and needs to be updated per the NLRSD Master Plan. Roads and drainage would be improved. The Idaho Department of Environmental Quality documents are referenced in Staff's original comments stating that urban, suburban, and road uses have less impact to water quality than agricultural or forestry uses which have approximately three-times the impact. This was discussed in the Applicant's rebuttal written comments and within the Cascade Reservoir Management Phase 1 report. Traffic speed is a law enforcement issue. Adding the ponds will create wildlife habitat and improve water quality prior to water leaving the site.

Craig Groves stated he has worked with Valley County Pathways. There are pathway corridors on three boundaries; this is a very walkable project.

Mr. Clark compared the proposal to a recently proposed Meridian development which has a much higher density and only 10% open space. Approval of this project would increase the housing supply and allow "move-up" housing, thus increasing the availability of lower cost housing in Valley County. Idaho Code gives local government the ability to create a zoning code and planning commission through the Land Use Planning Act. Idaho State Code is relevant if someone wished to challenge a project. The Commissioners' evaluation needs to be focused on Valley County Code requirements. Mr. Clark referenced VCC 9-54-7 and 9-9-3; approval shall be granted if the proposed project is shown not to have any "unreasonable negative affect", not "no negative affect". The project shall not place any unreasonable burden on the public infrastructure. Approved projects shall have a positive compatibility rating score and work with the characteristics of the site. Approved P.U.D.s shall promote clustering and separations of different kinds of uses. The proposed layout and design shall provide economics in the provision of roads. It shall be more desirable to have a P.U.D. than a subdivision or some other singular use. The applicant's team believes they have satisfied each of these factors.

Chairman Caldwell reminded Commissioners that there are four new applications on the agenda and new business cannot begin after 10 p.m. Chairman Caldwell recommended that the public hearing be left open to allow for questions from the Commissioners. The Commission still needs to discuss the compatibility rating and Comprehensive Plan. Chairman Caldwell anticipates that a couple more hours is needed for this application. Commissioner Swain disagrees and would prefer to deliberate now. Commissioner Roberts stated this decision has significant magnitude that extra time is warranted. He would like to table to another date although it is important the decision is made in a timely manner. Chairman Caldwell stated that the Commissioners will make a recommendation to the Board of County Commissioners. With respect to the other applicants and the public who are present to testify on other items tonight, Chairman Caldwell would like to get through the public testimony for the New Business items on the agenda. Commissioner Freeman concurs with the Chairman.

Commissioner Roberts moved to table the public hearing of P.U.D. 23-02 MacGregor Townsite and C.U.P. 23-52 Phase 1 Preliminary Plat to Wednesday, April 3, 2024, at 2:00 p.m., at the Valley County Courthouse.

Commissioner Potter seconded the motion. Commissioner Freeman, Commissioner Potter, Commissioner Roberts, and Chairman Caldwell voted in favor. Commissioner Swain voted in opposition. Motion passed.

Short recess until 8:30 p.m.



#### D. NEW BUSINESS:

1. **C.U.P. 22-16 Camp Modern – Annual Review:** The Planning and Zoning Commission will assess impacts and compliance with the approved conditional use permit. The 3-acre site is addressed at 12815 Highway 55, parcels RP16N03E269260 and RP16N03E269290, and located in the SESE Sec. 26, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item

Commissioner Freeman moved to continue to table C.U.P. 22-16 Camp Modern – Annual Review to April 11, 2024, at 6:00 p.m. Commissioner Swain seconded the motion. Motion carried unanimously.

2. **VAC 24-01 Vacation of Portions of Bings Road and Brads Lane:** Ben and Connie Payne are requesting a vacation of portions of public road rights-of-way, specifically the unbuilt portions of Bings Road between Walters Lane and West Mountain Road and Brads Lane between Joes Road and West Mountain Road. The sites are located within Allen Subdivision located in the NW ¼ Section 3, T.13N, 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. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Laura Lacy, Idaho Power Company, stated that records indicate that there are no Idaho Power Company facilities within the road right-of-way area. Thus, Idaho Power can support the proposed vacation. (March 14, 2024)

Commissioner Swain asked about access for Lot 52. Staff stated the lots are owned by the applicant who plans to combine lots for building.

Chairman Caldwell asked for the applicant's presentation.

Connie Payne, Caldwell, purchased the land a couple of years ago. Removing the road rights-of-ways would allow building to occur across the designated but unbuilt road rights-of-ways.

Chairman Caldwell asked for proponents.

Michelle Cooper, Boise, owns property across the road and has no opposition to the proposal.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commissioners deliberated. Commissioner Freeman stated that the vacation makes sense as it will allow room for drainfields and septic systems. It would be good to combine the adjacent lots as they are very small.

Commissioner Roberts moved to recommend approval of VAC 24-01 to the Board of County Commissioners with condition that the parcels be combined. Commissioner Potter seconded the motion. Motion carried unanimously.

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

- 3. VAC 24-02 Harris Vacation of Utility Easement:** Michael Harris and Pepin Corso-Harris are requesting a vacation of a 12-ft utility easement that is centered on the lot line between Lake Cascade Ranch Subdivision Lots 10 and 11 in order to build over the easement. The site is addressed at 142 and 144 Casey Lane and located in the NWNW Section 16, 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 ex parte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the plat and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Laura Lacy, Idaho Power Company, stated that records indicate that there are no Idaho Power Company facilities within the requested area. Thus, Idaho Power agrees to relinquish their interest in the public utility easement area as shown while retaining the 12-ft wide public utility easement inside all street and exterior lot lines. (March 14, 2024)

Older plats often have easements along all internal lot lines as this was standard language at the time this plat was recorded in 1970's. North Lake Recreational Sewer and Water District was noticed about this application but did not reply.

The applicant was not present to request the vacation and answer questions.

Commissioner Roberts moved to table VAC 24-02 until April 11, 2024, at 6:00 p.m. Commissioner Potter seconded the motion. Motion carried unanimously.

*8:45 p.m.*

- 4. C.U.P. 24-02 River Fork Ranch Subdivision – Preliminary Plat:** Lake Fork Ranch LLC is requesting a conditional use permit for a residential subdivision on 43.75 acres. Twenty-two lots would be single-family residential; nine lots would be either single-family residential or duplex units. Lot sizes would range from 1.0 acre to 1.78 acres. The proposed density range is 0.69 to 0.91 residential units per acre. Common areas are also included. Individual septic systems and individual wells are proposed. The lots would be accessed by new private roads from Spink Road, a public road. Shared driveways are requested. The site is part of parcel RP17N03E227205, located in the SE ¼ Section 22, 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. Director Herrick presented the staff report; displayed the preliminary plat, the site, and GIS map on the projector screen; and summarized the following exhibits:

- **Exhibit 1** – Valley Soil and Water Conservation District Board of Supervisors response letter detailing concerns. (March 7, 2024) [This letter was delivered to the Commissioners and the applicant with the Staff Report.]
- **Exhibit 2** – Niki Benyakhlef, Idaho Transportation Department Services Coordinator, responded with comments. A traffic analysis of State Highway 55 and Spink Road intersection is requested. ITD recommends Spink Road be realigned to meet State Highway 55 at a 90° angle to meet ITD Standard Drawing 405-1. (Dated February 23, 2024, received March 13, 2024)
- **Exhibit 3** – Amy Holm, applicant's legal representative, responded to the Staff Report. (March 14, 2024)
- **Exhibit 4** – Slide presentation received from applicant on March 14, 2024. The Commissioners also received a hard copy of the presentation slides.
- **Exhibit 5** – 11 x 17-in versions of plat, site plan, landscape plan, lot dimensions, existing

conditions, site grading and road layout, and road profiles. Received from applicant on March 14, 2024.

The proposed site has been split from a larger piece of property owned by the applicant but that has not yet updated on the GIS map. If the conditional use permit is approved, a development agreement should be negotiated with county commissioners. This should be an additional condition of approval.

Commissioner Roberts stated that Idaho Department of Environmental Quality is the authority of point-source pollution and surface water issues. A gap exists for regulation of ground water impacts. These impacts were not addressed in the application; he would like more information from the applicant.

Staff responded to questions from Commissioners. In regard to comments mentioning a plan for additional lots on property owned by the applicant to the north of the site of C.U.P. 24-02, no application has been submitted to the Planning and Zoning office. The property to the south and east is owned by Harry Bettis, a letter was submitted on his behalf.

Chairman Caldwell asked for the applicant's presentation.

Representing the applicant were: David Callister, applicant, Garden City; Amy Holm, legal representation, McCall; and Samantha Hammond, Land Use Planner for ARDURRA, Meridian. John Carpenter, the applicant's engineer, was unable to attend due to a family emergency.

Ms. Holm presented a slide show (**Exhibit 4**). This application is for a C.U.P. and preliminary plat. No deviation from Valley County Code is requested. The 40-acre parcel is not ripe for agricultural uses and has no water rights available. The site has good proximity to Highway 55 and Farm to Market Road for access. Spink Lane needs improved; this would be accomplished through a development agreement. The existing timber and elevation gain will screen the site from the Highway 55 corridor. There will be additional screening from Spink Lane; thus, the site will not be a visible mass of houses.

Soil samples are good for septic purposes, road construction, and home construction. There are nine lots that could be built as duplexes resulting in a diverse construction price point. A fire-hydrant system is proposed for fire suppression. Approval would result in an increase in tax revenue.

Ms. Holm referred to VCC 9-5-2 Conditional Use Policy. The application is consistent with VC Code. The compatibility rating by staff was +16. The development would have no unreasonable burden on public infrastructure. The property is not agricultural; thus Line 1 of the compatibility rating should increase. The project is three miles from Jug Mountain Ranch. The lots fit the size of subdivision lots in the surrounding area. The minimum allowable lot size is 1.0 acre; some of the proposed lots are 1.78 acres. The common lots would include landscaping buffers and roads. Lot 11C is a non-buildable lot. The proposed density is 0.89 dwelling units per acre less than the 2.5 dwelling units per acre allowed by VCC. Two private road accesses are proposed for safety. The applicant proposes grading away from Lake Fork Creek. Septic systems are allowed with 1-acre lots. During the March 2022 work session, the Commissioners learned that restrictions do not need to be increased per Central District Health and Idaho Department of Environmental Quality. There is adequate separation between surface water and septic drainfields. A landscape plan is proposed by the applicant to provide a buffer on Spink Lane **[Exhibit 4 Slide 8]**.

Ms. Holm responded to the Staff Report comments **[Exhibit 4 Slide 9]**. Ms. Holm has had

conversations with Mr. Bettis' legal representatives and Laura Bettis. Ms. Holm stated there is not a formal Mahala Ditch Irrigation District. However, the applicant cannot impede the flow of water through this property to the Bettis property. Lot 11C is a non-buildable lot. The applicant agrees to bury fiber optics with utilities, will comply with requirements of US Army Corps of Engineers regarding wetlands, and will work with Jeff McFadden, Valley County Road Department Superintendent, to determine a development agreement and improve Spink Lane. A neighborhood meeting was held as required.

Ms. Hammond discussed the relocation of the ditch [**Exhibit 4 Slide 10** and **Exhibit 5 Sheet 1**]. The ditch will be piped where it crosses the road and common lot. The remainder will be left open and maintained within the 30-ft wide easement. Lot 11C will be designated non-buildable to maintain the quality of Lake Fork Creek and wetland areas. Grading will flow inwards, away from Lake Fork Creek. They will work with the Donnelly Fire District to determine whether to use a well or water tank to supply water for the fire hydrants. The geotechnical report was completed with test pits across the property at the location of proposed septic systems [**Exhibit 4 Slide 11**]. The soil is extremely suitable for septic systems. A letter regarding this was sent to Director Herrick this evening. This letter states that the native on-site soils and groundwater levels are suitable for construction of standard sewer systems. The applicant will comply with Central District Health (CDH) requirements. The northwest corner of the property will be non-buildable lot. A wetland delineation will be completed for the southeast portion and a 404 Permit obtained if required [**Exhibit 4 Slide 12**].

Mr. Callister referred to [**Exhibit 4 Slide 13**]. He felt privileged to buy property 15 years ago to west of Highway 55 where he will be able to preserve the ecosystem of a half-mile of Lake Fork Creek. The proposed site is the "ugly duckling" of his property. It is a very dry site with thick lodgepole and sagebrush and no water rights. Soil testing has shown the site has deep gravel with a very thin overburden located close to the highway; thus, the highest and best use of this site is a gravel pit. It is not good for grazing. However, the next best use is residential. The gravel and the natural drainage make it good for residential homes. There were 20 10-ft deep test holes for soil testing. No moisture was found at 7 feet deep. The water table is high throughout much of Valley County which limits septic systems and allowable density. He was told by Mike Reno, CDH, that the site has excellent soil for septic systems and 1-acre lots. Mr. Callister has built many similar 1-acre developments. The market price of lots in the area have increased from \$30,000 to \$200,000. There are not enough lots; supply and demand affects cost of lots. Developing this site as 1-acre lots will reduce the price of each lot. The ability to do duplex lots with separate access road reduces the market price of each residence. Most of the available stock of bare lots in Valley County is greater than one acre resulting in higher land prices. Mr. Callister gave estimated prices of the duplexes once built. The three-bedroom duplex units would be 2400-sqft; 6.5% financing would result in approximately a \$2200 monthly payment for unit, \$4400 per each duplex building.

Mr. Callister stated the application meets VCC; no variances are requested. There would be a low impact on infrastructure. The site is near Highway 55. The fire danger would be reduced due to the fire mitigation plan and addition of fire hydrants. There would be three fully pressurized fire hydrants. They are leaning toward adding a well with 1500 gallons per minute supply and a backup power source. Lot 11C is a non-buildable lot but would not be a common area for the residents to use. People would not be allowed on the lot but could visually appreciate the open space. The additional testholes mentioned in public comments are not part of the planned future. Only 20 test holes have been done; the diagram referred to was completed as part of a possible plan. They will continue to involve Harry Bettis; however, his approval is not required to modify the ditch. The ditch water has to be supplied to Harry Bettis through this property. Surface water on the lots and roads will be graded to keep sediment and

pollutants from flowing to Lake Fork Creek. Water must be maintained on the lot; ground will slope away from the house and then up toward the lot lines. Underground water will be filtered by the existing soil as it flows towards the creek.

Chairman Caldwell asked for proponents.

Heidi Winchel, 640 Brady Drive, McCall, is a realtor who worked with Mr. Callister when he bought the property. Although many of us would love to live on 20 acres on Farm to Market Road, we cannot afford it. Subdivisions with 1-acre lots that people can afford are needed. This beautiful piece of property will not only be for second homeowners. The proposed price is below market value. The average lot price for one-acre to three-acre lots in the in the McCall and Donnelly areas, outside of city limits, is currently \$245,000.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents.

Vicki Miller, 13541 Farm to Market Road, owns 10 acres adjacent to the site along with Harry Bettis. She works with Mr. Bettis to run cattle on both sides of Spink Lane. The pastures along Spink Lane have 3-wire fencing. Spink Lane is very dusty, barely 1.5-lane wide, and in very poor condition with dump truck traffic. This development would increase traffic on Spink Lane, as people will drive towards Farm to Market Road due to the dangerous intersection at Highway 55 and Spink Lane. They move cattle back and forth across Spink Lane; a large corral adjacent to Spink Lane is used to load and unload cattle by both her and other people. This proposed development would hinder maintaining agricultural in the area and make it difficult to herd cattle along fences. The traffic and people would negatively affect cattle and inhibit her business. She submitted written comments to dispute the compatibility evaluation (**Exhibit 6**).

Ricky Lyon, 13639 Morris Ranch Road, residence is adjacent to the northeast corner of this property. The applicant has not addressed the elk, deer, and birds that would be negatively impacted.

Marshall Haynes, 13607 Farm to Market Road, lives in the area for its rural characteristics. He noted errors in Staff's compatibility ratings. The scores for questions 1, 2, and 3 do not adequately take into consideration the dominant and overall agricultural uses. Question 4 does not consider that to attain the proposed density almost all the trees will need to be removed for housing, septic, and fire prevention. Question 5 does not consider that all adjacent lots are greater in size. Question 6 does not reflect the added residential traffic volume and times outside of the transfer station hours. Highway 55 and Spink Lane intersection is dangerous. Question 7 ignores the impacts on water resources, neighboring water rights, irrigation access, water quality, and wildlife. Question 8 fails to recognize the impacts to the public. Density in rural areas will further stress emergency services. New subdivisions should be inside or adjacent to the incorporated towns following the Valley County Comprehensive Plan. Question 9 regarding cost effectiveness is unanswerable as applicant did not provide sale values until tonight. The overall score should be negative. He submitted written comments of his testimony (**Exhibit 7**).

Art Troutner, 193 West Lake Fork Road, reference the written comments submitted by the Valley County Soil and Water District (District). The soils are very well drained. Soil types are Archibal and Darnell loams. The 31 proposed septic systems would impact Lake Fork Creek. This is not a good place for septic systems due to water quality concerns of Lake Fork Creek and Lake Cascade. If Lake Cascade water quality is bad, as has occurred the past several years, the local economy is negatively impacted. The District states that the use of septic

systems at this site is actually poor due to the high drainage rates; the Soil Survey says the soils are marginally acceptable for septic systems. There are other alternatives to septic systems.

Peter Miller, 13643 Morris Ranch Road, is opposed. This site has an important waterway, is important to elk migration, and ought to be the last place for a subdivision. It is too close to the greenbelt that runs up the valley.

Lenard Long, Cascade, represented the Friends of Lake Cascade, and states that this application should be put on hold. The real issue would be the impact to the impaired Lake Fork Creek and the number of septic systems that would be added. There is a disconnect between the responsibilities of Central District Health (CDH) and Idaho Department of Environmental Quality (DEQ). There needs to be an approval by DEQ – Source Water personnel as well as stormwater approval. Additional nutrients into the waterway are a concern. CDH is not responsible for anything dissolved in the water, DEQ is. He referred to Idaho Administrative Procedures Act (IDAPA) 58.01.03, 58.01.16.260, 58.01.02.350, and 58.01.11.400. Pollutants cannot be reasonably expected to enter waters of the State in concentrations resulting in injury to beneficial use. Lake Fork Creek is cold water habitat, which is a beneficial use. Septic systems are non-point sources. There are also ground water quality rules. He submitted a table of relevant Idaho rules and statutes (**Exhibit 8**).

Chuck Seubert, 13611 Morris Ranch Road, is opposed to the high density. The adjoining properties are much larger. He is concerned about the addition of 30-40 wells in an area that has well issues. He and his neighbor cannot irrigate at the same time from wells that are located 250-ft apart. Alpha Well Drilling stated a decrease in water levels would result from additional wells. He does not know how the volume for the fire hydrants would be sustained from a well. Septic systems would be impacted by Mahala Ditch. If leach fields get saturated with water, septic drainage will leach into Lake Fork Creek. He referenced the comment letter from the Friends of Lake Cascade as reasons to deny. The application is not well-thought out. He responded to questions from Commissioners. His well in the Morris Ranch Road area is about 68-75 feet deep; these new wells would be below his due to elevation changes.

Tom Peppersack, owner of property at 28 Spink Lane, is opposed. The Valley County Comprehensive Plan includes policies for preserving rural character and natural resources. The proposal would increase the residential density in midst of agricultural and timber areas along the Lake Fork Creek corridor outside of city impact areas. He owns 32 acres of wetlands next to Lake Fork Creek and has worked to clean the area and improve habitat. The application has multiple inaccuracies. The development would impact water supply and quality. Springs are common in the area due to the sand and gravels. He has spring water rights for domestic water and irrigation use. The additional wells would negatively impact neighboring water rights, wells, and ditches; the application does not include a description of impacts or mitigation as required. Compatibility Rating Question 7 should have a negative value due to this impact. He submitted written comments of his testimony and reference to the Valley County Ground Water Quality Improvement and Drinking Water Source Protection Plan of 2022 (**Exhibit 9**).

David Gallipoli, 405 Floyd Street, McCall, concurred with the statements in opposition. Information is lacking. Waters are impaired. How would Lake Fork Creek and existing wells be impacted? Additional 40 homes would fragment the wildlife habitat and compound existing problems in Valley County such as staffing, local housing, and traffic. The Farm to Market Road has become a dangerous alternative to Highway 55; adding more cars will make that worse. A comprehensive traffic study is needed.

David Squires, representing the Spink Family who has own property at 30 Spink Lane since 1905. The family donated 4.6 acres to the State in 1944 which is why Highway 55 right-of-way is wider north of Spink Lane. The intersection with Spink Lane is dangerous. Approval would increase the traffic and dust issue along Spink Lane. He has been involved with agriculture and cattle feeding for 40 years. The site can be used for agricultural grazing, particularly for spring livestock grazing. If the property owner can obtain a well for fire hydrants, then he can get a well for irrigation.

Larry Dolsby, 13627 Morris Ranch Road, is concerned about adding drainage from the septic systems into Lake Fork Creek. The Highway 55 and Spink Lane intersection is dangerous. The impact to ground water is a concern; new homes have affected the level of his pond which he uses for irrigation.

Jeff Miller's home at 13 Spink Lane is less than 70-ft from the property in question. There is already a lot of dust and dirt from transfer station trucks driving on Spink Lane. He and his wife chose the property due to the beautiful site and agricultural setting. The only year that cattle was not on the proposed property was in 2023 when the property was for sale. There were cattle in previous years up to September/October. He has a 68-ft deep well; the first 20-ft is sand, then clay, and gravel at 60 ft. When the foundation for his home was dug, there was no rock, only sand, for the top five feet. Due to the unstable soil, rebar must be used in foundations and footings.

Katy Riker, representing Harry Bettis who owns property east and south of the site, stated that Mr. Bettis is opposed at this time and concurs with previous reasons of concern. He grazes beef cattle on adjacent land irrigated by ground and surface water. The application lacks information for the Commission to make a reasoned decision and is not consistent with the Valley County Comprehensive Plan. The impact report fails to address several matters. Concerns include water demand and approval of duplexes. Mahala Ditch maintenance and care are addressed in the application. The application glosses over particulate emissions and air quality from dirt roads, not just Spink Lane which the applicant might pave, but also the internal gravel roads. Applicant has reached out regarding fencing; however, no arrangements have been made. The Commission should deny or require additional materials to be submitted. Mr. Bettis disagrees with the applicant regarding the ability to move and pipe Mahala Ditch. Ms. Riker responded that not enough information is known when Commissioner Roberts asked if paving Spink Lane would require road base improvement.

Kathleen Trever, 20 Spink Lane, previously submitted comments. The proposal is not compatible with the Valley County Comprehensive Plan. At the neighborhood meeting, they were told that subdivision number 1 would add 30-40 single-family residences and/or duplexes on 43 acres. There is no comparable density in the local vicinity. She discussed the 300-ft area surrounding the proposed site. In the "picture frame" of 300-ft surrounding the site, there are only two houses. In the area to the east of Highway 55, there are only four houses and the industrial log home manufacturing business. This development would open a new area of development among agricultural lands which conflicts with the Comprehensive Plan which states this area should remain as agricultural land and open space or at very least lower density development. The County should not ignore the inconsistencies, omissions, and deficiencies in the impact report. Similar to Mr. Haynes comments, the compatibility rating should be negative. At the neighborhood meeting, the applicant stated there would million-dollar homes, tonight he gave a different amount. Agricultural lands have benefits. The compatibility rating should account for benefits of agricultural land to the overall economy of the County and have importance above property tax revenue. The County has ample information on short-term

rentals effect on local housing. The application should be denied so the applicant can pursue other uses of the property.

Peggy McMillen, 13607 Farm to Market Road, purchased their home for the open space and to raise their child in a rural area away from town. This proposal of 40 homes on 43 acres with the potential of 90 additional homes is not compatible with this area. Duplexes are not appropriate for this area. Compatibility rating questions 8 and 9 should be negative due to increased cost to local services. The rural country roads are not designed for subdivision traffic and the intersection of Highway 55 and Spink Lane is hazardous. The development would not provide sufficient tax revenues to offset costs to existing residents. The school district already cannot hire enough teachers or school bus drivers to service the area. The Comprehensive Plan includes goals to protect fish and wildlife, preserve open space buffers, and historic wildlife movement corridors. Lake Fork Creek and the buffer around it are prefect examples of this. Converting agricultural range lands to a subdivision in this location violates the Comprehensive Plan. She submitted written comments of her testimony (**Exhibit 10**).

Commissioner Roberts moved to table the public hearing of C.U.P. 24-02 River Fork Ranch Subdivision and Preliminary Plat to April 11, 2024, at 6:00 p.m., at the Valley County Courthouse. Commissioner Freeman seconded the motion. Motion passed unanimously.

*10:37 p.m.*

**5. C.U.P. 24-03 Valley County Road and Bridge Department Office, Shop, and Storage**

**Yard:** Valley County Road and Bridge Department is requesting a conditional use permit for an office, shop, and equipment storage yard. An individual well and individual septic system is proposed. Access would be from the existing driveway onto Gold Dust Road, a public road. The 40-acre parcel is RP13N04E090605, addressed at 55 Gold Dust Road, and located in the NWNE Section 9, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Commissioner Freeman moved to table the public hearing of C.U.P. 24-03 Valley County Road and Bridge Department Office, Shop, and Storage Yard to April 11, 2024, at 6:00 p.m., at the Valley County Courthouse. Commissioner Roberts seconded the motion. Motion passed unanimously.

**E. FACTS AND CONCLUSIONS – Action Items:**

- C.U.P. 23-53 Troutner Multiple Residences
- C.U.P. 23-54 Lake Port Storage Amendment to C.U.P. 18-11
- Tamarack Resort P.U.D. 98-1 Amendment and C.U.P. 23-51 Phase 3.4 – Lower Sugarloaf Custom Chalets – Preliminary Plat

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

Chairman Caldwell adjourned the meeting at 10:38 p.m.