

Valley County Planning and Zoning

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STAFF REPORT:	Appeal of PZ Commission Approval of SUB 25-013 Eld Ranch Estates
MEETING DATE:	August 27, 2025
TO:	Board of County Commissioners
STAFF:	Cynda Herrick, AICP, CFM, Planning and Zoning Director
APPELLANT:	Simpco Estates POA, c/o James Miller and Richard 3833 Baja Way, Boise, ID 83709
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, Inc. 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:	Single-Family Residential Lots and 2 Open-Space Lots
EXISTING LAND USE:	Agricultural (Dry Grazing)

On July 10, 2025, the Valley County Planning and Zoning Commission approved SUB 25-013 Eld Ranch Estates conditional use permit and preliminary plat. This decision has been appealed.

Background:

Greater Good Investments LLC requested 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 in public rights-of-way onto Gold Fork Road, a public road. There is an existing ingress/egress along the northern portion that has been included on the plat.

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

The length of the proposed TBD ROAD 1 is approximately 2,925 linear feet; therefore, a variance of VCC 10-4-4.F.6 was requested and approved by the Planning and Zoning Commission.

The Appeal

The appeal (attached) was received in a timely manner on July 21, 2025, with the appropriate \$1,000 fee.

Valley County Code (VCC) 9-5H-12: APPEALS:

Each appeal must clearly state the name, address and phone number of the person or organization appealing and the specific issues, items or conditions that are being appealed and state the nature of his or their interest and extent of damages.

The appeal summarized the application and listed the following reasons for the appeal:

Appellants state that approval did not adequately consider the impacts that the subdivision would have on the surrounding subdivisions, roads, environment, and wildlife, or how it could affect future instances of wildfire.

Further impact studies for traffic, wildlife, and the environment need to be conducted.

The appellant alleged that the proposal contained inconsistencies when referring to future Phase 2. They believed approval was made using inaccurate information regarding feasibility, necessity, how it will impact the economy, and without proper consideration of public opinion.

- 1) Traffic Concerns
 - Inadequately addresses offsite traffic improvements needed and state and federal ADA requirements.
 - A traffic impact study is needed.
 - Lack of language regarding road improvement or care for new proposed roadways and road access.
- 2) Negative Impact on Wildlife
 - Disruption of large elk herds, eagles and other raptors, and habitats.
 - A wildlife impact study is needed.
- 3) Wildfire Concerns

- Wildfire evaluation is inadequate and needs to be expanded.
 - Legal description of fire water access should be defined prior to approval.
 - 4) Water Quality and Quantity Impacts
 - Water conservation and environmental impact studies are needed.
 - Water reservoir for the project is seasonal and doesn't meet proposed usages.
 - 5) Views
 - View Corridor laws not mentioned in the proposal despite new development impacting views of surrounding properties and along HWY 55
 - 6) Error in Factual Findings
 - Decision was made based on the factual findings that the proposed development won't negatively impact surrounding neighborhoods or environments and will improve local jobs and stimulate economic growth:
 - There was insufficient consideration to public testimony raising concerns.
 - Significantly smaller subdivisions were used as reference.
 - Construction company and developer are not locals, resulting in no local jobs.
 - Lot sizes and prices are not affordable for average county citizens.
 - Proposal focuses on Phase 1 and does not provide consistent or adequate information for Phase 2.
 - 85% of lots in surrounding subdivisions are unsold and not built on, showing Eld Ranch Estates is not necessary for additional housing and that new build is not viable in the area.
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Applicant's Response to Appeal:

The applicant submitted a detailed response to the Appeal. They addressed traffic, wildlife, wildfire, water, and views. The following documents are attached.

- Response to Appeal – Submitted August 20, 2025
 - Appeal Response Memorandum – Submitted August 20, 2025
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Findings:

1. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
 - 2. Residential Uses (c) Subdivision for single-family subdivision.
2. Submittals by the applicant were as follows:
 - The application was submitted on May 27, 2025.
 - Valley County Code 9-5H-1D requires a neighborhood meeting for proposed subdivisions with five or more lots. The applicant held a Neighborhood Meeting on April 30, 2025. Information is included in the application.
 - Applicant's letter dated June 18, 2025

- Draft Wildland Fire Interface Plan – Exhibit 6 of public hearing on July 10, 2025
 - Slide Presentation to PZ Commission– Exhibit 7 of public hearing on July 10, 2025
 - Email from Applicant regarding Idaho Department of Fish and Game (IDFG) review (July 31, 2025)
 - Wildland Urban Interface Fire Protection Plan Final – submitted August 11, 2025
3. The Planning and Zoning Commission held a properly noticed public hearing on July 10, 2025.
 4. On July 10, 2025, the Commission approved the application in a 5-0 vote.
 5. Legal notice for the Appeal was completed, as follows:
 - Posted in the *Star News* on July 31, 2025, and August 7, 2025.
 - Potentially affected agencies were notified on July 24, 2025.
 - The appellants were notified by fact sheet sent July 24, 2025.
 - The applicant, property owner, engineer, and surveyor were notified by fact sheet sent July 24, 2025.
 - Property owners within 300 feet of the property line were notified by fact sheet sent July 24, 2025.
 - The appeal letter and public hearing notice were posted online at www.co.valley.id.us on July 28, 2025.
 - The site was posted on August 7, 2025.
 6. The Minutes of the P&Z Commission Hearings and the Facts and Conclusions are attached, along with the information submitted by the applicant and public.

Conclusions

The Valley County Planning and Zoning Commission made the following conclusions:

- 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.

7. Additional Information (Attached)

- Staff's Compatibility Questions and Evaluation
- List of Testimony and Submittals by Agencies / Experts
- List of Testimony and Submittals by Members of the Public
- Planning and Zoning Commission Staff Report

8. All 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)

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 4)

Email Correspondence between the applicant and Brandon Flack, Idaho Department of Fish and Game (IDFG) Regional Technical Assistance Manager with information and recommendations for avoiding and minimizing impacts. IDFG does not believe a wildlife impact study of the project property would provide significant new information about wildlife in the area. (April 25, 2025; August 13, 2025; August 19, 2025) *This information is also included in Section 12 of the application.*

Kendra Conder, Idaho Transportation Department, would like to review a master site plan for

this subdivision to better understand the impact at full buildout. ITD reserves the right to make further comments. (July 25, 2025; August 18, 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; July 28, 2025)

9. All Public comment received in writing (comments at hearings are included in attached PZ Commission meeting minutes):

Proponents of Appeal of Approval of PZ Commission's Approval of Eld Ranch Estates – Reasons Given Include:

- Opposition to any 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. *Staff: HOA paid for the oil to make the asphalt per Road Department Director Herrick McFadden.*
- Traffic and commuting concerns. The dirt roads, designed for ranching, have turned into highways for speeding recreation vehicles, weekenders, gravel trucks, and delivery vehicles.
- Improvement to roads should be paid for by developers and new residents.
- This area should remain ranch land.
- Effects on wildlife, particularly raptors and elk.
- Negative impacts to the water table, Laffinwell Creek, and the life of the wetlands.
- The proposal is almost 2x the density of Simpco Estates.
- Negative impact to property values and the existing community.
- Larger lots might be more favorable.
- Over 60% of the lots in the adjacent Simpco Estates have no residential improvements; thus, additional lots will not bring local jobs and affordable housing.
- The proposed subdivision does not benefit the community. "Are we to be a sea of multi million dollar secondary homes or a beautiful mountain tight knit community that serves its locals?"
- The impacts of the entire development plans should be thoroughly examined.
 - 1) Simpco Estates POA Board of Directors, June 21, 2025
 - 2) Bob and Gerry Luffel, 303 Barker Loop, June 21, 2025; August 20, 2025
 - 3) Kurt and Michele Stelling, June 30, 2025
 - 4) Austin Jones, a property owner in Simpco Estates, July 7, 2025 - Exhibit 5
 - 5) Richard and Deidre Avila, 12966 Zoon Lane, August 4, 2025
 - 6) Jason and Jackie St. George, 89 Barker Lane, August 18, 2025
 - 7) James and Toni Miller, 318 Barker Loop, August 19, 2025
 - 8) Ruth Johnson, August 19, 2025
 - 9) Merri M. Williams, 315 Barker Loop, August 20, 2025

In Opposition to Appeal (e.g. In favor of Approval of SUB 25-013) – Reasons Given Include:

- Property owner of the site supports the proposal.
 - The developer team was chosen as they demonstrated a commitment to preserving the natural character of the land, protecting wildlife corridors, and designing a subdivision the blends into the area.
 - The community needs quality, well-planned housing.
 - They plan to build a home in the proposed subdivision
- 1) Michelle Eld Lowen, July 3, 2025 - Exhibit 2
 - 2) Zach Lowen, July 3, 2025 - Exhibit 3

Other

- 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 1)

10. Valley County Code (Title 9 and 10): 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.

11. RECOMMENDATIONS / COMMENTS BY STAFF:

The appeal was received in a timely manner, however, the appellants did not “state the nature of his or their interest and extent of damages” as required by Valley County Code 9-5H-12.

Deliberate on the following:

1. Standards in the Valley County Code

- This subdivision meets the minimum lot size requirements for individual wells, septic systems, lot width, and provides for the adequate separation of uses from water bodies.
- The proposed road right-of-way widths meet the 70' requirements for private and public roads.
- The density of the subdivision is 0.42 units per acre. Maximum density allowed by Valley County Code is 2.5 units per acre.
- Wetlands are platted as open space.

2. Valley County Comprehensive Plan.

3. Agency Comments.

4. Appeal Concerns and Neighbor Concerns.

Board of County Commissioner's Decision

Part of the Valley County Board of Commissioners deliberation and decision should be a **“reasoned statement”** that explains the criteria and standards considered relevant; state the relevant **facts relied upon**, and **explain the rationale for the decision based on applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record**, ‘all of which’ should be part of the motion to approve or deny, or should be developed with staff assistance for action at a subsequent meeting.” (VCC 9-5H-11.8)

Formulate the reasoned decision and rationale for the finding as follows...

- 1) List Issues
 - 2) Reasoned Statements on the issues.
 - 3) Base decisions on evidence in the record.
 - 4) Base decisions on applicable ordinances, etc.
- **Idaho Code 67-6519. APPLICATION GRANTING PROCESS.**
 - (1) As part of ordinances required or authorized under this chapter, a procedure shall be established for processing in a timely manner applications for zoning changes, subdivisions, variances, special use permits and such other applications required or authorized pursuant to this chapter for which a reasonable fee may be charged.
 - (5) **Whenever a governing board or zoning or planning and zoning commission grants or denies an application**, it shall specify:
 - (a) The ordinance and standards used in evaluating the application;
 - (b) The reasons for approval or denial; and
 - (c) **The actions, if any, that the applicant could take to obtain approval.**
 - **Facts and Conclusions** will be prepared for Board of County Commissioner's decision final decision for approval at a later date.
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List of Attachments:

- 1) Appeal
 - Appeal letter received from James Miller on July 21, 2025.
 - Email and appeal letter with corrected title of HOA Secretary/Treasurer received on July 23, 2025
- 2) Applicant's Submittals, Including Exhibits
 - The application was submitted on May 27, 2025.
 - Valley County Code 9-5H-1D requires a neighborhood meeting for proposed subdivisions with five or more lots. The applicant held a Neighborhood Meeting on April 30, 2025. Information is included in the application.
 - Applicant's letter dated June 18, 2025
 - Draft Wildland Fire Interface Plan – Exhibit 6 of public hearing on July 10, 2025
 - Slide Presentation to PZ Commission– Exhibit 7 of public hearing on July 10, 2025
 - Email from Applicant regarding Idaho Department of Fish and Game (IDFG) review (July 31, 2025)
 - Wildland Urban Interface Fire Protection Plan Final – submitted August 11, 2025
 - Response to Appeal – Submitted August 20, 2025
 - Appeal Response Memorandum – Submitted August 20, 2025

- 3) PZ Commission
 - Proposed Conditions of Approval – Approved by PZ Commission – December 12, 2024
 - PZ Commission Facts and Conclusions
 - PZ Commission Minutes and Staff Report – July 10, 2025
- 4) Maps / Pictures
 - Location Map
 - Aerial Map
 - Assessor Plat – T.16N R.4E Section 19
 - Record of Survey 5-436
 - Google Maps – Aerial View
 - Pictures Taken June 24, 2025, and August 7, 2025
- 5) Idaho Code
 - Idaho Code 67-6519 Application Granting Process
 - Idaho Code 67-6537 Use of Surface and Ground Water
 - Idaho Code 31-3805
- 6) List of Exhibits, Submittals, and Testimony
 - List of Exhibits from July 10, 2025
 - List of Submittals and Testimony from Agencies / Experts
 - List of Submittals and Testimony from Public
- 7) All Agency Responses, Including Exhibits
- 8) All Public Comments, Including Exhibits
- 9) Compatibility Rating
 - Blank Compatibility Rating with Instructions
 - Staff's Compatibility Rating
- 10) Educational Flyers
 - Septic System Handout

END OF STAFF REPORT