

Valley County Planning and Zoning Commission

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Katlin Caldwell, Chairman
Ken Roberts, Vice-Chairman

Scott Freeman, Commissioner
Carrie Potter, Commissioner
Heidi Schneider, Commissioner

MINUTES

Valley County Planning and Zoning Commission
September 12, 2024
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 – Scott Freeman:	Present
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Heidi Schneider:	Present
PZ Planner II – Lori Hunter:	Present

B. MINUTES: Commissioner Potter moved to approve the minutes of August 1, 2024, and August 29, 2024. Commissioner Freeman seconded the motion. Motion passed unanimously.

Commissioner Potter moved to revise the meeting minutes of June 13, 2024, for C.U.P. 24-09 The Retreat McCall - Event Venue to state “The concept of shelter in place is not a realistic option for this area.” Chairman Caldwell seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

1. C.U.P. 24-15 Serenity Fields Multiple Residences: Serenity Fields LLC is requesting a conditional use permit for seven residences on one parcel. The homes would share wells and have individual septic systems. Access would be from a shared driveway onto Highway 55. The existing home is addressed at 14091 Highway 55. The 27.46-acre parcel is RP18N03E281774 located in the NWSE Section 28, T.18N R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Tabled from July 11, 2024**

Chairman Caldwell introduced the item. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and discussed the revised site plan.

The Commissioners and Staff discussed if the applicant’s submittal that was included in the Staff Report was a substantive change; it was determined that it was not.

Commissioner Roberts asked Director Herrick to explain the rational for Staff’s Compatibility Rating. Director Herrick responded that the first three questions are based on the matrix. The request is for multiple residences on one parcel. Staff used Line 6 in the matrix as multi-family subdivision is most similar to the proposed used. Line 5 for is more for a building with more

than one residence. Director Herrick referred to the GIS map and adjacent land uses. The dominant adjacent land use is single-family residential. Other nearby land uses include agricultural and commercial. There are the church facilities, Lonnie King's business, Idaho Power, etc. For the remaining questions, scores are based on the proposed mitigation being applied. Question 4 was given "full compatibility, adjacency encouraged" due to the large parcel, addition trees to be planted, and approved berm. For Q5, the proposal is for single-family residences, approximately one house per four acres; this is similar to adjacent properties. Therefore a +2 assigned for full compatibility is appropriate. For Q6, the traffic volume and character to be generated by the proposed use is similar to the uses on properties that will be affected. For Q7, the potential impact on adjacent properties is compatible with existing uses; the site is next to Highway 55. Regarding Q8, there were no negative comments from public agencies for this proposal. It is close to town and emergency services but will impact open area. For Q9, the proposed use is cost effective when comparing the cost for providing public services to the increases in public revenue. There would be increased revenue from six additional residences with little cost to public agencies. Director Herrick reminded the Commissioners that they are to do their own compatibility ratings. Commission Roberts stated that he disagreed with Staff's compatibility rating.

The public hearing was closed on July 11, 2024. Commissioners and Staff discussed whether the recent applicant's submittal included new information. The Commissioners had requested a better site plan. The revised plan shows landscaping and new building sites for the multiple residences. Commissioner Potter stated that the details and site plan are what the Commissioners requested and is not new information. Previous comments were made by property owners to the east, not to the south. Commissioner Freeman said that the revised site plan is well thought out and much better than original site plan. Chairman Caldwell stated the site plan was modified.

Chairman Caldwell opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none.

Chairman Caldwell asked for the applicant's presentation.

Jason Porter, 14091 Highway 55. He moved one home to give the neighbor to the north a better view. Mr. Porter also owns 52 Compass Lane which would be affected by the new proposed home location. A 10-mph speed limit sign would be posted at the driveway entrance for residents and employees. Recycled asphalt would be used for the driveway. Dirt is being added to the existing berm.

Commissioner Roberts asked why not apply for a subdivision plat instead of adding six residences to one parcel. Mr. Porter replied that three of the six homes would be for his children who also work for the family business. The multiple residence application is a simpler method. The neighbor to the west also has three approved residences on one parcel; other similar approvals have occurred. Commissioner Roberts has concern about the future owner(s) of the property and possible future splits of the parcel that might occur without approval of a subdivision.

Chairman Caldwell asked for proponents.

Joelle Porter is Mr. Porter's daughter and employee. The property is in a trust and will be passed down through the family. She has eight siblings.

Doug Wilkinson, Meridian, is Mr. Porter's son-in-law. He would be one of the families living in the homes. This would allow the close-knit family to live close by each other. The land will remain in a trust and in the family; it will not be parceled out.

Chairman Caldwell asked for uncommitted. There were none.

Chairman Caldwell asked for opponents.

Mike Houston, 14103 Highway 55, appreciates the revised site plan. He is concerned that additional buildings may be constructed in the future. The applicant should apply for a subdivision plat. He is also concerned about the number of driveways and traffic accessing Highway 55 in the area, including the traffic from the church across the highway. He believed that Idaho Transportation Department will require the driveway to be 150-ft away from his property line. The driveway should be relocated to the south, closer to the canal.

Applicant did not wish to give rebuttal. Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Potter calculated a positive compatibility rating and had no concerns. The proposal is similar to a previous approved conditional use permit. Commissioner Freeman calculated a high compatibility rating score. The land is in a trust and he also had no concerns. Commissioner Schneider asked staff if the applicant will need to show documentation that Idaho Transportation Department has approved the driveway location; Staff replied that ITD approval would be required but has not yet been received. Commissioner Schneider is concerned that there could be issues in the future. At this time, the property could not be sold separately without a subdivision plat. However, the proposed use is allowed by Valley County. Commissioner Roberts is not opposed to the proposed density. He is concerned about issues when land is divided at a future date. Staff clarified that a subdivision would be required to split the property. Commissioner Roberts is concerned that the road, buildings, and utilities already would be in place and would complicate meeting subdivision requirements. Chairman Caldwell stated the proposal meets maximum density requirements. Mitigation would occur, including landscaping and dust abatement. Multiple residents also exist on nearby parcels. The applicant has heard that issues may exist if a subdivision is desired in the future. This application meets ordinances. Conditions of approval were discussed. Idaho Power will have requirements for utilities if this site was to be subdivided in the future.

Commissioner Freeman moved to approve C.U.P. 24-15 Serenity Fields Multiple Residences with the stated conditions and:

COA: One wood-burning device per house.

COA: Any future splits would require a subdivision plat approved by Valley County.

Commissioner Potter 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.

- 2. C.U.P. 24-18 Gove Short-Term Rental and Private Airstrip:** Gary Gove is requesting approval for the short-term rental of an existing home and apartment. An individual septic system and individual well are used. A private grass airstrip without lighting is also proposed. The 40-acre site, addressed at 3789 West Mountain RD, is parcel RP18N02E240004, located in the NE ¼ Section 24, T.18N, R.2E, Boise Meridian, Valley County, Idaho. Action Item. **Tabled from August 1, 2024. WITHDRAWN BY APPLICANT**

The applicant has sold the property and withdrawn this application.

D. NEW BUSINESS:

1. **V-3-24 Mann Setback Variance:** Jeff Mann is requesting a variance to relax the side setback from the required 7-ft, 6-in to 4-ft, 11-in for a covered structure over an existing well. The 0.17-acre site, addressed at 13023 Delayne Road, is the south half of Laughing Bill Subdivision Lot 5 in the NE ¼ Section 21, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

- **Exhibit 1** – Picture of home, well site, and adjacent home.

The existing well is under three feet in height; thus, the well itself does not need to comply with setbacks. However, the roof structure built to protect the well does need to comply with setbacks.

Chairman Caldwell asked for the applicant's presentation.

Caleb Brown, McCall, built the covered structure over the well. It is a water-proof structure that was built to both protect and allow access to the well, water softener, and electrical systems during the winter. The adjacent neighbor was okay with the construction.

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 adjacent landowner was notified and did not comment. It is shared well with the applicant and the adjacent neighbor. There does not appear to be any issues in granting this variance.

Commissioner Roberts moved to recommend approval of V-3-24 Mann Setback Variance to the Board of County Commissioners. Commissioner Potter seconded the motion. Motion carried unanimously. This was a unanimous decision and there was no opposition; therefore, the Valley County Board of County Commissioners are not required to hold a public hearing prior to making a final decision.

2. **C.U.P. 24-21 Hallberg Solar Panels:** Marshall Lish of Big Dog Solar is requesting a conditional use permit for ground-mounted solar panels for residential use. The 20-acre parcel is RP12N04E326155, addressed at 100 Gray Lane, and located in the SWSW Section 32, T.12N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. (The applicant was not in attendance.) Chairman Caldwell asked the audience if anyone wished to testify regarding this application; there was no response.

Commissioner Roberts moved to continue the public hearing to the regularly scheduled meeting on October 10, 2024. Commissioner Potter seconded the motion. Motion passed unanimously.

- 3. C.U.P. 24-22 Lake Fork Village Mixed Use - Amendment of C.U.P. 21-32:** Chrysalis Architecture + Planning is requesting a conditional use permit for two office/residential buildings and an 8-unit storage building. An individual well and individual septic systems would be used. Access would be from Pleasant Acres Drive. The 1.6-acre site, addressed at 4 Pleasant Acres DR, is Pleasant Acres Subdivision Tax No. 165 in Lot 8 in Section 3, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

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

This site is within the Lake Fork Village Hub area designated in the Valley County Comprehensive Plan. The site plan and surrounding land uses were viewed on the GIS map. The Pleasant Acres Plat was reviewed. There is a lot of commercial use in the area.

Chairman Caldwell asked for the applicant's presentation.

Richard Wilmot, Chrysalis Architecture, Boise, referred to the emailed response to the Staff Questions within the Staff Report (**Exhibit 1**). This application is a bit more flexible than the previous approved application. A plaza would be created between the buildings. There is a setback from Highway 55; however, septic systems and snow storage is allowed within area. They understand that the setback on the north property line needs to be 30-ft; the proposed building site will move to be in compliance. Another change from the previously approved application is the proposed parking. The new site plan has a double-loaded parking area and parking sites do not wrap around the building. This would improve visibility and aesthetics. They proposal complies with requirements of the previous conditional use permit. They have had preliminary discussions with the fire department. McCall Fire Department wishes to see what the buildings will be used for to determine fire tank requirements. Creating fire walls/breaks between units will reduce the size of fire tank required. He concurs with staff recommendations in the staff report. Mr. Wilmot answered questions from the Commissioners. A future condominium plat is anticipated in the future; this would allow units to be sold to individual owners. A landscape buffer and maintenance of the existing fence would mitigate the commercial use next to residential lots. The storage units would not be used for day-to-day operations by commercial uses. The size of the units, slightly larger than a full-sized truck, would not be the right size for commercial operations to function.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for uncommitted. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Roberts stated there is existing commercial use in this area; this is an appropriate use for the site. Commissioner Roberts stated the privacy fence mitigates most impacts of the use to the residential home east of the site. Commissioner Schneider asked Staff for clarification of a future condominium plat. Director Herrick stated outside areas would be common areas; typically, the exterior is maintained by a property owner association. Separate ownership of the commercial, residential, and storage units would be allowed if a condominium plat was approved and recorded. CCRs would be included in a condominium plat as a contract between individual owners.

Commissioner Freeman moved to approve C.U.P. 24-22 Lake Fork Village Mixed Use with the stated conditions and:

COA: Must maintain the fence along the east side property line into perpetuity.

COA: North property line setback will be 30-ft.

COA: There shall be no short-term rentals.

Commissioner Potter 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.

7:25 p.m.

- 4. C.U.P. 24-23 Foulk Solar Panels:** Revolusun Mountain States is requesting a conditional use permit for ground-mounted solar panels for residential use. The 38-acre parcel is RP16N03E036775, addressed at 37 Coho Lane, and located in the SW ¼ Section 32, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Neither the applicant, property owner, nor a representative were present.

Commissioner Roberts moved to table the public hearing to the regular meeting on November 2024 [6:00 p.m. on November 14, 2024]. Commissioner Potter seconded the motion. Motion carried unanimously.

Chairman Caldwell called for short minute break.

7:30 p.m.

- 5. C.U.P. 24-24 Gold Fork River Ranch – Preliminary Plat:** Gold Fork River Ranch LLC is requesting a conditional use permit for a 69-lot single-family residential subdivision on 160.88 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from new public roads onto Koskella Road (public) and Davis Creek Lane (public). The site is parcels RP16N03E254804 and RP16N03E255310, located in the SW ¼ Section 25, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest. Commissioner Roberts stated he would recuse himself as he is an adjacent landowner to the site. He is also the current chairman of the Gold Fork Irrigation Company and would be available for any relevant questions.

Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. Director Herrick replied to questions from Commissioners. The shared driveways will reduce the total number of accesses on Davis Creek Lane. This has been done previously in subdivisions that border major corridors such as Wild Wings and Fir Grove subdivisions.

Chairman Caldwell asked for the applicant's presentation.

Benjamin Groves, Eagle, Idaho, represented Craig Groves and Gold Fork River Ranch LLC. As shown in the satellite image, a subdivision was started at the site in 2007 but was not completed. Chairman Caldwell asked why the number of lots has increased from the previous 2007 approval. The original proposal was 48 lots; this proposal is for 69 lots. Housing is needed in Valley County, and these homes would help meet the demand. They would work with a builder team to complete the homes.

Gregg Tankersley, Crestline Engineers, McCall, responded to questions regarding the irrigation ditch. The irrigation ditch would be re-routed internally but will meet requirements. They have reached out to the irrigation district [Gold Fork Irrigation Company] for a meeting without much success. They will continue to try to work with the irrigation district and have talked to people with experience with water rights laws. The applicant will apply to Idaho Department of Water Resources for additional water rights for the new ponds; ponds require evaporation water rights. Water is delivered in a couple of locations manually and wastewater flows through the central area. The plan is to manage the water as it crosses the site and keep the same exit points as currently exist.

When the application was submitted, the proposal included distributing water rights among lot owners for irrigation of individual lots. Since then, discussions with Donnelly Fire Department regarding fire protection requirements, etc., have occurred. The current intention is that the homeowners association would maintain irrigation systems and control distribution through

pressurized irrigation lines and the ponds. The homeowners association would hold the water rights. The open space / common areas would remain natural vegetation. Mosquito abatement has not been discussed in detail at this time, but they are willing to work with on an appropriate plan. The two existing ponds do not currently have aeration. Three more ponds would be added. The ponds will be lined. Approval would be required from Idaho Department of Water Resources for pond evaporation rights.

Separation between the ponds and septic systems was discussed. Central District Health requires 50 feet between septic systems and lined ponds although 100 feet is preferred. Unlined ponds require a 300-ft separation. The two constructed ponds are lined. The integrity of the lining of the ponds was discussed; it would be possible to do a leak test, similar to testing of a wastewater lagoon. They have data from the previous ground water monitoring from C.U.P. 07-11. Monitoring for phase 2 and possibly a few more sites within Phase 1 would occurring in 2025.

Mr. Tankersly stated they have not had formal discussions the U.S. Army Corps of Engineers regarding wetland. He has walked the site and does not believe the County's GIS map layer is accurate; the map is a tool to identify possible wetlands. Wetland delineation is being completed to determine actual wetlands. He does not believe the lot count would change once wetland designation is completed. Creating ponds within an existing wetland must be permitted but is allowed.

Allowing or limiting short-term rentals has not been discussed; this would need to be determined by Craig Groves. Homes would likely be three- or four-bedroom homes with large garages / workshop spaces. Lots vary in size which would affect home size.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for uncommitted.

Elaine Murray, 19 Gold Fork Bay Circle, asked if there were any community amenities included with this proposal, for example an area for walking dogs. This seems to be high density and should have amenities.

Chairman Caldwell asked for opponents.

Kristin Koskella, 12704 Koskella RD, is the Gold Fork Irrigation Company Secretary presented **Exhibit 1**. The proposed water use may conflict with the Company's water rights uses, delivery system, and other issues associated with existing irrigation practices on adjacent lands. The irrigation company functions differently than an irrigation district. The Company has not had a chance to meet as a Board nor as shareholders to discuss this proposal; more time to review and comment is requested. Ms. Koskella also stated that the posted notice sign is not easily visible. She questioned if the water rights were transferred with the sale of the property. The water is for agricultural irrigation. She does not believe that this property has been using the irrigation water.

Tracy Irish, Montour, Idaho, leases the property immediately to the east of the proposed site. He has 960 acres of irrigation water for his agricultural operation. The applicant is wanting to use irrigation water for aesthetics. Knife River has a concrete plant across Koskella Road from the proposed site; there will be issues with dust and noise. He uses flood irrigation, not pivots, to irrigate; thus, he depends on the water table for irrigation water to flow. These big ponds will suck up the water and affect his operation.

Floyd Loomis, Koskella RD, stated the proposal represent a drastic urbanization of the Gold Fork River Basin. There is nothing like this in the area. The number of lots have doubled compared to the previous application. There are too many Individual wells and septic systems Concerns include wetlands, a major elk migration corridor, wildlife, hydrology, the water table, and water quality impacts, especially given Lake Cascade water quality issues. The irrigation water is for agricultural purposes, not aesthetic purposes.

Gena Davis, 170 Davis Creek Lane, stated the site is adjacent to commercial, industrial, agricultural, and agricultural tourism operations. The high-density development seems out of place. There are too many ingress-egress sites along Davis Creek Lane. What will leach into and contaminate the ponds?

Jerry Wallen represented Allan P. Bloxsom, 12610 Flat Creek Road, of Gold Fork LLC, GFRR LLC, and Au79 River Ranch LLC, who is opposed to this type of subdivision at this location. Valley County's long-range plans and vision have been against this type of subdivision. The proposal belongs in an incorporated city limit or where there is public water and public sewage. The amount of additional traffic and septic seepage into the underground water is a disaster waiting to happen. Seventy wells will drain everyone around that tract and lower the water table. The roads are not designed for 70 additional households. (**Exhibit 2**)

Alan Kindsvater, 187 Davis Creek Lane, is opposed due to the nature of development as it relates to surrounding area and water issues. The increase from 48 lots to 69 is for the applicant's economic benefit. The number of proposed lots is too high for the area. It would fundamentally alter existing uses. There are too many proposed ingress/egresses onto Davis Creek Lane. The applicant should create open space and move access of lots off of Davis Creek Lane. The application did not include information on types or sizes of homes; would they fit the area. He also has concerns about water issues that have been mentioned. He irrigates cropland with both pivot and flood irrigation. During this past summer, which was dry, he was unable to flood irrigate through the headgates due to lack of water flow. The water is intended for agricultural purposes.

Dale Loomis, 12834 Koskella RD, resides on property adjacent to the proposed site. He is concerned with the proposed number of wells and septic systems. His well no longer works as good as it previously did before the ponds were constructed. The ponds would affect the underground aquifer. He is concerned about the soil types and septic drainfields. What will the water exit site look like? What type of fencing will be constructed?

Kendra Brown, 12912 Highway 55, farms the adjacent land. She disagrees with Staff's compatibility rating specifically questions 4 through 9. More consideration should be given to surrounding property uses than the proposed application. Q4 – The proposal does not minimize uses on adjacent land. The Commissioners should determine if the proposal fits the area and existing uses. The current landowners should not need to adjust to fit the application. Q5 – There is nothing similar to this proposal in this area. Q5 should be a negative number, not a +2. Q6 should also be a negative score; the traffic would increase dramatically. Q7 – This proposal would affect the water quality and water levels used by the adjacent agricultural uses. Q8 – This site is not near city resources; thus, the score should not be a +2. Q9 – will increase expenses for providing public services and should be a score of zero, not a +2. The overall rating should be a negative rating. Her farm's organic certification can be taken away if runoff from the site affects the water quality. Valley County Code 9-4-2 states that agricultural land is to be preserved for farming and allow nonfarm development in rural areas only when it does not interfere with the productivity and profitable level of agriculture. Wells and septic systems will negatively affect water quality for crops and irrigation as well as contaminate Gold Fork River that flows into Lake Cascade. Ponds will affect flood irrigation and increase water temperature.

Extracting gravel to be used off-site should be a separate conditional use permit application. Wetlands are on the property and there is standing water all spring.

Brian Redmond, 12765 Highway 55, is opposed to using the gravel from the ponds on other properties. Short term rentals would have a negative impact. Gold Fork Bay Subdivision is the closest subdivision that is similar and is located on the other side of where he lives. Three houses have been constructed, two of which are short-term rentals.

Chairman Caldwell asked for rebuttal from the applicant.

Mr. Tankersley stated that they have attempted and will continue to attempt a discussion on water rights. That is required by law. Water will flow through the property as required. Regarding comments on septic systems, wells, and ground water quality, the proposal meets the requirements. The proposal meets and/or exceeds requirements of Valley County Code for lots sizes, rights-of-ways, etc. The site will not be a farm field in the condition that it is in. The application would clean up the site. Knife River drilled a well in 2020 that is 50-gallons-a-minute and 80-ft deep. There is not a shortage of water in Valley County from a well standpoint.

Staff stated that Commissioners can table the matter to allow the applicant's representatives to respond to specific impacts identified by the public. Chairman Caldwell would like more information. The applicant stated this development is done to provide needed housing; therefore, what is the expected average house/lot price? Other desired details include pond maintenance, elk migration, a possible reduction of the number of ingress/egress on Davis Creek Lane, irrigation, and short-term rentals. Although the proposal does meet several of the Codes, it is still up to the Commission to make sure that impacts are being mitigated. Commissioner Caldwell does not have answers to feel comfortable moving forward. Commission Schneider concurs and also has a similar list of questions.

Benjamin Groves and Preston Rutter, Boise, responded to Commissioner Schneider's question regarding the ponds. The ponds would be an amenity, a source of materials for road construction, and a possible water source for fire suppression.

If approved, Chairman Caldwell also would like to see perimeter landscaping. Since the site is surrounding by agricultural, there does need to be a fencing plan and CCRs should include the prohibiting on roaming dogs. The Commissioners should check all boxes prior to making a decision. Commissioner Schneider asked for clarifications regarding extracting rock to use off-site. Director Herrick stated the applicant is not proposing to sell the extracted materials but to use them on land owned by the applicant. When the ponds were excavated for C.U.P. 07-11, the applicant did get a separate conditional use permit for the sale of excavated materials.

If the conditional use permit is approved, Staff recommend that Condition of Approval #5 be modified to state: A letter or permit from U.S. Corps of Engineers is required if determined to be jurisdictional wetlands onsite.

Commissioners requested copies of the conditions of approval and meeting minutes from C.U.P. 07-11 application. The public hearing remains open.

Commissioner Schneider moved to table C.U.P. 24-24 Gold Fork River Ranch to November 14, 2024, at 6:00 p.m. Chairman Caldwell seconded the motion. Chairman Caldwell reminded the Commissioners to avoid exparte contact. The 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 Roberts returned to the Commission.

8:38 p.m.

E. OTHER:

1. **C.U.P. 24-19 [REDACTED] Short-Term Rental Appeal:** C.U.P. 24-19 was effective on August 13, 2024. The applicant is requesting that a requirement of a development agreement be vacated. Action Item.

The applicants were unable to attend tonight's meeting and would like the Commissioners to respond to the submitted letter. The applicants did not meet the deadline to appeal the decision to the Board of County Commissioners. The Commissioners discussed the request. The Accessory Dwelling Unit (ADU) on the property is a long-term rental. The home will be sometimes used as a short-term rental. Conditional of Approval #21 required that a development agreement to be approved by the Board of County Commissioners. The Commissioners discussed this requirement and agreed that it is necessary in order to mitigate impacts to neighbors, including dust abatement. The use does impact the neighborhood by increasing traffic, dust, and noise. The home is on a graveled public road. It is a commercial business in a residential area. Commissioners have been including the requirement for development agreement discussions on conditional use permits.

Commissioner Freeman moved to deny the appeal and continue to apply Condition of Approval # 21: Shall work with Valley County Road Department and Planning and Zoning Director on a Development Agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners. Commissioner Potter seconded the motion. Motion approved unanimously.

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

Director Herrick was unsure if the fire department would require an impact fee to be applied for this use and off-site impacts.

2. Approval of Professional Forester Under Valley County Code Title 10-7. Action Item

Travis Chamberlain has requested to be added to the list of approved professional foresters who can submit Wildland Urban Interface Fire Protection Plans required in Valley County Code 10-7.

Commissioner Schneider moved to approve adding Travis Chamberlain to the list of approved Professional Foresters Under Valley County Code Title 10-7. Chairman Caldwell seconded the motion. Motion carried unanimously.

F. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 24-09 Amendment of C.U.P. 19-09 The Retreat McCall - Event Venue
- C.U.P. 24-19 [REDACTED] Short-Term Rental
- C.U.P. 24-20 Fee Multiple Residences, Pond, and Gravel Sales

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

E. FUTURE WORK SESSION

The Commission and Staff decided to hold the next work session on October 30, 2024, beginning at 8:30 a.m.

Chairman Caldwell adjourned the meeting at 8:52 p.m.