

Valley County Planning and Zoning Commission

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Ken Roberts, Chairman
Carrie Potter, Vice-Chair

Brad Mabe, Commissioner
Ben Oyarzo, Commissioner
Heidi Schneider, Commissioner

MINUTES

Valley County Planning and Zoning Commission
July 10, 2025
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 6:00 p.m.

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

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Brad Mabe	Present
PZ Commissioner – Ben Oyarzo:	Present
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present - Arrived at 6:32 p.m.
PZ Commissioner – Heidi Schneider:	Present
PZ Planner II – Lori Hunter:	Present

B. MINUTES: Commissioner Schneider moved to approve the minutes of June 12, 2025. Commissioner Mabe seconded the motion. Motion passed unanimously.

C. OLD 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 12817 Highway 55, parcels RP16N03E269260 and RP16N03E269290, and located in the SESE Sec. 26, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item **Postponed from May 8, 2025.**

Director Herrick stated that the staff report was given to the Commissioners with their packet. Since then, the applicant requested to reschedule the review until they have finished the outstanding requirements. They have paused all rental activity at the site.

Commissioner Mabe moved to continue the annual review of C.U.P. 22-16 Camp Modern until the PZ Commission meeting in December 2026. Commissioner Schneider seconded. Motion passed unanimously.

- 2. C.U.P. 23-22 Activity Barn – Review:** The Planning and Zoning Commission will assess mitigations and compliance with the approved conditional use permit. This permit added additional activities, capacity, employee housing, and a revised parking lot and access. The 116-acre site is parcel RP18N03E290007, addressed as 141 Moonridge Drive, and located in the N ½ Section 29, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Vice Chairman Potter introduced the item, opened the public hearing, and asked if there was any ex parte contact or conflict of interest; Commissioner Schneider recused herself.

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

- **Exhibit 1** – Dan Coonce, Valley County Public Works Engineer, made recommendations for a road agreement to be negotiated between the Board of County Commissioners, the Road Department, and the applicant. (July 2, 2025)

Director Herrick and Commissioners discussed Dan Coonce's letter and condition of approval #5. It is expected that the tight road corner located at the northwest portion of the parcel will be realigned in the future for safety reasons.

Vice Chairman Potter asked for the applicant's presentation.

Heidi Schneider represented Brundage Mountain Resort. Ken Rider, General Manager of Brundage Mountain Resort LLC, supplied a detailed response that was included in the Staff Report. A lot of the items requested in the application have not begun. The focus has been on the tubing hill operation. However, they still want to do the additional approved activities in the future. Mr. Rider has been working with Dan Coonce on a solution regarding a development agreement.

Vice Chairman Potter asked for proponents. There were none.

Vice Chairman Potter asked for undecided. There were none.

Vice Chairman Potter asked for opponents. There were none.

Vice Chairman Potter closed the public hearing. The Commission deliberated. No negative public comments or complaints have been received. The applicant has been abiding by the requirements of the conditional use permit. The applicant shall continue to work with the Valley County Engineer as required by condition of approval #5. This agreement will be required prior to approval of new building permits at the site.

Commissioner Mabe moved to approve continuation of C.U.P. 23-22 Activity Barn inclusive of the condition of approval #5. 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 County Code 9-5H-12.

6:15 p.m. Commissioner Schneider returned to the Commission.

3. **C.U.P. 23-29 Gearheard Glamping Site – Review:** The Planning and Zoning Commission will assess mitigations and compliance with the approved conditional use permit. This permit allowed short-term rental of a geodome on a wooden deck that does not qualify as a residential dwelling. The 0.9-acre site, addressed at 41 Stanley DR, is Crown Point Subdivision No. 9 Lot 14 Block 3, located in the NENE Sec. 14, T.14N R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Vice Chairman Potter introduced the item, opened the public hearing, and 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 displayed pictures of the site and advertising.

Director Herrick and Commissioners discussed the current use of the site compared to the approved conditional use permit. Originally the property had a couple of Recreational Vehicle (RV) sites for personal use. The approved conditional use permit was for rental of a geodome at the site; this has not yet been constructed. The site is being rented as an RV site. Staff believes a new conditional use permit should be required for this use as the impacts may differ from the approved use.

Vice Chairman Potter asked for the applicant's presentation.

Wade Gearheard, Boise, is the applicant and property owner. The site is a quiet, couples glamping retreat. The intent was to add a geodome or a yurt; however, they have not been able to accomplish this due to financial constraints. Since the approval of the conditional use permit, they have restored the property by removing the old camper trailer, burying exposed septic lines, and improving the fire pit. The masonry bricks surrounding the fire pit have been replaced with natural stone. Rules are visibly posted at the site and include quiet hours, required guest cleanup of the site, and quiet guest conduct. They have added cell service with a booster, installed downward facing, low lighting, and planted native wildflowers to the disturbed septic pipe area. He would like approval to continue renting the property as they currently are doing.

Mr. Gearheard responded to questions from Commissioners. The site is limited to two people and is low impact to the neighborhood. Guests bring an RV and stay a few days. The rental is limited to only two people and one RV at a time. They are in compliance with the requirements of the Cascade Fire Department (COA #8). There are two 50-gallon water barrels for fire protection, shovel, wheelbarrow, handpump, and five-gallon buckets at the site. There is a filled water cube for the bathroom that could also be used for fire suppression. They have not received any complaints from neighbors; there are very few neighbors in the area. Many of the renters are repeated customers. The main complaint from renters is the condition of the roads. The site is located in a "bowl". Adding a yurt or geodome would require a new deck; the existing deck would not suffice.

Commissioner Roberts arrived at 6:32 p.m.

Vice Chairman Potter asked for proponents. There were none.

Vice Chairman Potter asked for undecided. There were none.

Vice Chairman Potter asked for opponents.

Donald Allen, adjacent property owner of 44 Stanley Drive since 1972, lives in Oregon and is strongly opposed to use of the property as a rental site. Sewage / septic drainfield issues occur due to the "rotten granite soil" in the area. More people mean more problems, including fire, causing trouble, UTVs, snowmobiles, and trespassing. The use does not fit with the zoning in the area. Road improvements are needed for access. He visits the site about once every year or two.

Donald G Allen JR, Esticada, Oregon, enjoys using the property owned by his father [44 Stanley Drive]. They bring a tent or camper occasionally to the site. They appreciate not doing anything with the property. This establishment has a lack of details in the site plan and he has concerns with septic wastewater. The nearby properties are used by families who come to visit the area, not glamping and rentals. He does not want to see improvements on the nearby properties.

Vice Chairman Potter asked for rebuttal from the applicant.

Mr. Gearheard stated there is a septic system on the property that was approved by Central District Health. It was inspected by Honeybee in 2024 to make sure everything looked good. He does not want septic to drain downhill to the adjacent properties. The piping to the drainfield was previously above ground; he buried the piping in fall 2024. Stanley Drive was constructed in hard granite and is in bad condition. He has brought in landscaping rock to minimize the erosion at the driveway entrance. The site is rented to a maximum of two customers at a time. They do regular drive-bys and also do a cleanup after each guest rental. The site does not look like a party area. Their primary residence is in Boise. However, they own other property in the Crown Point area and visit the site every summer weekend.

Vice Chairman Potter closed the public hearing. The Commission deliberated. The applicant is meeting the requirements of the existing conditional use permit. However, the approval was for a geodome, not an RV rental site. They are minimizing the number of guests and have approved septic system. However, they do not have a geodome or yurt as originally approved. It does not appear that the addition of a yurt or geodome is imminent at this point. The Commissioners concurred that the applicants should request an amendment of the conditional use permit to allow the site to be used as an RV rental site as the impacts are different.

Commissioner Schneider moved to require the applicant to submit an application to modify to include the current use of C.U.P. 23-29 Gearheard Glamping Site. Commissioner Mabe seconded the motion. Motion carried unanimously.

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

6:50 p.m.

D. NEW BUSINESS:

- 1. C.U.P. 25-012 Widman Short-Term Rental:** Spencer and Jamie Widman of Salmon 64 LLC are requesting a conditional use permit for the short-term rental of an existing home. The apartment above the garage would be used by the property owners. An individual well and individual septic system are used. The 2-acre site, addressed at 64 Salmon Loop, is Coho Estates Subdivision Lot 64 located in the NE ¼ Section 9, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

The County does not enforce CCRs. The limit of two people per bedroom corresponds with the septic system limits of Central District Health (CDH).

Chairman Roberts asked for the applicant's presentation.

Spencer Widman, part-time resident of 64 Salmon Loop and Kuna, clarified that short-term rentals are not prohibited in CCRs for Coho Estates; there is another short-term rental nearby. They would prohibit guests from bringing pets and from having a fire on the property. The approved septic system was approved for four bedrooms; thus, they would like the ability to rent the property to a maximum of eight people if the applicants are not staying in the apartment [permitted ADU 2008-03]. There are bunkbeds in the house that could be used by paying guests. No tents or RVs are used to sleep additional renters. This is a 3- bedroom house with a 1-bedroom apartment.

Director Herrick responded to this request. CDH permitted a septic system for a 4-bedroom home. Valley County Short-term rental ordinance allows for two guests per bedroom.

Mr. Widman stated he has no issue if the conditional use permit was to expire upon the sale of property. He is agreeable to a separate physical address for the apartment; this would be assigned by PZ Staff.

Chairman Roberts asked for proponents. There were none.

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents. There were none.

Chairman Roberts closed the public hearing. The Commission deliberated. No objections from neighbors were received. Commissioners concurred with a maximum rental of 8 guests if the ADU is unoccupied. The conditional use permit should expire upon sale of the property as new owners would not have agreed to or be aware of the limitations set for renters.

Commissioner Mabe moved to approve C.U.P. 25-012 Widman Short-Term Rental with the stated conditions.

COA: Maximum of eight (8) guests allowed if ADU is vacant.

COA: No pets or firepit use by paying guests.

COA: Conditional use permit shall expire upon sale of the property.

COA: The apartment (ADU) shall be given a separate address by PZ Staff.

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 County Code 9-5H-12.

7:02 p.m.

2. SUB 25-013 Eld Ranch Estates – Preliminary Plat: Greater Good Investments LLC is requesting a conditional use permit for a single-family residential subdivision on 54 acres. The plat includes 20 buildable lots and two open space lots. Individual septic systems and individual wells are proposed. The lots would be accessed from new private roads onto Gold Fork Road, a public road. The site is parcel RP16N04E199005 located in the SE ¼ Section 19, T.16N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Roberts introduced the item, opened the public hearing, and asked if there was any exparte contact or conflict of interest.

Chairman Roberts stated he did not have a conflict of interest to declare. He did disclose that he previously farmed property owned by Eld Ranches [the property owner of the proposed subdivision]; however, he did not farm the proposed subdivision site nor the identified future phases.

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

- **Exhibit 1** – Daniel A. Nevala, Arkoosh Law Offices, legal representative of the property owners, requested that Commissioner Roberts disclose the prior business relationship and consider recusing himself from this matter. (July 3, 2025)
- **Exhibit 2** – Michelle Eld Lowen, current property owner of the proposed subdivision, wrote in favor. (July 3, 2025)

- **Exhibit 3** – Zach Lowen wrote in favor of the proposal. (July 3, 2025)
- **Exhibit 4** – Dan Coonce, Valley County Public Works Engineer, stated Valley County owns a 70-ft right-of-way along Gold Fork Road just south of the parcel. County-maintained roads that would see increased traffic include Gold Fork Road. It is expected that transportation services would be impacted by increased traffic. Recommendations for mitigation were listed. (July 2, 2025)
- **Exhibit 5** – Austin Jones, a property owner in Simpco Estates, is opposed to the addition of access through Simpco Estates. (July 7, 2025)
- **Exhibit 6** – Draft Wildland Urban Interface Fire Protection Plan (July 8, 2025)
- **Exhibit 7** – Applicant's Slide Presentation (July 10, 2025)

Director Herrick and the Commissioners discussed future road connectivity. Staff recommends a public right-of-way with private roads until such time that the Board of County Commissioners agree to maintain the road(s). A deed will be required to transfer ownership to Valley County for the Gold Fork Road right-of-way and any public right-of-way.

Director Herrick stated that Valley County legal counsel has reviewed **Exhibit 1**. Legal Counsel does not believe Chairman Roberts has an economic interest in the outcome of this decision; however, his prior business with the property owner should be disclosed.

The preliminary plat for Phase 1 was reviewed. The application is only for Phase 1; future phases would require new conditional use permits. Director Herrick referred to the overall plan and road access through Simpco Estates. The plat for Simpco Estates includes road connectively sites within 70-ft wide public rights of way. These platted roads were dedicated to the public. Zoon Lane was extended in past 10 years and is plowed by Valley County. The recorded plat for Simpco Estates was reviewed on the projection screen.

Proposed Lot 20 would be accessed from Gold Fork Road. Lot 20 contains “no build” areas due to the floodplain. A wetland delineation would be required if wetlands exist. Staff questioned if the buildable area is large enough to meet setbacks.

Chairman Roberts asked for the applicant's presentation.

Mark Young, Eagle, Idaho, the developer for this project, and his wife Misty have partnered with K2 Excavation and Construction and Crestline Engineers for this project. All are at the meeting and available for questions. He referred to **Exhibit 7**. If Phase 1 is successful and economics allow, he anticipates one phase per year. Larger lots, open spaces, a walking path around the lake, kayak access, and picnic area would create a cohesive subdivision with natural beauty and space for wildlife. Phase 1 includes 20 lots ranging from 1.5 to 4 acres, paved roads, and access to Gold Fork Road. He responded to questions and comments listed in the Staff Report. Variances are requested for the fire plan and road length. He believes Lot 20 will support a residence, but if not, the lot would become a “dry lot” or “open space”. The proposed road grade is 2.5% to 10%; only one section, about 300-ft long, is around 10%. He does not believe the road grade would exceed the County's limits.

Water rights are WR #65-7200 and #65-7516. The original intent was to retain the water rights for common areas, particularly in future phases. Neil Shippy, Water District # 65 Watermaster, is researching this possibility or if water must be provided to future lot owners.

A draft wildland urban interface fire mitigation plan has been submitted; it is mostly complete. Additional research on fuel breaks to reduce the spread of grass fires is occurring; this would occur a fire break of green grasses on north boundary adjacent to Simpco Estates.

Mr. Young discussed the future road access through Simpco Estates and concerns of Simpco residents noted during the neighborhood meeting and comment letters. He understands the concerns. He would expect there would also be some traffic from Simpco Estates going south through future phases. This road connectivity would occur in future phases; it is not part of this Phase 1 application. Future connectivity would provide access and be important for emergency services, additional routes to escape from a fire, etc. He anticipates 70 ± 10 residences at full buildout of all the phases. The access connections with Simpco Estates would likely occur in Phases 4 or 5. The Donnelly Fire Department would require additional access with the 31st lot. The future access to Phases 6 – 8 was discussed with Commissioners but has not been finalized. A loop road would likely connect Phase 2 and Phase 8. There was discussion on use of County roads that would be used to access the proposed subdivision.

Utilities would be buried.

Chairman Roberts asked for proponents. There were none.

Chairman Roberts asked for undecided.

Andrew Chroninger, 534 Holmes Cemetery Road and Boise, borders the south side of proposed Phase 1. He is concerned with tree removal due to the required road width. This could cause erosion downhill towards his property. Leaving the trees would also block traffic noise to the adjacent neighbors. He is concerned about the number of additional wells. His well, dug in the early 1980's, had to be deeper than anticipated. Thus, he is concerned about impact to the water table.

Alisa Manley [spelling unknown] 264 Barker Loop, stated the area is pristine and provides wildlife habitat. There are a lot of meadows, and the elk migrate through the site. She is concerned about the impact of 70 lots on wildlife, the neighbors, and impact to wells. Growth needs to be accommodated but she is concerned about this pristine land and the impact seven phases would have on the area.

Chairman Roberts asked for opponents.

Jackie St. George, 89 Barker Lane, stated traffic and speeding has greatly increased over past six years, particularly by gravel trucks and UTVs. Barker Lane is very dusty with deep ruts. The road collapsed in 2024 and created a 4-foot hole. There is an average of 20-30 gravel trucks per hour. Seeing the beautiful area developed makes her sad. The developer should be required to provide money for road improvement, particularly for Barker Lane. She paid \$4000 for small strip of dust abatement last year; however, it only lasted three weeks due to the large amount of traffic.

Director Herrick confirmed that the grandfathered gravel pit off of Gold Fork Road is using Barker Lane for access.

Lawrence Meredith, 95 Barker Lane, stated Barker Lane is a gravel road. The only speed limit sign is posted on west end of Barker Lane; one is also needed on the east end. Speeding is an issue on Barker Lane. The prevailing wind is southbound; thus, dust is horrendous on the south side of Barker Lane. The road was not designed for the large amount of traffic that is currently occurring. Elk use the proposed site as a corridor; many stay at Vicki Eld's old feedlot area and winter in the proposed subdivision area. The site is also used by deer and other wildlife. People who are moving here should pay for additional infrastructure, not long-term residents. Impact fees should be imposed. The developer should be required to pave Barker Lane.

Rick Avila, 12966 Zoon Lane, a Simpco Estates POA board member, stated the amount of people going north through Simpco Estates would far exceed any traffic going south through the proposed subdivision. He is concerned about the loss of farm and grazing land. Converting the site into lots of Phase 1 would lead to the approval of future phases. Other concerns include wetlands that provide wildlife with a source of water; the site is used as an elk migration route. This proposal is a waste of agricultural land. There are no trees in the additional phases; thus, homes would be very visible.

Austin Jones, Boise, purchased property in Simpco Estates in 2024; he chose the site for the rural area. Developing this area does not make sense when there are many lots for sale in Valley County. Lots have been for sale in Simpco Estates since 2000. This proposal does not make sense for the rural area.

Chairman Roberts asked for rebuttal from the applicant.

Rob Pair, Crestline Engineers, responded to comments and referred to utilities and grading plan information within the application. The roadway would be steep coming off of Gold Fork Road. The proposed road was relocated from the original design location to accommodate wetlands. This would also result in preserving the existing trees. They are working on a wetland delineation. There are no wetlands in Lot 20 outside of the high water line. He reference the Idaho Department of Fish and Game's letter included in the application submittal; there are recommendations for CCRs.

He responded to the comments on Barker Lane. There would be multiple ways to access to the site, including Davis Creek Lane to Gold Fork Road, East Roseberry to Gold Fork Road, and Farm to Market Road to Barker Lane to Gold Fork Road. Dust would be mitigated by the paving of the new private roads within the subdivision.

The second connectivity point required by Donnelly Fire Department would not be part of Phase 1. The discussion would be reviewed if additional phases are done. Simpco Estates was platted in a way to provide future road stubs for the property to the south. Road connectivity is important for safety concerns. Simpco Estates has 47 platted lots and only one access point into the subdivision. This is not in compliance with current fire requirements

The application submittal includes neighboring well logs. The effect of additional homes and wells is a common concern regarding new subdivision applications. Idaho Department of Water Resources (IDWR) has monitored multiple sites across Valley County since the 1960's. Water levels have fluctuated over this time. Mr. Pair does not have reason to believe there is a lack of water. Snow recharges aquifers. The proposal meets the minimum lot size requirements for wells and septic systems.

Chairman Roberts believes that if someone has a concern about their well depth, they can protest the well water right to IDWR. If there is future damage to their well, the developer would then be responsible.

A development agreement could be used to mitigate some of the concerns that have been raised. Director Herrick stated the applicant would work with the Valley County Engineer to review proportional impacts and then pay a proportional share. The previous Capital Improvement Program (CIP) would be used as an indicator. Development agreements are negotiated with the Board of County Commissioners. In-kind services and/or direct payments can be used.

Eric Bolander, Boise, spoke as the legal representative for the applicant. Regarding well water, Idaho applies the same prior appropriation doctrine as they do with water rights. Therefore, if a new well affects the flow or amount of water of an existing well, the existing well owner has recourse against the new well owner. Analysis done at time of well permitting. The applicant wants to use the existing irrigation water rights for the common areas and not the individual lot owners. A new Idaho State Statute states that irrigation water rights cannot be allocated for groundwater but must be used for surface irrigation.

Chairman Roberts closed the public hearing. The Commission deliberated. The decision tonight is only for Phase 1. Commissioner Mabe stated the Compatibility Score aligns well with adjacent property use. He believes all Commissioners have concerns about future growth and impacts in Valley County. The Commission must balance the property rights of property owner and adjacent owners.

Commissioner Schneider asked Staff for clarification on the source of gravel trucks traveling Barker Lane. Director Herrick stated the trucks are using Barker Lane and Gold Fork Road to access a grandfathered gravel pit known as the N&N Pit. Barker Lane needs work. The road connectivity issue would be part of an application for a later phase.

Chairman Roberts concurs with comments from the Commissioners. The proposal is a compatible use for the area. The site is not a high production agricultural area. He is concerned about the affect on fire danger once cattle grazing is removed. It is likely the adjacent property will continue grazing until such time they are developed. There should be a requirement to reduce grass fuel on the site. A fencing agreement would likely be needed with future phases as other owners to the east do graze livestock.

The proposed draft wildland urban interface fire mitigation plan was discussed. Section B includes recommendations; 7A includes vegetation treatments to reduce fuel loads in Phase 1. This would involve planting different types of grasses and maintaining green fire breaks. Fuel loading and fire risk to neighbors is a valid concern. Mara Hlawatschek, Valley County Wildfire Mitigation Program Director, would review and approve the fire plan. The easement would be recorded for the fire turn-around for Phase 1 to ensure it remains if future phases do not occur. Similar easements have been done on other plats. The easement would be approved by the Donnelly Fire Department and would be abandoned with the continuation of the next phase. Commissioner Schneider said that requiring storage water tanks for fire suppression does not make sense to her. Director Herrick stated the various fire chiefs have maps and are tracking the storage water tanks. A dry hydrant system in pond could be done and/or sprinklers required in residences. Commissioner Mabe referred to the requested road length variance. The proposal seems to have an adequate turn around for fire trucks; thus, he does not have concerns regarding approval of the variance. Commissioner Schnieder stated fire department seems ok with the proposal. Director Herrick stated the 10% road grade maximum must be met.

Commissioner Schneider asked for clarification regarding the private versus public road status. Director Herrick stated that the new private road would be maintained by the homeowners association until such time that the Commissioners decide to maintain the road. The right-of-way would be deeded to Valley County.

Commissioners concurred that road connectivity would be part of a future phase application. The IDFG letter and recommendations were discussed. The applicant would be responsible for a proportional share of road improvements. The Commissioners concurred that Barker Lane should be a high priority. Soil stability and trees in the open space was addressed during the applicant's rebuttal.

Commissioner Schneider moved to approve the conditional use permit, preliminary plat, and variance for road length for SUB 25-013 Eld Ranch Estates with the stated conditions.

COA: Recommend cattle grazing occurs on area not developed or that the grass be harvested to reduce fuel load.

COA: Must have approval of the Wildland Urban Interface Mitigation Plan by the Valley County Wildfire Mitigation Program Director.

COA: Recommend minimal tree removal on southern border of Phase 1.

Addition to COA #4: Recommend to Board of County Commissioners that mitigation funds and/or in-kind work is focused on Barker Lane, starting at Farm to Market Road and moving eastward.

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 County Code 9-5H-12.

Short break to 8:50 p.m.

3. SUB 25-014 Herrick North – Preliminary Plat: L&P Holdings LLC is requesting a conditional use permit for a 12-lot single-family residential subdivision on 36 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from private roads onto Highway 55. The site is parcel RP12N04E087220 located in the E ½ Section 8, T.12N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Roberts introduced the item, opened the public hearing, and 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** – Wildland Urban Interface Mitigation Plan

The required neighborhood meeting was held on March 21, 2025. There was discussion on the responses from Idaho Transportation Department (ITD). In 18 years, five homes have been constructed within the Herrick Hills Subdivisions. The existing Herrick Hill subdivision has a requirement for a turn lane from ITD. ITD submitted updated comments on July 7, 2025, and acknowledged that this application is by a separate developer than the Herrick Hill subdivisions.; therefore, ITD will require turn lanes to be constructed when either subdivision goes to a second phase or when 56 homes are constructed and using the Herrick Hills entrance for access. The Commissioner expressed concerns for the future. The count of and impact of the number of constructed homes versus the number of lot sales was discussed. Director Herrick stated that ITD has begun compiling a Corridor Management Plan for Highway 55 with an expected completed date of December 2025. ITD will determine who is responsible for construction of the turn lane.

Laurins Lane was reviewed on the aerial map and the preliminary plat. Director Herrick stated that every lot must have 30-ft of frontage on a platted road, not an easement, per Valley County Code (VCC). The applicant is working with the adjacent property owner. The existing roadway is owned by Cascade South, but it is not a platted road. Herrick North is not immediately adjacent to Highway 55.

Chairman Roberts asked for the applicant's presentation.

Philip Portsche, Boise, of L&P Holdings LLC, referred to questions and comments within the Valley County Planning & Zoning

Staff Report. The full roadway of Laurins Lane is not currently being plowed during the winter; the new Herrick North homeowner association would pay for plowing of the full road width. Upgrading the emergency exit for Herrick Hills will benefit the overall community and would be paid for by the applicant. The number of lots was determined by the topography and to keep privacy between homesites. The property is currently overgrown; they will follow the recommendations in the Wildland Urban Interface Mitigation Plan. The applicants spoke to ITD prior to purchase of the property and have received conflicting requirements. They may purchase the adjoining property for a future Phase 2 and then would pay for the construction of turning lanes as required by ITD. They are working with the Herrick Hills HOA regarding an easement through Herrick Hills Subdivision. There are four proposed access points on the platted private road. The remainder would access a new extension of Laurins road.

Director Herrick stated that the subdivision must access a County road or a private road built to County standards per VCC Title 10.

Rob Pair, Crestline Engineers, explained the confusion within ITD regarding the turn lanes. Herrick North is not responsible for turn lanes. They have met with the president of the Herrick Hills homeowner association regarding Laurins Lane. Both parties would agree to a maintenance agreement proportional to use as well as maintenance of the southern emergency access to Highway 55. Currently the road is only plowed to access the existing residences in Herrick Hills Subdivision. The plat shows 10-ft of the applicant's property immediately adjacent to the existing road to meet VCC or the adjacent owner, Cascade South, would sign the plat as a part owner of the property.

Chairman Roberts asked for proponents.

Chairman Roberts asked for undecided.

Linda Jarvis, 10522 Highway 55, owns the property adjacent to the north corner of proposed Lot 4. Lot 4 would be uphill of her home. A fence line was recently moved by the applicant. The new fence will not hold cows in October. She questioned if this was done legally; how does a property line get moved? Will her fence line be moved? The only location for a septic system on her property is very shallow. She is concerned about septic waste draining downhill to her property and well. Twelve homes seem too many at this site.

Commissioner Schneider clarified that Central District Health must approval septic locations.

Chairman Roberts asked for opponents.

Kris Steele, Eagle, is the owner of the adjacent property to the north. Her family has an easement to the spring that is on the applicant's property. The spring provides water for their home. They have run cattle on this property for approximately 15-20 years. They purchased the property approximately six years ago. Last month, he noticed surveys sticks. Then they returned to bring the cattle and found the fence cut. There was an excavator and test holes on their side of the fence. No one had spoken to them about this happening. The applicant then had a new fence built. Approximately five to ten acres were affected by the new fence line. The fence that they have maintained is gone. They received a letter in the mail stating they are responsible for the cost of half of the fence. The new fence was not constructed to hold cattle; the strands are not adequately constructed and there are no tie-down posts, only t-posts. It is upsetting that the fence was torn down and relocated. Five-acre lots should be required to keep the area rural. All but two of the 12 proposal lots are two acres or less.

The Commissioners asked for clarification on the fence location.

Shaun Colten Steele, Nampa, referred to the previous comments by his mother. The proposed lot sizes are smaller than the existing lots within Herrick Hills which are three acres or larger. He is concerned about the impact 12 homes will have on access to the spring and water quality and quantity. The spring has never gone dry during the family's ownership nor the previous owner of the property. Based on the fence experience, he does not anticipate that the applicant would be eager or convenient to work with. The previous fence line was probably there for 20 or 30 plus years. The full T-post fence will not stay up well and will need to be fenced. How would they work with the individual lot owners or the homeowner association to fix the fence that was not constructed correctly?

Chairman Roberts asked for rebuttal from the applicant.

Mr. Portsche stated that communication was made regarding the property line and fence. Dan Dunn did a property line survey. Mr. Portsche did speak with Mr. Steele on the phone who confirmed he knew the fence line was not on the property line. Mr. Portsche offered to move it at no charge to the Steele family. L&P Holdings LLC paid for the materials and labor of the new fence. The old fence was falling down in several places. The letter sent to the Steele family was not a request for payment of any kind. It was a request to fulfill Idaho State law requiring a fence maintenance agreement. The new fence is a three-line barbwire fence. There is no plans to change the Steele's water supply.

Chairman Roberts stated that t-posts move due to frost heaves. A four-strand fence is needed for cattle. Mr. Portsche stated they would be willing to add a fourth strand to the fence and brace the fence as needed.

Mr. Portsche did not have a copy of the letter sent to the Steele Family. Ms. Steele provided a copy of the shared fence line maintenance agreement signed by Philip Portsche on July 7, 2025 (**Exhibit 2**). (The Commission reviewed and agreed with Mr. Portsche on his interpretation.)

Mr. Portsche replied to questions about the spring. There is a small building that insulates the artesian spring from winter weather; the water flows from a pipe. It is located within the proposed subdivision. He is unsure of the ownership of the building. The adjacent neighbor to the north does have a water right associated with the spring and an easement.

Mr. Pair responded to comments. The proposed lot sizes meet the 1-acre minimum requirements; the smallest lot is 1.4 acres and the largest is 4.2. The lot sizes are compatible with the adjacent Herrick Hills Subdivision lot sizes. Two groundwater monitoring locations were installed on each lot and were monitored throughout the past winter. He has conclusive results that there are no issues and all septic system requirements can be met for each proposed lot. Mr. Pair has not been on-site to see the new fence. Fences in a field do not necessarily match property lines. The applicant was aware that a fencing agreement would be required as adjacent property is used for cattle grazing. The surveyor staked the property line prior to fence construction. The paperwork sent to the Steele family was for future cost sharing, not construction of the new fence.

The Commissioners discussed the fence and maintenance costs and agreed that the type of fence construction should be addressed. The applicant paid for the cost of initially moving and reconstructing the fence. It must be rebuilt to a standard adequate to keep livestock in. The property line issue was not created by adding a subdivision. Mr. Portsche stated they will update the fence section that was moved; it was less than 600-ft.

Chairman Roberts closed the public hearing. The Commission deliberated. The recorded easement for the water right to the artesian spring is noted on the plat. Water quality is covered in current law and Idaho Department of Water Resources.

Commissioner Mabe moved to approve the conditional use permit and preliminary plat for SUB 25-014 Herrick North with the stated conditions.

COA: Must have approval of the Wildland Urban Interface Mitigation Plan by the Valley County Wildfire Mitigation Program Director.

Revised COA #11: Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year. Must upgrade fence to contain cattle.

Commissioner Schneider seconded the motion. Motion carried unanimously.

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

9:47 p.m.

4. C.U.P. 25-013 CO Energy Fuel Site: CO-Energy is requesting a conditional use permit for a private fuel distribution site. Access would be from Highway 55. The site is addressed at 11144 Highway 55, and located in the SW ¼ Section 9, T.13N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Roberts introduced the item, opened the 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** – Revised site plan from Applicant. (July 9, 2025)
- **Exhibit 2** – Email from Applicant. (July 10, 2025)

Commissioners appreciate that the site location was moved. This change reduced their questions and concerns. The new location will be a safer spot as it is further away from the traffic on Highway 55.

Chairman Roberts asked for the applicant's presentation.

Tom Olson, 21 Warner Drive, is the property owner. The applicant was unable to attend tonight's meeting. The fuel tanks would be used only by Perpetua. Most traffic would be between Cascade and Stibnite areas. They must contain spills or leakage. The applicant must meet all requirements of the U.S. Environmental Protection Agency (EPA). Tanks will be inspected by Idaho Petroleum. The tanks will be double walled.

Chairman Roberts asked for proponents. There were none.

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents. There were none.

Chairman Roberts closed the public hearing. The Commission deliberated.

Commissioner Potter moved to approve C.U.P. 25-013 CO Energy Fuel Site with the stated conditions and revised site plan.

Commissioner Mabe seconded the motion. Motion carried unanimously.

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

9:55 p.m.

5. C.U.P. 25-014 McCall Tree Equipment Storage: Colton Newsom is requesting a conditional use permit for storage of work vehicles and employee parking at his residence. An individual well and individual septic system are available. Access is from Maki Lane, a public road. The 2-acre parcel, addressed at 236 Maki Lane, is Tax # 91 in Lots 1 & 2 of Long Valley Subdivision No. 1 in the SWSW Section 8, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Roberts introduced the item, opened the 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** – Revised site plan, landscaping information, and landscape plan from Applicant. Screening would be added. (July 10, 2025)
- **Exhibit 2** – Pictures of the site submitted by applicant. (July 10, 2025)

Staff and Commissioners reviewed the existing trees on the neighbor's property and the revised site plan. The applicant's home screens the proposed storage area from the neighbor's home on the west. The applicant did not refer to storage of debris or other items other than vehicles. The hours of operation were discussed; typically, approved hours of operation are 7:00 a.m. to 7:00 p.m. The applicant should clarify the hours desired.

Chairman Roberts asked for the applicant's presentation.

Callison Timm, 236 Maki Lane, represented the applicant and referred to the staff report and previous discussion. The business vehicles leave the site at 7:00 a.m. and return between 4:00 p.m. and 5:00 p.m. No business is conducted at the residence, only parking of work trucks and employee vehicles. Business-related debris, stumps, etc., are not stored on the property. Some vehicle maintenance does occur onsite. They do not operate during the winter at this site; operations are moved to the Boise area during winter. Work vehicles are driven from the site eastward on Maki Lane to Norwood Road; they do not drive in front of the home to the west. If the employees need restroom facilities for employees, the bathroom in the home is needed. This does not happen often. The existing porta-potty is for the on-going personal shop/garage construction and is required by the Valley County Building Department. It is for construction workers, not business employees. The shop is for personal use. In response to Chairman Robert's question, the applicant is willing to limit a conditional use permit to their ownership.

Chairman Roberts asked for proponents. There were none.

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents. There were none.

Chairman Roberts closed the public hearing. The Commission deliberated. The site seems to be well maintained according to the pictures and most of the neighbors.

Commissioner Potter moved to approve C.U.P. 25-014 McCall Tree Equipment Storage with the stated conditions and:

COA: Hours of operation are 7:00 a.m. to 7:00 p.m.

COA: No storage of off-site debris or materials.

COA: If the property is sold, the conditional use permit will expire.

Commissioner Schnieder seconded the motion. Motion carried unanimously.

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

E. OTHER:

1. Agricultural Protection Area – Ties to the Land Workshop Scheduling

The Commissioners have been given information on the “Ties to the Land” workshop. Staff will talk to the Agricultural Protection Area (APA) commission to schedule a local workshop. The workshop is put on by a group whose goal is to inspire people to put land into agricultural protection areas, conservation easements, etc.

2. Comprehensive Plan – Next Steps

The PZ Commissioners have reviewed a draft copy of the Comprehensive Plan. Additional changes need to be made. These include updating page numbers, table of contents, index, some numbers within the document, and sections relating to water quality. Commissioners would like to see the updated version prior to scheduling a public hearing.

3. Reschedule PZ Commission Meeting in October 2025

Commissioners rescheduled an upcoming Commission meeting from October 9, 2025, to October 16, 2025.

F. FACTS AND CONCLUSIONS - Action Items:

- SUB 25-003 Phase 3.7 Buttercup
- C.U.P. 25-008 Idaho Power Clear Creek Substation
- C.U.P. 25-010 Saddle Rock Signage
- C.U.P. 25-011 East Fork Cafe

Commissioner Potter moved to approve the Facts and Conclusions as presented and authorize the chairman to sign. Commissioner Mabe seconded the motion. Motion carried unanimously. Commissioner Schnieder recused herself from the vote

Chairman Roberts adjourned the meeting at 10:15 p.m.