

Valley County Planning and Zoning Commission

PO Box 1350 • 700 South Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@valleycountyid.gov

Ken Roberts, Chairman
Carrie Potter, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission
March 12, 2026
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 Roberts. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Brad Mabe	Present
PZ Commissioner – Ben Oyarzo:	Present
PZ Commissioner – Carrie Potter:	Excused
PZ Commissioner – Ken Roberts:	Present
PZ Commissioner – Heidi Schneider:	Present
PZ Planner II – Lori Hunter:	Present

B. MINUTES: Commissioner Schneider moved to approve the minutes of February 12, 2026. Commissioner Mabe seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

1. SUB 25-003 Tamarack Resort Phase 3.7 Buttercup Villas – Final Plat: Tamarack Resort Two LLC is requesting 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. Original approval was for 10-lot single-family residential lots, an open space lot, and recreational easements. Clearwater Court (private) would be extended to access these lots. The site is a 4.3-acre portion of parcel RP00515006000B in the NESW Section 32, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Not a public hearing. Action Item.

Postponed to May 14, 2026, on request of applicant.

D. NEW BUSINESS:

1. C.U.P. 25-035 Albright Camping Sites: Lea' and Wyatt Albright are requesting a conditional use permit for one RV pad and four elevated platforms for tent camping sites. The RV site would be equipped with water, septic, and electric hookups. A porta-potty would be used at the tent sites. Access would be from an existing driveway off West Mountain Road, a public road. The applicants live on-site. The 20.9-acre site, addressed at 3731 West Mountain Road, is parcel RP18N02E247655 located in SE ¼ Section 24, T.18N, R.2E, Boise Meridian, Valley County, Idaho. Action Item. **Tabled from January 8, 2026.**

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the two staff reports (January 8, 2026, and March 12, 2026).

Director Herrick responded to questions from Commissioners. The RV pad already exists; four primitive tent sites would be added to the 20-acre parcel. The Valley County Engineer is not requiring a more detailed stormwater plan. The site plan and setbacks from property lines were discussed. The site is bordered by DF Development-owned land. The tent sites will use porta-potties.

Chairman Roberts asked for the applicant's presentation.

Wyatt Albright, 3731 West Mountain Road, concurred with staff reports. The tent sites would be elevated. The RV site has water and electric hookups and is pending Central District Health review for septic approval. Campers at the tent sites would supply their food, water, and trash removal. The applicants live on site and plan on being present when the property is rented. Each tent site would support four people with a maximum of 16 people at the tent sites. Porta-potties would be located near the primary residence for ease in cleaning. No fire pits would be at the campsites. Fire extinguishers would be located on site. Propane cooking grills would be allowed. The applicants would speak to the Road Department regarding paving requirements and a development agreement once a conditional use permit was obtained.

Commissioners asked if the applicants would be amenable to requiring an annual review and limiting the conditional use permit to the current property owners only. Mr. Albright agreed to these additional conditions of approval.

Chairman Roberts opened the public hearing and asked for proponents. There were none. Chairman Roberts asked for undecided. There were none. Chairman Roberts asked for opponents. There were none.

At approximately 6:30 p.m., the PZ Commission and Staff discovered that the audio in the YouTube recording was not working. A transcribable record is required. After a short recess, the meeting was recorded using a hand-held recorder and also a cell phone.

6:43 p.m. Chairman Robert re-introduced C.U.P. 25-035 Albright Camping Sites. The staff report is well documented. The applicant was asked to repeat his presentation.

Wyatt Albright, 3731 West Mountain Road, summarized the request and previous answers to Commissioner questions. There is one existing RV site; no site grading is needed. Campers would provide food, water, and trash removal for the four primitive campsites. Elevated desks would be used for tent campsites. The applicants would provide porta-potties for the campers. There would be a maximum of four people per campsite, maximum of 16 people at the tent sites, and one vehicle per campsite. The plan for gray water is still being worked on. No open fires for guests. Federal and local fire restrictions will be followed. The applicants live onsite at the primary residence.

Mr. Albright and Commissioners discussed conditional use permits. An approved road development agreement would be necessary before anything was done at the site.

Chairman Roberts again asked for proponents, undecided, and opponents. No one wished to testify.

Chairman Roberts closed the public hearing. The Commission deliberated. Commissioners concurred that conditions of approval will reduce impacts on the neighborhood, particularly the annual review and a non-transferable permit. A development agreement will mitigate impacts on the Valley County road system.

Commissioner Mabe moved to approve C.U.P. 25-035 Albright Camping Sites with the stated conditions.

COA: Must have approval from Central District Health for gray water disposal.

COA: There shall be an annual review.

COA: Approval is only for this applicant and will expire if ownership changes.

COA: Fire extinguishers are required at each campsite.

COA: No open fires by guests; gas grills or contained cooking sources only.

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.

6:50 p.m.

2. SUB 26-001 Bitton Subdivision – Preliminary and Final Plat: Jeffrey and Debra Bitton and Thaddeus and Katy Jones are requesting a conditional use permit for a three-lot single-family residential subdivision on 24.9 acres. Proposed lot sizes are 4.9, 6.6, and 13.3 acres. Individual septic systems and individual wells are proposed. Access would be from a shared driveway onto State Highway 55. The site, addressed at 13706 and 13708 Highway 55, is parcel RP17N03E151805 in the NE ¼ Section 15, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Jerry Holenbeck, Donnelly Fire Marshal, stated that applicant has met all Donnelly Fire Department requirements for final plat approval. (March 5, 2026)
- **Exhibit 2** – Kendra Conder, Idaho Transportation Department, stated the applicant will need to address the existing access on SH-55. In 2019, ITD approved a 30-ft encroachment permit for this site (attached), but it appears this property is sharing a 70-ft access with the parcel to the south. Additional permitting is required. (March 6, 2026)

Staff and Commissioners discussed the property and request. The property currently has approval for multiple residences and an ADU. Proposed Lot 1 has an existing home; proposed Lot 2 has a home plus an Accessory Dwelling Unit (ADU), proposed Lot 3 has an available building site. A shared driveway agreement would be recorded with the plat. The proposed plat states no further division of any lot. There is an existing pond; Idaho Department of Water Resources (IDWR) oversees water rights for ponds.

Chairman Roberts asked for the applicant's presentation.

Jeff Bitton, 13706 Highway 55, purchased the property in 2018 for their retirement home. His daughter's family moved to Valley County for work and repeatedly lost rental homes. Adding Valley County Planning & Zoning

second residence with a conditional use permit gave the family a place to live. A pond permit was approved; the gravel from the excavation was used on the property for building sites and driveway. The ADU was added with permit and is currently used by new hires with the McCall City Police. Property ownership would be divided among the family owners. Creating the subdivision allows each owner to have their own mortgage.

Water rights for the ditch have been approved; the water rights for the pond are still pending. Water rights would be divided among the lots through an IDWR process. There would be no change to the current irrigation. Regarding the Wildland Urban Interface Fire Mitigation Plan requirements, numerous trees have been planted but none are immediately adjacent to the homes.

Idaho Power electric lines exist underground. A draft easement was included in the application. Any future underground utilities would be buried within this easement. Irrigation easements are on the plat. The shared driveway agreement will be shown on face of plat. The Highway 55 access area is shared with the neighbor to the south. It is the biggest turnout in the area and gets used by motorists pulling off the highway.

Chairman Roberts opened the public hearing and asked for proponents.

Dan S., Eagle, Idaho, represented the property to the south. This property shares the access from Highway 55 with the applicant. The property owner [Amity Partners LLC] has no concerns with this project.

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 reasons given to subdivide the property makes sense for the family. The applicant addressed concerns with easements, water, and the pond. The standards of approval listed in the staff report were discussed. Smaller lot sizes have greater overall property values than one large lot; thus, the proposal would increase the value of private property. No undue adverse impacts on the environment, adjoining properties, or governmental services were noted. The proposal is consistent with the Comprehensive Plan. Impacts can be mitigated with conditions of approval. Chairman Roberts determined a compatibility rating of +12. The existing nearby Flying A private airstrip was discussed. Two homes already exist at this site and a new home would be constructed near the highway, further away from the airstrip. No negative impact on the use of the airstrip is anticipated.

Commissioner Mabe moved to approve the conditional use permit, preliminary plat, and final plat of SUB 26-001 Bitton Subdivision and authorize the Chairman to sign. 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.

7:27 p.m.

- 3. C.U.P. 26-001 Murph's RV Park Expansion – Amendment of C.U.P. 88-2 and 12-1:** Perpetua Resources Idaho INC is requesting a conditional use permit to add 24 RV sites for worker housing to an existing RV Park / Trailer Court. The site, addressed at 420 Murphs Avenue, Yellow Pine, is accessed from Murphs Avenue and Stibnite Road, both public roads. The 39.5-acre property is parcel RP19N08E216604 in the SESW Section 21, T.19N R.8E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Roberts introduced the item and asked if there was any ex parte contact or conflict of interest; there was none. Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Cindy Kneen, Perpetua Resources Idaho INC, confirmed that a new well would be drilled to provide both sanitary and potable water to the occupants of the RV park, eliminating any additional need for water from the park's current system. Compliance with Central District Health (CDH) requirements is necessary prior to occupancy permits. (March 11, 2026)
- **Exhibit 2** – Kyle Fend, Perpetua Resources, commented on the requirements for year-round versus seasonal use of septic drainfields. (March 11, 2026)

Commissioners and staff discussed compliance with existing conditional use permits and the site. The proposed location of the new RV sites is more than a couple of hundred feet from property lines and there are existing trees for visual and noise buffering.

Chairman Roberts asked for the applicant's presentation.

Kyle Fend, Director of Environment for Perpetua Resources, Boise, Idaho, clarified the request and answered questions from Commissioners. The proposal would update the 2012 conditional use permit. The site was previously used for up to 56 temporary camping modules and a shower trailer. They have not had any operational issues. CDH previously permitted the current system for 285,000 gallons per day. The temporary camp modules were removed after the exploration operation was finished. Currently there are 11 RV sites and eight rental cabins on the property. The property owners have retained one RV site and Perpetua is leasing the remainder of the property.

A new well to provide potable water will be tested as necessary for a seasonal, transitional campground. If the well does not pass, other options are available including a treatment system for contaminants or transporting water to store in the RV holding tanks. Springs do exist in the area so a well should work. The Yellow Pine water issue was discussed. Updates to the Yellow Pine Water Users system are expected to be completed in fall 2027. There is limited parking available at the water station, thus heavy equipment is being parked in the gravel area at this time. Director Herrick stated she signed the building permit for the water treatment plant today.

There would be one person per RV site. These sites would be limited to individuals who are working, i.e. construction workers. A larger buffer between RV sites has been added. The sites are sized for large fifth-wheeled trailers with 5-ft buffer strips between sites. There is room for parking of personal vehicles.

Gravel extraction is not part of this application. The quarry that is part of the larger parcel is at its limits and no more material is available. Valley County has had a lease for storage of excess gravel at the site.

Chairman Roberts opened the public hearing and asked for proponents. There were none.

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents.

Jolene Stevens, Boise, spoke for her son, Jason Stevens, who is the trustee for family property in Yellow Pine. She asked if building permits would be required for the updates to the cabins. She stated that Murphs Road is a private, not public, road. She stated that the application does not have a plot plan nor a grading plan. A level surface will be needed. Parametrix, the Valley County Engineer, also works for the applicant. She asked for clarification if Perpetua will provide the RVs or if they will be individually owned. Concerns include services such as laundry. How will the workers access groceries or laundry facilities at the Yellow Pine Store? C.U.P. 88-2 was for seasonal use of the site. She commented on the C.U.P. 2021-01 application but never received any answers. Access for fire suppression and emergency services is a concern. There is also a kitchenette and coffee house in addition to the eight cabins and 11 RV sites. She asked how the overall lot coverage and density are calculated.

Chairman Roberts asked for rebuttal from the applicant.

Mr. Fend stated laundry would be done by contracting with local residents who currently service both the Stibnite location and Alpine Village renters. The individual RVs would be owned by construction workers. The site was previously graded and hard packed gravel added as the worker camp was previously located there. Access is off Stibnite Road with internal roadway within the property. There would be parking at each RV pad. Handrails and ramps would be installed and rebuilt on the cabins per Valley County Code and any required building permits.

The turn radius should suffice for local firefighting vehicles. Perpetua Resources previously provided water tanks that can be moved throughout Yellow Pine for fire suppression. He is unsure if there are any fire hydrants located in Yellow Pine.

Septic requirements would have been met during the larger worker camp that existed during exploration operations. Mr. Fend referred to **Exhibit 2**. A seasonal camp requires 50 gallons per person per day. The previous camp and approved septic system operated with 56 people at the camp. This proposal is for a total of 43 sites and seasonal occupancy. Mr. Fend believes the existing system will meet CDH requirements. Use at the site will generally be April through December. Some year-round use is expected.

Director Herrick stated that CDH approval will be required before work begins. COA # 23 requires a development agreement.

Roads were discussed. Stibnite Road is a graveled public road. The GIS map shows Murph's Avenue as a public road. The GIS map shows Murphs Avenue also accessing Stibnite Road through the McClintock property at the location of an old road cut; Staff will look into this matter.

Chairman Roberts closed the public hearing. The Commission deliberated. Chairman Roberts stated good questions have been raised. Concerns have been addressed in listed conditions of approval. Maximum occupancy for each rental site is one (1). Proposed RV sites are 20-ft x 50-ft, versus the minimum required 10-ft x 24-ft. The applicant will still be required to obtain additional permits, such as CDH approval. There is a need for worker housing in the Yellow Pine area and for Perpetua's operations. Commissioner Mabe referred to the Standards of Approval listed in the staff report. The use would increase private property value and provide needed housing. No adverse impact to environment is expected as water and septic treatment will be taken care of. No adverse impact to adjoining properties is expected as the site is well buffered. No negative impact to governmental agencies is expected. Impact to and

maintenance of Stibnite Road and Murphs Avenue would be part of the required development agreement. Concerns that have been raised will be mitigated with the conditions of approval. Commissioner Schneider concurred with the previous comments. Commissioner Schneider was concerned with access and water for fire suppression. There was further discussion. Commissioners discussed modifying COA 9 to prohibit open fires. Director Herrick stated the applicant is asking to expand the use of an existing RV park with existing rental cabins. If ownership changes, the new owner/manager still has to follow conditions of approval. Once the site is no longer used for employee/worker housing by Perpetua Resources, any approved land use would remain. Chairman Roberts stated his concerns have been addressed, including potable water supply and the requirement for a development agreement. Commissioner Oyarzo concurred.

Commissioner Mabe moved to approve C.U.P. 26-001 Murph's RV Park Expansion – Amendment of C.U.P. 88-2 and 12-1 with the stated conditions.

Revised COA #9: No fire pits are allowed. If use of the site changes, PZ Commission approval will be required for fire pits.

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.

Short recess to 8:18 p.m.

4. C.U.P. 26-002 Harris Cove Lodge: William “Rick” Spaeth is requesting a conditional use permit for the short-term rental with a maximum of 20 guests per night. There is an existing approximately 3,100-sqft residence with central sewer and an individual well. Access is from a shared driveway from Eastside Drive, a public road. The 0.27-acre site, addressed at 2099 Eastside Drive, is Harris Cove Subdivision Tax #53 in Lot 23 in the NWNE Section 2, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report. Director Herrick stated if the governor signs the bill, Valley County will not be able to require this conditional use permit. However, current law requires a conditional use permit for the requested use.

Chairman Roberts asked for the applicant's presentation.

Rick Spaeth, Boise, stated the home received building approval in 2004. Nothing has changed since then except the recent change in the McCall Impact Area boundary and the zoning for the site. The home has been rented in the past for over 20 people; he will reduce the capacity to a maximum of 20 people. He asked for explanation as to why the short-term rental permit is limited to 12 people and believes his property should be “grandfathered” to allow more people. At no time during construction of the home did Payette Lakes recreational Sewer and Water District comment on the home's capacity. It is a residential home, not a commercial property, built for large group use. There are many other short-term rentals on Payette Lake which allow vacationers to enjoy the area. This area depends on tourism.

Mr. Spaeth responded to comments in the staff report. In 1980, Brightwater Subdivision converted three lots into 16 lots, increasing density in the area (**Exhibit 1**). These lots were all funneled to one beach area adjacent to his family property. Part of the beach in front of Brightwater is unusable due to brush and rocks. He is willing to post signs to mitigate issues and stop the trespassing that has occurred in the past (**Exhibit 2**). The rental contract will be

updated to state no encroachment on adjacent properties. Mr. Spaeth is unaware of any issues over the past few years with Brightwater residents. He has not received any phone calls in past few years. In response to the comments in opposition, he states that mitigation can occur through the modified rental agreement and posting of metal no-trespassing signs.

Quiet hours are posted, 10 p.m. to 8:00 a.m., and no excessive loud music or parties are allowed. The wood fence was constructed over 20 years ago by the Brightwater owner(s) and is rotting out. A tree from a Brightwater property fell on the fence; this has not been repaired by Brightwater property owners. Snow is moved using a snowblower on a cat; there is plenty of area for snow storage (**Exhibit 3**). The site plan showing parking location has been revised (**Exhibit 4**). There are seven parking spots; he will remove the retaining wall and all parking from the setback area. The city of McCall recommends seven parking spots for the seven bedrooms. The home has been rented for 22 years; **Exhibit 5** is a drawing from a rental guest. He has many repeat customers.

Mr. Spaeth responded to questions from Commissioners. The property is not adjacent to the shoreline. Beach access is allowed through an easement on the property between his home and the beach. This easement includes full use of beach facilities and dock. The dock is shared between the two parcels; a dock agreement exists. The other parcel is also used for short-term rentals. Mr. Spaeth does not live at the home but does use the property. The property manager lives in McCall, does snow removal and repairs, and is available if issues arise.

The house has seven bedrooms. One bedroom has two queen-beds, and another room has two sets of bunkbeds and a queen bed.

Chairman Roberts explained to applicant that the limit of 12 guests is not an arbitrary number. Conditional use permits for over 12 guests per home have been required for many years. The home owned by Mr. Spaeth was previously within the McCall Impact Area and did not require a permit until recently.

Chairman Roberts opened the public hearing and asked for proponents.

Mike Dugal, Middleton, designed and built the house and has also stayed in the house. The 3800-sqft home comfortably handles a family of 20 people. There is a large great room area and a large deck.

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 Commissioners referred to the five letters of opposition and issues raised. There is no provision for "grandfathering" this nonconforming use. The Commissioners are tasked to determine if the proposed use meets standards of Valley County Code and if impacts can be mitigated. Commissioner Schneider stated the proposed use is not compatible with the neighborhood. She referenced the response from Payette Lakes Recreational Sewer and Water District. The use would have commercial use impacts on a very small lot. She appreciated the revised parking and snow storage plans, but the use would cause a lot of traffic. There does not seem to be enough room.

Commissioner Mabe stated the home could support 20 people occasionally, but approval would allow 20 people every day, all year long. There is limited space. That much density in an area leads to greater conflicts. Twelve guests is still a significant number; however, an increase of

40% does not add value to the neighborhood. He questioned if there would be adequate snow storage and parking space during a heavy snowfall year unlike this winter. Chairman Roberts concurred with Commissioner Schneider and Commissioner Mabe. The home can still be used as a short-term rental; however, the capacity is the issue. The rental of 12 or less guests per night does not require a conditional use permit. Valley County Code 9-4-10A requires approval by the central sewer district. Negative impacts do not appear to be minimized with mitigation. The area is a single-family residential subdivision.

Commissioner Mabe moved to deny C.U.P. 26-002 Harris Cove Lodge. Commissioner Schneider seconded the motion.

There was further discussion. Chairman Roberts reviewed the Standards of Approval as listed in the staff report. Approval of the proposed use of 20 guests at this site would have a negative effect on property values in the area. More people lead to greater environmental impacts. The proposed use would adversely impact adjoining properties. There would be a negative impact on governmental services, specifically safety; access for emergency services would be impacted due to the crowded parking area. The Comprehensive Plan charges that Commissioners consider adjoining property owners and the potential impacts on them. Commissioner Mabe concurred.

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.

8:55 p.m.

5. SUB 26-002 Newton Subdivision – Preliminary Plat: Growth Enterprises LLC is requesting a conditional use permit for a nine-lot single-family residential subdivision on 22.37 acres. Proposed lot sizes range from 1 acre to 4.4 acres. Individual septic systems and individual wells are proposed. Access would be from a new private road onto Pearson Lane, a public road. The site includes portions of parcels RP18N03E276760 and RP18N03E275256 in the SW ¼ Section 27, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Shirley Florence, Lake Irrigation District, listed requirements. The district would need a 70-ft easement in order to have the necessary width to do repairs and maintenance per Idaho Code 42-1102(a). This statute should be referenced on the plat. Idaho Statute 42-1209 prohibits the placement of any encroachment within an easement without approval from the irrigation district. Any water runoff from pavement, etc., cannot run into an irrigation facility/ditch by law. (March 9, 2026)
- **Exhibit 2** – Kathy Deinhardt Hill requests denial. Concerns include the gravel access road; the dangerous entry location into the subdivision; use of the pond for fire suppression; lack of building envelopes; lack of CCRs; ability to divide lots; and overall lack of information. (March 7, 2026)
- **Exhibit 3** – Applicant’s Presentation Submittal (hard copies given to Commissioners; the projector was not working for a slide presentation).

There was discussion between Commissioners and Staff. State Statute 42-1102 needs verified. The easement width needed is dependent on the existing canal width. There are springs at the site; leakage may be occurring from holes in the ditch. The Commissioners would like the applicant to clarify water rights, including for the ponds. The VC Road Department letter was discussed; the proximity of the new road to the 90° corner was not mentioned in the letter.

Chairman Roberts asked for the applicant's presentation.

Trevor Howard, Timberland Associates LLC, Idaho City, and Shane Newton, 50 Pearson Lane, McCall, represented the applicant. Commissioners were referred to **Exhibit 3**. The proposed nine-lot subdivision is approximately three miles south of McCall. The sight distance along Pearson Lane was reviewed. There is adequate sight distance if a vehicle is stopped to turn onto the new private road. The corner is signed at a speed of 15 miles per hour. This access would not be a safety hazard. A traffic impact study has not been done. Idaho Transportation Department generally requires a traffic impact study when 1000 vehicles per day is expected. This development would have a much smaller impact.

The driveway access to 48 Pearson Lane was historically through existing driveway that has also been used to access proposed Lot 1 and the existing home at 50 Pearson Lane. However, a new driveway now exists west of property line as shown on the preliminary plat. Access to proposed Lot 1 would be changed to the new private road; this driveway would have a 8.5% maximum grade. There is an existing structure on Lot 1. The primary residence at 50 Pearson Lane is not a part of the subdivision plat.

The proposed gravel road will meet private road standards, including maximum gradient. A gravel road is a suitable surface and will slow traffic. The applicant is agreeable to paving the road but is concerned about the resulting increased traffic speed and costs to future property owners. There are other forms of dust mitigation than paving.

Swales will be used to ensure that there is no increase in the amount of stormwater leaving the property. The Valley County Engineer will review the stormwater and drainage plan. Rock dams will be added to the roadside ditches.

The future owner of Lot 4 would likely need to install a vehicular bridge similar to Pearson Corners development. The building site for this lot is most likely east of canal in the southeast part of the lot. The applicant believes there is enough room for a 2500-sqft home while accounting for setbacks and the riparian overlay.

Ground monitoring is occurring on the lots; some sites have already been completed. The surveyor met with the Lake Irrigation District Board today. An easement is shown east of the canal. The surveyor will stake the existing easement and also discuss with the matter further with the Irrigation District.

Chairman Roberts added that people become accustomed to water running through the site; however, Lake Irrigation District may change the method of conveyance in the future. This should be added to plats.

Lot 1 includes a lined pond fed by a domestic well. This use is below the threshold and the pond follows under the domestic well exemption for water rights based on a use of less than 13,000 gallons. The spring-fed pond in Lot 4 has stock water rights downstream. This pond is a natural impoundment in a low spot and is not dammed. Chairman Roberts stated that these uses and water rights need to be verified.

Wetlands have not been delineated on the plat; Plat Note 17 references wetlands.

Utilities for Idaho Power and Ziply would be installed within the 12-ft wide easement along roadway in underground conduit. The applicant has not gotten a response from Ziply.

Adjacent properties are not grazed more than 30 days per year at this time, so a fencing agreement is not required. There would be CCRs and a Homeowner Association.

Plat Note 9 regarding dividing lots will be modified to include Valley County.

Road right-way for Pearson Lane will be deeded. This will include 35-ft from centerline going east and also the remainder of applicant's property to the west of Pearson Lane.

Chairman Roberts opened the public hearing and asked for proponents. There were none.

Chairman Roberts asked for undecided.

Deborah Boenisch, 58 Pearson Lane, referred to comments submitted by the owners of 58, 60, and 62 Pearson Lane. Her home abuts the proposed Lots 7 and 8. She is not opposed to a subdivision but is concerned about dust and the lack of a paved road. The newer subdivision on Pearson Lane [Pearson Ranch] has a paved road. Other concerns include drainage in Lot 7 as standing water is at the site and her well is less than 80-ft from a septic test pipe. Central District Health required her to put septic system on the high ground. Nitrates are a concern at this site.

Robert Goff, 62 Pearson Lane, stated water accumulates behind 58 and 60 Pearson Lane during spring runoff. Drainage from the new road would flow toward Lot 7 due to the topography. The amount of snow and runoff this year is not typical. He is concerned about dust resulting from the gravel road. Who would pay for the maintenance of the new road and snow removal?

Chairman Roberts asked for opponents.

Nicki Humphries, owner of 108 Magnetic Rock Road immediately to the east of this property, compared the proposal with Pearson Corners Subdivision. This proposal has no designated open space, no landscape requirements, and no building envelopes. The ponds could freeze and/or dry up and not be available for fire suppression. Water drainage and the addition of nine more wells is a concern. A motorcross/snowmobile track exists on the site. There is a 6,000-sqft garage already constructed on Lot 1. Lights are left on all night long; does this comply with the Dark Sky Ordinance? She is concerned about additional traffic and the sharp corner; crashes occur there every winter. The proposal would negatively affect her property values and quality of life.

Lissa Beebe, Boise, owns 100 Magnetic Rock Road and several properties around the proposed subdivision, including 26 acres and a home. Water from this property supplies a seasonal water hole for her cattle, approximately 4 to 6 head annually. She does graze livestock for seven months per year, consistently. She is concerned about impact on the seasonal pond. She questions the access to Lot 4. How did the applicant reach the test hole east of the ditch without trespassing? Concerns include dust, noise, and the lack of draft CCRs. The motorcycle track is being used and generating dust. She would like clarification on the parcel division rules as she was told her property could not be divided.

John Humphries, 108 Magnetic Rock Road, has owned property adjacent to the proposed subdivision for 42 years. He concurs with previous comments. The adjacent Pearson Corners subdivision has open space and building envelopes; this proposal does not have anything similar. Nor is the proposal similar to other nearby developments such as Carefree Subdivisions. The pond in Lot 4 is spring-fed. It will freeze over in winter, not adequate for fire suppression. A tank fed by a well is needed to provide water for fire suppression. Additional concerns include dust from the gravel road, the location of the proposed road, and water quality. A huge 6-bay garage with windows in Lot 1 has lights on 24 hours a day, seven days a week, that glare onto the neighboring properties.

Chairman Roberts asked for rebuttal from the applicant.

Trevor Howard responded to concerns. Ground water monitoring is occurring; all septic sites must meet CDH requirements. A test hole in Lot 8 did fail due to ground water. McCall Fire would approve either a buried water tank or the pond; however, the applicant is leaning toward a buried tank to meet fire department requirements. CCRs will be included with the final plat submittal. A note regarding downstream conveyance of water through the property can be added to the final plat. The new road is designed to maintain drainage in swales. Future development on lots also each have to maintain drainage on the lots. The dirt bike track is currently being used by neighborhood kids; removal would increase property values. A hydrological study is not required.

Director Herrick stated there was a hydrologic study completed for Pearson Corners Subdivision.

Chairman Roberts stated the application is lacking info. He would prefer more information from McCall Fire Department regarding the road grade, driveway standards, especially for Lot 1, and the preference of a pond versus underground water storage tank for fire suppression. Can the applicant identify building envelopes due to the terrain? He is concerned that the road drainage ditches would not hold the runoff.

Director Herrick clarified that prior to any on-site work, the applicant must have stormwater and drainage plans approved by the Valley County Engineer. Additional issues could be addressed within CCRs.

Commissioner Schneider stated that good concerns have been raised. However, these issues are under the purview of various agencies. Drainage and grade plans have to meet requirements by Valley County Engineer and the Road Department. If the Valley County Engineer determines that a lot is not buildable, the applicant would then need to modify number and or orientation of lots prior to final plat. The final plat could change based on drainage issues or high-water locations or failure to obtain approved septic locations on each lot. Dust abatement and CCRs specific requirements could mitigate concerns.

There was further discussion on possible CCR requirements, dust abatement, and requiring a monitoring well for water quantity and quality. Proposed COAs 9 and 12 were reviewed. Dust palliatives create a harden surface and do mitigate dust. The applicant's representative suggested a layer of asphalt millings on the private roadway. The private road declaration would include who responsible for maintenance and snow removal

Chairman Roberts closed the public hearing. The Commission deliberated. Access to Lot 4 was discussed. It is unclear how the applicant accesses the test hole east of the ditch; however, the applicant is on notice to be a good neighbor going forward. Any bridge across the ditch would need approval from the Lake Irrigation District for design and a construction window.

Short-term rentals were discussed. As of January 1, 2026, there are stricter standards requiring water retention on individual lots in Valley County. Commissioners concurred that the applicant has work to do prior to final plat. The Commissioners have listened to concerns, some of which are addressed by state and County ordinances. If impacts can be mitigated, the conditional use permit should be approved.

Commissioner Schneider moved to approve the conditional use permit and preliminary plat for SUB 26-002 Newton Subdivision with the stated conditions.

- COA:** Shall agree to allow monitoring of a well for water quality and quantity.
- COA:** Will require dust palliatives, such as asphalt millings, to control dust.
- COA:** Will place 70-ft easement on canal on final plat.
- COA:** Shall revise Plat Note 9 to state no additional lot splits allowed.
- COA:** PZ Commission recommends that short-term rentals be restricted within the CCRs.

Commissioner Mabe seconded the motion.

Commissioners discussed the Standards of Approval as listed in the staff report. Approval would increase the value of private property. Potential environmental impacts would be minimized by State and County requirements. Impacts to adjoining properties would be mitigated by conditions of approval including those regarding grazing, dust control, and dark sky lighting. The proposed use is compatible to existing residential use in the area. The use would not have significant impacts on governmental services and is consistent with the Comprehensive Plan. Impacts would be mitigated with conditions of approval. A development agreement would be required. The County's ability to provide services is dependent on adequate development agreements. Government services are supported by the property tax base, fire impact fees at time of building permits, the EMS taxing district, etc. The safety concerns raised regarding the distance from corner to the proposed road will be reviewed by the Valley County Engineer and Road Department, who could require more information.

The 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.

10:28 p.m.

E. OTHER:

1. Appeal of Administrative Decision Denying Sign Placement for HWY 55 Storage Facility – Action Item.

Highway 55 Storage on Coho Lane own the property along Highway 55. However, the application and approved conditional use permit only specified 10 acres that did not include the property along Highway 55. The business wishes to erect a sign along the highway. Valley County Code states that business signs must be on the site where the conditional use permit is located. Variances require hardship due to topographic reasons. The applicant could amend the conditional use permit.

Commissioner Roberts moved to support staff's decision. Commissioner Mabe seconded the motion. Motion carried unanimously.

2. **C.U.P. 25-025 Intermountain Sports Rentals and Repair** – Request to 1) allow test-driving of equipment on 2-acres of parcel RP13N04E049005 and 2) Add shipping containers to approved site plan.

C.U.P. 25-025 was recently approved. The conditions of approval state no test driving on the site or along Gold Dust Road is allowed. The business owner would like to modify this condition to allow test driving within the two acres of the business site, not the entire parcel nor along the road. Commissioners concurred that there was previously testimony regarding noise and that the public needs the ability to weigh in on this possible change.

Commissioner Mabe moved to deny the modifications to C.U.P. 25-025 Intermountain Sports Rentals and Repair. Commissioner Schneider seconded the motion. Motion carried unanimously.

3. **Appeal of Administrative Decision to Allow continuing Nonconforming Setbacks in Harris Cove Subdivision Tax #69 in Lot 8 addressed at 2171 Lakeview Avenue. (Allow Systematic Demolition)** Action Item.

Director Herrick explained the appeal from the architect to allow systematic demolition and reconstruction of a home that does not conform with the setbacks along Payette Lake. The footprint would be maintained and footings would be changed. The request is to replace one wall of the building at a time. Director Herrick has met with the owner and architect. Director Herrick referred to the images in the submitted letter and the recently approved ordinance for riparian buffers. The grade increases away from the shoreline. According to the architect, moving the home to meet setbacks would require a change in the driveway location, removal of trees, and would be disruptive to the site. The request is to allow a remodel of one wall at a time, lift floors, and increase footings systematically instead of total demolition of the building. It appears that the same footprint would remain and the building height would increase.

Le Bennett, Bennett Architect INC, McCall, represented the property owner. The intent is to stay within the 50-ft highwater setback to reconstruct the home and not increase the footprint. The building height would increase to allow for greater ceiling heights and insulation. The footprint would not expand within the area that does not conforming with setbacks. Expansion of the footprint outside of the nonconforming area would still meet Valley County Code. The home was built around 1970. The homeowner owns property to the north that also has an existing home; driveway could be constructed access this property in the future. A garage may be added; setbacks would be met. The topography between the north and south lots is preventative to putting in a driveway with adequate grade, adding a driveway here would also result in the removal of many older trees.

The nonconforming structure can be remodeled and can stay there. There is nothing in code that says the overall height cannot be increased. Valley County Code does limit building height to 35-ft from existing grade.

The home is within the vegetative riparian buffer. The deck is less than 25-ft from Payette Lake. Improvements would be to the decks, not the structure of the home. The lower-level floor would remain as is; the ceiling height in the level would be raised from 8 feet to 9 feet. Then the main level building height would be increased. Mr. Bennett referred to the pictures; the pink lines would be the results.

This proposal would require excavation within 25 feet of Payette Lake. The Commissioners were concerned that this would be precedent setting in this sensitive area. Commissioner Schneider would approval an interior remodel within the same footprint but not changes to walls, footings, etc. Director Herrick asked about future repairs of existing buildings within the new riparian buffer. There was further discussion. Chairman Roberts would like to see the topography behind the house. There was discussion on the submitted survey.

The request was denied by staff and then appealed. The property owner could file for a variance with more detail. The proposal would result in equipment near the water and disturbance of the soils. The site is about 30-ft from the ordinary high-water line of Payette Lake.

Chairman Roberts moved to support denial by Staff. Commissioner Schneider seconded the motion. The property owner could apply for a variance. The motion was unanimously approved.

F. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 25-031 Sterling Landscaping
- SUB 25-019 Rocky Mountain Storage
- C.U.P. 25-036 Maini Solar Panels

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

Chairman Roberts adjourned the meeting at 11 p.m.