Conditions of Approved - Approved by PZ Commission

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
4. A Development Agreement may be required for mitigation of off-site impacts. The applicant shall work with Dan Coonce, Valley County Engineer, and Planning and Zoning Director on an agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners. The Commissioners recommend to the 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.
5. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.
6. The final plat shall be recorded within two years, or this permit will be null and void.
7. Sanitary Restrictions must be removed by Central District Health prior to recording the final plat.
8. A letter of approval is required from Donnelly Fire District.
9. The location of the water storage tank for emergency response must be noted on the final plat.
10. Wetlands and floodplains shall be marked as no-build areas; a delineation of wetlands is required.
11. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
12. All easements shall be shown on the final plat.
13. A deed from the applicant to Valley County shall be prepared for the transfer of road right-of-way along Gold Fork Road.
14. A private road declaration shall be recorded with the final plat.
15. A Declaration of Installation of Utilities shall be noted on the face of the plat referencing electrical power, phone, and fiber optics (conduit).
16. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road. Said numbers shall contrast with their background and be at least three and one-half inches (3 ½-in) height.
17. Shall contact Donnelly U.S.P.S. Postmaster to determine if a Cluster Box Unit for mail delivery is appropriate for this development.
18. CCR's, if recorded, should address lighting, noxious weeds, septic maintenance, wildfire prevention, fire wise wildland urban interface landscaping requirements, low water/natural landscaping, prohibiting yews in landscaping, dogs being a nuisance to adjacent agricultural

uses, and limit each lot to one wood-burning device.

19. CCR's shall provide for long-term maintenance of requirements identified in the Wildland Urban Interface Fire Protection Plan and memorialize any buried tanks and their continued maintenance.
20. The following notes shall be placed in the notes on the face of the final plat:
    - "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
    - "All lighting must comply with the Valley County Lighting Ordinance."
    - "Only one wood burning device per lot."
    - "Surrounding land uses are subject to change."
21. Recommend cattle grazing occurs on area not developed or that the grass be harvested to reduce fuel load.
22. Must have approval of the Wildland Urban Interface Mitigation Plan by the Valley County Wildfire Mitigation Program Director.
23. Recommend minimal tree removal on southern border of Phase 1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE THE VALLEY COUNTY PLANNING AND ZONING COMMISSION

SUBJECT: SUB 25-013 Eld Ranch Estates – Preliminary Plat

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on July 10, 2025. The Commission reached a quorum. Commission members in attendance were Brad Mabe, Carrie Potter, Heidi Schneider, and Chairman Ken Roberts.

Mark Young, representing Greater Good Investments LLC, was present and requested a conditional use permit for a single-family residential subdivision on 54 acres. The plat is Phase I of an eight phase development. This 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 public 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.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented at the Public Hearing, which is summarized in the Minutes of the Commission's meeting dated July 10, 2025, the Valley County Planning and Zoning Commission hereby made the following findings of fact:

1. The application and submittal information presented at the public hearing meets all the requirements of the Valley County Ordinances as codified in Title 9 of the Valley County Code.

2. That the existing use of the property is Agricultural (Dry Grazing).

3. That the land use categorization in Valley County Code (Table 9-3-1) is as follows:
    - 2. Residential Uses (c) Subdivision for single-family subdivision.

4. That the surrounding land uses are Single-Family Residential Parcels; Single-Family Residential Subdivisions; Agricultural (Dry Grazing and Timber); and a Grandfathered Gravel Pit.

5. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
    - A neighborhood meeting, as required by VCC 9-5H-1.D, was held via Zoom on April 30, 2025.
    - The application was received from the applicant on May 27, 2025.
    - Legal notice was posted in the Star News on June 19, 2025, and June 26, 2025.
    - Potentially affected agencies were notified on June 9, 2025.
    - Property owners within 300 feet of the property line were notified by fact sheet sent June 11, 2025.
    - The notice and application were posted online at www.co.valley.id.us on June 9, 2025.

- The site was posted on June 24, 2025.

6. Two people commented as undecided and four commented as opposed during public testimony on the proposal.
7. This approval is only for Phase 1. All additional phases will require the submission of new application(s). Any additional road connectivity beyond Gold Fork Road would be included in applications for future phases.

CONCLUSIONS

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes as follows:

1. Valley County must follow the laws of the State of Idaho and those identified in the Valley County Code. Valley County has opted to substitute traditional zoning with a multiple use zone in which there is no separation of land uses. Valley County has one mixed use zone that is a performance-based ordinance which promotes mitigation of impacts.
2. The proposed use is in harmony with the general purpose of Valley County ordinances and policies and will not be otherwise detrimental to the public health, safety, and welfare.
3. The proposed use is compatible with surrounding land uses. This application had a positive compatibility rating in accordance with Valley County Code Appendices 9-11-1. Staff's Compatibility Rating was a +24.
4. The proposed use will not negatively impact private property values in the surrounding area. The application will result in an increase in value of the lands within the subdivision by changing from agricultural lands to individual building sites with infrastructure.
5. The proposed use will not have an undue adverse impact on the environment, adjoining private property, or government services.
6. The proposed use is consistent with the Valley County Comprehensive Plan. Valley County should provide varying lot sizes and a mix of housing types.
7. The density is compatible with other adjacent single family residential subdivisions and meets all standards in the Valley County Code.
8. The proposed use has been thoroughly and adequately evaluated. Mitigation measures can effectively ameliorate impacts to adjacent land uses through the conditions of approval and a development agreement.
9. The property owner will dedicate public road right-of-way along Gold Fork Road to Valley County. The internal roads will also be public rights-of-way with private maintenance in order to provide connectivity with other county roads for public safety. Future phases, if approved, have the availability to be connected to three, plowed, public roads. Connectivity through the county is important for the safety of all residents. However, the road connectivity issue would be part of an application for a later phase.
10. The applicant will also be responsible for a proportional share of road improvements to County roads. Barker Lane, a public road, is currently well travelled due to existing residential uses, subdivisions, and a grandfathered gravel pit. It should be a high priority.

There are multiple ways to access 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. A Development Agreement will be negotiated with the Board of County Commissioners.

11. Fire safety is a concern and must be mitigated. A Wildland Urban Interface Fire Protection Plan was submitted and will be approved by the Valley County Fire Mitigation Specialist. Must also implement the requirements of the Donnelly Fire Marshal, including a 30,000-gallon underground water storage tank or other acceptable mitigation. The P&Z Commission recommends a fire break of some sort and continued grazing of the land as development progresses.

12. Water right distribution must be in compliance with state statutes. There are water rights on this property that must be distributed to parcels in the subdivision. 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.

13. There were concerns with removal of trees on a steep grade on south side of property. The applicant made this part of the subdivision Open Space and will leave the trees.

14. There are concerns with the effect to wells. There have been no concerns voiced from Idaho Department of Water Resources and they are in charge of water rights in Idaho. Well logs were submitted and there appears to be adequate water in the area. There are no record of issues with water availability in Valley County. Idaho Department of Water Resources (IDWR) has monitored multiple sites across Valley County since the 1960's. Water levels have fluctuated over this time. Snow recharges aquifers. The proposal meets the minimum lot size requirements for wells and septic systems. that if someone has a concern about their well depth, they can protest the well water right to IDWR. 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.

15. There are concerns about impacts to wildlife, most specifically the elk. The applicant will implement recommended practices received from Idaho Fish and Game for residential subdivisions in their CCRs. Elk tend to wander where they want.

16. Impacts to neighbors will be mitigated with CCR's and the development agreement.

17. There are a number of available lots without homes on them. It is typical in Valley County for people to purchase a lot to build their retirement home on.

18. The Commission must balance the property rights of property owner and adjacent owners.

19. The proposal is a compatible use for the area. The site is not a high production agricultural area.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Greater Good Investments LLC for SUB 25-013 Eld Ranch Estates – Preliminary Plat, as described in the application, staff report, correspondence, and minutes of the meeting be approved.

Special conditions applied to the proposed use are:

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
4. A Development Agreement may be required for mitigation of off-site impacts. The applicant shall work with Dan Coonce, Valley County Engineer, and Planning and Zoning Director on an agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners. The Commissioners recommend to the 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.
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6. The final plat shall be recorded within two years, or this permit will be null and void.
7. Sanitary Restrictions must be removed by Central District Health prior to recording the final plat.
8. A letter of approval is required from Donnelly Fire District.
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16. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road. Said numbers shall contrast with their background and be at least three and one-half inches (3 ½-in) height.
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20. The following notes shall be placed in the notes on the face of the final plat:
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    - "Only one wood burning device per lot."
    - "Surrounding land uses are subject to change."
21. Recommend cattle grazing occurs on area not developed or that the grass be harvested to reduce fuel load.
22. Must have approval of the Wildland Urban Interface Mitigation Plan by the Valley County Wildfire Mitigation Program Director.
23. Recommend minimal tree removal on southern border of Phase 1.

NOTICE OF FINAL ACTION AND RIGHT TO REGULATORY TAKING ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code §67-8003, an owner of real property that is the subject of an administrative or regulatory action may request a regulatory taking analysis. Such requests must be in writing and must be filed with the Valley County Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that if this is a decision of the Planning and Zoning Commission it can be appealed to the Valley County Board of Commissioners in accordance with Valley County Code 9-5H-12. The appeal should be filed with the Valley County Planning and Zoning Administrator within ten days of the decision.

Please take notice that if this is a decision of the Board of County Commissioners it is a final action of the governing body of Valley County, Idaho. Pursuant to Idaho Code §67-6521, an affected person i.e., a person who has an interest in real property which may be adversely affected by the issuance or denial of the application to which this decision is made, may within twenty-eight (28) days after the date of this Decision and Order, seek a judicial review as

provided by Chapter 52, Title 67, Idaho Code, after seeking reconsideration within 14 days in accordance with Valley County Code 9-5H-13 and Idaho Code §67-6535 .

END FACTS AND CONCLUSIONS

_____ Date: _____

Valley County Planning and Zoning Commission Chairman

Approved by PZ Commission on August 14, 2025.

Valley County Planning and Zoning Commission

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

Phone: 208-382-7115
Email: cherrick@co.valley.id.us

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.

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 proved 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 since 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 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 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 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 and Zoning

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

Phone: 208-382-7115
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STAFF REPORT:	SUB 25-013 Eld Ranch Estates – Preliminary Plat
MEETING DATE:	July 10, 2025
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT:	Greater Good Investments LLC, c/o Mark Young 1479 Mace RD, Eagle, ID 83616
PROPERTY OWNER:	Eld Ranch Investments LLC 6700 N Linder RD STE 156, PMB 243, Meridian, ID 83646
ENGINEER:	Crestline Engineers PO Box 2330, McCall, Idaho 83638
SURVEYOR:	Dunn Land Surveys 25 Coyote Trail, Cascade ID, 83611
LOCATION:	Parcel RP16N04E199005 located in the SE ¼ Section 19, T.16N, R.4E, Boise Meridian, Valley County, Idaho
SIZE:	55 acres
REQUEST:	20-Single-Family Residential Lots and 2 Open-Space Lots
EXISTING LAND USE:	Agricultural (Dry Grazing)

Greater Good Investments LLC is requesting a conditional use permit for a single-family residential subdivision on 55 acres. The plat includes 20 buildable lots and two open space lots. Proposed lot sizes range from 1.5 to 4 acres.

Individual septic systems and individual wells are proposed. All proposed utilities (electric, cable television, and telephone) would be installed underground.

Wetlands will be delineated. The portion of Lot 20 within the floodplain has been noted as a "no build zone". The applicant states there are no existing or proposed irrigation ditches, streams, drainage ditches, or known underground watercourses in this site.

The proposed plat includes the dedication of a 70-ft wide road right-of-way for Gold Fork Road.

The lots would be accessed from new, paved, private roads onto Gold Fork Road, a public road. There is an existing ingress/egress along the northern portion that has been included on the plat.

CCRs and a Wildfire Urban Interface Fire Protection Plan will be submitted at a future date. A water tank for fire suppression is proposed in Lot 9.

The length of the proposed TBD ROAD 1 is approximately 2,925 linear feet; therefore, a variance of VCC 10-4-4.F.6 is requested.

FINDINGS:

1. A neighborhood meeting, as required by VCC 9-5H-1.D, was held on April 30, 2025.

2. The application was submitted on May 27, 2025.

3. Legal notice was posted in the *Star News* on June 19, 2025, and June 26, 2025. The property owner and applicant were notified by letter on June 9, 2025. Potentially affected agencies were notified on June 9, 2025. Property owners within 300 feet of the property line were notified by fact sheet sent June 11, 2025. The notice was posted online at www.co.valley.id.us on June 9, 2025. The site was posted on June 24, 2025.

4. Agency comment received:

Brent Copes, Central District Health, stated subdivision application, fees, test holes, ground water monitoring and engineering report are required. (July 1, 2025)

Neil Shippy, Water District 65 Watermaster, stated the property has a portion of two water rights. An irrigation system to deliver water to each parcel is required per Idaho Statute 31-3805. (June 16, 2025)

Jerry Holenbeck, Donnelly Fire Marshal, listed requirements for roads, driveways, addressing, fire protection water supply, and wildfire prevention. All roads shall be inspected and approved by Donnelly Fire prior to final plat. A 30,000-gallon underground water storage tank is required. (June 23, 2025)

Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, water quality, ground water contamination, and best management practices. (June 17, 2025)

5. Public comment received:

Simpco Estates POA Board of Directors are opposed to any proposal for secondary road access through Simpco Estates. The paved roads within Simpco Subdivision were paid for by property owners in a shared cost arrangement with Valley County; these include Barker Lane, Barker Loop, Zoon Lane, and Leland Drive. Additional traffic would increase wear on the streets and negatively impact Simpco Estate property owners. (June 21, 2025) Staff: HOA paid for the oil to make the asphalt per McFadden.

Bob and Gerry Luffel, Barker Loop, stated this first phase of development seems reasonable and consistent with surrounding area. They oppose any future road access from Eld Ranch Estates through Simpco Estates. (June 21, 2025)

Kurt and Michele Stelling are opposed to any secondary access through Simpco Estates. They are concerned about the effect on wildlife; larger lots might be more favorable. (June 30, 2025)

6. Physical characteristics of the site: The area has rolling topography, and portions have slopes in excess of 15%. The approximate wetland area is shown on the preliminary plat. Grass and some treed areas.

7. The surrounding land use and zoning includes:
   North: Single-Family Residential Parcels and Lots; Agricultural (Dry Grazing)
   South: Single-Family Residential Parcels and Lots
   East: Agricultural (Dry Grazing and Timber)
   West: Single-Family Residential Parcels; Grandfathered Gravel Pit

8. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
   - 2. Residential Uses (c) Subdivision for single-family subdivision.

Review of Title 9 - Chapter 5 Conditional Uses and Title 10 Subdivision Regulations should be done.

TITLE 9 LAND USE AND DEVELOPMENT

9-5-3: STANDARDS:

B. Setbacks:
   1. Structures Exceeding Three Feet In Height: The setbacks for all structures exceeding three feet (3') in height are specified herein under the site and development standards for the specific use.
   2. Highway 55: All structures shall be set back one hundred feet (100') from the right of way line of Highway 55 unless a more restrictive setback is required within other sections of this title.
   3. High Water Line: All residential buildings shall be set back at least thirty feet (30') from high water lines. All other buildings shall be set back at least one hundred feet (100') from high water lines.
   4. Front Yards: Front yards shall be determined by the structure establishing the principal use on the property and the location of the access street or road.
   5. Encroachment On Yards: No other structure may encroach on the yards determined for the structure establishing principal use.
   6. Measurement: All building setbacks shall be measured horizontally, on a perpendicular to the property line, to the nearest corner or face of the building including eaves, projections, or overhangs.

9-5A-1: GRADING:

A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.

D. Wetlands: Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.

E. Site Grading Plan:
   1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications.
   2. For subdivisions, preliminary site grading plans and stormwater management plans must be presented for review and approval by the commission as part of the conditional use permit

application. However, prior to construction of the infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the county engineer.

F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.

G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans.

9-5A-2: ROADS AND DRIVEWAYS:

A. Roads For Public Dedication And Maintenance: Roads for public dedication and maintenance shall be designed and constructed in accordance with title 10 of this code and in accordance with "Construction Specifications And Standards For Roads And Streets In Valley County, Idaho".

B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.

C. Private Roads: Private roads shall meet the provisions of the Valley County subdivision ordinance and any policies adopted by the board of county commissioners.

D. Cattle Guards: Cattle guards shall not be installed in public roads within residential developments.

E. Access To Highway 55: Access to Highway 55 shall be limited at all locations and may be prohibited where other access is available. An access permit from the Idaho transportation department may be required.

9-5A-5: FENCING:

C. Livestock In Residential Development: If livestock are allowed in a residential development, then fencing shall be installed to keep livestock out of public street rights of way. Cattle guards shall not be installed in public roads within residential developments.

E. Construction And Materials: Fence construction and materials shall be in accordance with commonly accepted good practices to produce a neat appearing durable fence. The location, height, and materials used for constructing a fence shall be approved by the commission and specified in the conditional use permit. Fences required for any conditional use shall be maintained in good repair.

F. Conditional Use Adjoins Agricultural Uses: Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.

G. Obstruction Of Vision: Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed.

9-5A-6: UTILITIES:

A. Direct Access Required: All lots or parcels, for or within conditional uses, shall be provided, or shall have direct access to, utility services including telephone, electrical power, water supply, and sewage disposal.

B. Central Water Supply And Sewage Systems: Central water supply and sewage systems serving three (3) or more separate users shall meet the requirements of design, operation, and maintenance for central water and sewage systems in the subdivision ordinance.

C. Probability Of Water Supply: Probability of water supply, as referred to in subsection A of this section, can be shown by well logs in the general area or by a determination of a professional engineer, hydrologist, or soil scientist.

D. Individual Septic Systems: If individual septic systems are proposed to show compliance with sewage disposal requirements in subsection A of this section, sanitary restrictions must be lifted on every lot prior to recordation unless it is designated as a lot where a building permit will never be issued for a residential unit, such as pasture lot, common area, open space, or a no build lot.

E. Easements Or Rights Of Way: Easements or rights of way shall be set aside or dedicated for the construction and maintenance of utilities in accordance with the provisions of the subdivision ordinance.

F. Utility Plan: A utility plan showing the schedule of construction or installation of proposed utilities shall be a part of the conditional use permit.

9-5B-2: LIGHTING

9-5B-4: EMISSIONS:

C. Wood Burning Devices: Wood burning devices shall be limited to one per site. Wood burning devices shall be certified for low emissions in accordance with EPA standards.

9-5C-2: MINIMUM LOT AREA:

B. New Subdivisions:
   1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:
      a. One acre where individual sewage disposal systems and individual wells are proposed.

C. Frontage On Public Or Private Road: Frontage on a public or private road shall not be less than thirty feet (30') for each lot or parcel. The lot width at the front building setback line shall not be less than ninety feet (90').

9-5C-5: SITE IMPROVEMENT:

A. Off Street Parking Spaces: Two (2) off street parking spaces shall be provided for each dwelling unit. These spaces may be included in driveways, carports, or garages.

B. Utility Lines: All utility lines, including service lines, that are to be located within the limits of the improved roadway in new residential developments must be installed prior to placing the leveling coarse material.

9-5C-6: DENSITY:

A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.

B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation.

TITLE 10 SUBDIVISION REGULATIONS

10-4-3: LOTS:

A. Size, Depth, Shape, Orientation And Setback Lines: The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Every lot shall abut upon a street. Corner lots for residential use shall have extra width to permit appropriate building setbacks from, and orientation to, both streets.

B. Double Frontage And Reverse Frontage Lots: Double frontage, and reverse frontage lots, shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A screening easement of at least ten feet (10'), and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

C. Side Lot Lines: Side lot lines shall be within twenty degrees (20o) of right angles or radial to street lines.

10-4-4: STREETS:

Any parcel of land that is intended to be used, or is actually used, to provide vehicular access to more than one building site, whether said street is public or private and whether the parcel is set aside by deed, easement, or other means, unless an administrative variance is allowed for a shared driveway to adjacent properties, all having the required frontage on an existing street if in a platted subdivision or a legal parcel, is in the best interest of all parties involved due to unusual circumstances or topographic reasons, as determined by the administrator. Administrative variances cannot be given for more than three (3) building sites and shall at a minimum require the shared driveway to be built to the satisfaction of the fire department and have a shared driveway agreement.

F. Street Layout: Street layout shall provide for reasonable development of adjoining areas and the entire neighborhood, and shall provide for the following:
   1. Adequate access within a public right of way to adjoining lands when there may be future development.
   2. Streets intersecting at right angles, or as nearly as possible, to meet the requirements of the county road standards.

6. Cul-de-sac streets, designed to be so permanently, shall not be longer than nine hundred feet (900') unless specifically approved by the commission and board and shall be provided with a turnaround with a right of way radius of at least sixty feet (60').

10-4-6: EASEMENTS:

A. Utility Easements: There shall be provided easements for the utilities upon and across the front of lots of a width of a minimum of twelve feet (12') (except for entrance service) or as and where considered necessary by the commission.
B. Stormwater Easement Or Drainage Right Of Way: Where a subdivision is crossed or bounded by a watercourse, drainageway, channel, irrigation ditch, or stream there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
C. Drainage: Provisions for adequate drainage shall be made by the subdivider as prescribed by the county engineer in accordance with the manual containing the drainage standards and specifications as adopted by Valley County.
D. Existing Easements: All existing easements must be shown on the subdivision plat.

10-5-1: STREET AND UTILITY IMPROVEMENTS:

A. Installation Required: Public street, utility, conduit for fiber optics, and other off site improvements, as hereinafter listed, shall be installed in each new subdivision at the subdivider's expense or at the expense of the party agreeing to install the same, in accordance with the minimum standards set forth below prior to the acceptance of any final plat for recordation, except as provided in subsections C and D of this section. A right of way permit will be required (see section 5-7-2 of this code).

B. Acceptance By County: The county shall not accept the dedication of any public rights of way and any easements shown on the plat, together with appurtenant facilities lying therein which the county would have a duty to maintain after dedication, which are not improved, or construction thereof guaranteed in accordance with the provisions of this title or with the policies, standards, designs and specifications set forth in the road and street specifications adopted by Valley County. The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed. All plats shall contain in their notes this statement: "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."

Dedication of public rights-of-way does not guarantee that the public road will be maintained by Valley County. Public rights of way are allowed with roads that are maintained by homeowners.

Public rights of way shall be provided through properties to adjacent lands for the purpose of circulation, when reasonable.

C. Private Road Declaration: In the event that private roads, streets and ways are shown on a subdivision plat, the width of the right of way must meet specifications set forth in road and street specifications adopted by the board of county commissioners. A private road declaration shall be recorded and state that the county will have no responsibility for the installation or maintenance of the private roads, shall describe who is responsible for maintenance of the private roads, and describe the construction schedule for the private roads. Construction of private roads shall be the responsibility of the subdivider and shall be constructed to the minimum standards as set forth in the road and street specifications for private roads adopted by the county.

D. Declaration Of Installation Of Utilities: A declaration of installation of utilities shall also be recorded. The declaration shall describe the utilities that will be placed by the subdivider, verify when the utilities will be installed and state that Valley County will have no responsibility for the installation or maintenance of utilities. If all utilities are not installed prior to recordation of the plat, a note shall be placed on the face of the plat that states: "Utilities have not been installed at the time of recordation of this plat".

E. Connection To Public Road Required: The county shall not accept any new subdivision unless the streets within the subdivision, whether public or private, are connected directly to an existing public road. In the event the subdivision is not connected to a public road with an approved minimum standard as determined by the Valley County Road Director, then the subdivider shall construct, or guarantee the construction as provided by this title, a connector road to county standards, either private roads or public roads, which shall provide access to the subdivision. All subdivisions shall be required to be accessed by a road system that meets the minimum standard as determined by the Valley County Road Director. When access has historically been provided through the subdivision to other ownerships, the subdivider shall provide for continuation of the public right of way.

CHAPTER 7 WILDLAND URBAN INTERFACE FIRE PROTECTION PLAN

10-7-4: SUBMISSION REQUIREMENTS:

A. General: All developers of proposed subdivisions shall provide a wildland urban interface fire protection plan (the plan) for review and approval by the planning and zoning commission with their preliminary plat application or planned unit development submittal.

B. Content: The plan shall be based upon a site specific wildfire risk assessment that includes consideration of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, fire protection systems and equipment, defensible space, and vegetation management.

1. Preparation: The plan shall be developed by a "professional" (see definition in section 10-7-2 of this chapter). Professionals can be prequalified by the commission and a list will be maintained at the Valley County planning and zoning office.

3. Submittal, Implementation And Verification:
   a. The plan shall be submitted with the preliminary plat application to the Valley County planning and zoning office.
   b. Planned mitigation work must be completed or financially guaranteed prior to the recordation of the final plat. A schedule for the phased completion of mitigation work may be approved in conjunction with recordation of final plats.
   c. Verification of completed implementation of mitigation actions will be the responsibility of the jurisdictional structural fire district. Where no structural fire district exists, the Valley County sheriff shall appoint a county representative.

4. Exceptions: Proposed administrative plats of less than five (5) lots and proposed subdivisions with lands less than twenty percent (20%) "forested" (see definition in section 10-7-2 of this chapter) are exempt from the professional requirement. For proposed subdivisions fitting these descriptions, the developer may complete the plan (see the fire protection form). The plan for an administrative plat can be approved by the administrator upon receiving an approval letter from the fire district.

5. Cost: The cost and implementation of the plan preparation shall be the responsibility of the applicant.
6. Plan Retention: The approved plan shall be retained at the Valley County planning and zoning office and the jurisdictional fire district or designated agency where no fire district exists.

SUMMARY:

Staff's compatibility rating is a +24.

The Planning and Zoning Commission should do their own compatibility rating prior to the meeting (form with directions attached). Be prepared to submit your compatibility rating or state which lines on staff's compatibility rating needs to be changed.

P&Z Commissioners: When assigning numbers, please follow the guidance in the Appendix A of Title 9 of the Valley County Code:

Plus 2	- assigned for full compatibility (adjacency encouraged).
Plus 1	- assigned for partial compatibility (adjacency not necessarily encouraged).
0	- assigned if not applicable or neutral.
Minus 1	- assigned for minimal compatibility (adjacency not discouraged).
Minus 2	- assigned for no compatibility (adjacency not acceptable).

STAFF COMMENTS / QUESTIONS:

1. This site is within the Donnelly Fire District and Water District 65. It is not within an irrigation district nor a herd district. The application states there are water rights.
2. Additional conditional use permits and SUB applications will be required for any additional phases. This application is only for the area shown on the preliminary plat.
3. The applicant is asking for a variance for length and a variance for delayed submittal of the wildland urban interface fire protection plan.
4. The proposed road length is 2,925-ft. Valley County Code states cul-de-sac streets, designed to be so permanently, shall not be longer than 900-ft unless specifically approved by the commission and board and shall be provided with a turnaround with a right-of-way radius of at least 60-ft. In the phased plan it will not be a dead-end street.
5. If approved, the motion should include approval of the variances for road length and wildland urban interface protection plan submittal.
6. The application cover letter refers to additional phases and amenities such as walking paths. Any easements for pathways for this particular plat should be included on the final plat.
7. Lot 20 looks too small for constructing anything due to the floodplain...?
8. What is the grade of the road?
9. What is the maximum grade of potential driveways?
10. Neil Shippy, Water District 65 Watermaster, stated the property has a portion of two water rights. An irrigation system to deliver water to each parcel is required per Idaho Statute 31-3805. How are you going to accomplish this?
11. Staff recommends a public right-of-way with private roads for connectivity, until such time that the Board of County Commissioners agree to maintain.

Question to P&Z Commission:

1. Does this subdivision meet the minimum standards in Title 9, Chapter 5, of the Valley County Code in regards to frontage, lot size, etc.? If not, which ones does it not comply with?
2. Does this subdivision meet the minimum standards in Title 10 of the Valley County Code in regards to the access road, etc.?
3. Are impacts being properly mitigated? If not, which impacts are not mitigated?

Standard of Approval:

1. Will the application result in an increase in value of private property? VCC 9-5-2(B)(3).
2. Will the approval of the application result in an undue adverse impact on the environment? VCC 9-5-2(B)(3).
3. Will the approval of the application result in an undue adverse impact on adjoining properties? VCC 9-5-2(B)(3).
4. Wiil the approval of the application result in an undue adverse impact on governmental services? VCC 9-5-2(B)(3).
5. Is the application consistent with the Valley County Comprehensive Plan? VCC 9-5-2(B)(3).
6. Conditional uses may be approved only after a C.U.P. has been evaluated to determine that the impacts can be mitigated through conformance with conditions of approval. VCC 9-5-2(A).

These six standards should be a significant focus of attention during the public hearing and deliberations because they need to be resolved in order to justify approval. VCC 9-5-1(C) directs the decision-making body to encourage conditional uses where noncompatible aspects of the application can be satisfactorily mitigated through development agreements for the costs to service providers and impacts to surrounding land uses. Because mitigation measures are a requirement of approval the applicant needs to understand that he/she will be required to perform some off-site improvements. They are not mandatory but without them the application cannot satisfy the mitigation of impacts requirement and would be denied under the ordinance.

ATTACHMENTS:

- Proposed Conditions of Approval
- Blank Compatibility Evaluation and Instructions
- Compatibility Evaluation by Staff
- Location Map
- Aerial Map
- Assessor Plat – T.16N R.4E Section 19
- Record of Survey 5-436
- Image from Google Maps
- Photos taken July 24, 2025
- Preliminary Plat
- Applicant's Response – June 18, 2025
- Responses
- Septic System Handout

Proposed Conditions of Approval

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
4. A Development Agreement may be required for mitigation of off-site impacts. The applicant shall work with Dan Coonce, Valley County Engineer, and Planning and Zoning Director on an agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners.
5. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site.
6. The final plat shall be recorded within two years, or this permit will be null and void.
7. Sanitary Restrictions must be removed by Central District Health prior to recording the final plat.
8. A letter of approval is required from Donnelly Fire District.
9. The location of the water storage tank for emergency response must be noted on the final plat.
10. Wetlands and floodplains shall be marked as no-build areas; a delineation of wetlands is required.
11. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
12. All easements shall be shown on the final plat.
13. A deed from the applicant to Valley County shall be prepared for the transfer of road right-of-way along Gold Fork Road.
14. A private road declaration shall be recorded with the final plat.
15. A Declaration of Installation of Utilities shall be noted on the face of the plat referencing electrical power, phone, and fiber optics (conduit).
16. Shall place addressing numbers at the residence and at the driveway entrance if the house numbers are not visible from the road. Said numbers shall contrast with their background and be at least three and one-half inches (3 ½-in) height.
17. Shall contact Donnelly U.S.P.S. Postmaster to determine if a Cluster Box Unit for mail delivery is appropriate for this development.
18. CCR's, if recorded, should address lighting, noxious weeds, septic maintenance, wildfire prevention, fire wise wildland urban interface landscaping requirements, low water/natural landscaping, prohibiting yews in landscaping, dogs being a nuisance to adjacent agricultural uses, and limit each lot to one wood-burning device.

19. CCR's shall provide for long-term maintenance of requirements identified in the Wildland Urban Interface Fire Protection Plan and memorialize any buried tanks and their continued maintenance.
20. The following notes shall be placed in the notes on the face of the final plat:
    - "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."
    - "All lighting must comply with the Valley County Lighting Ordinance."
    - "Only one wood burning device per lot."
    - "Surrounding land uses are subject to change."

END OF STAFF REPORT