

Valley County Planning and Zoning

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



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

STAFF REPORT: Appeal of PZ Commission Denial of SUB 25-018 Tripod View
MEETING DATE: January 12, 2026
TO: Board of County Commissioners
STAFF: Cynda Herrick, AICP, CFM, Planning and Zoning Director
APPELLANT / APPLICANT / PROPERTY OWNER: Steven Emerson
10016 W Broadford DR, Star, ID 83669
REPRESENTATIVE: James Fronk Consulting LLC
PO Box 576, McCall, Id 83638
SURVEYOR Dunn Land Surveys
25 Coyote Trail, Cascade, ID 83611
LOCATION: Part of parcels RP10N02E130606 and RP10N02E131915 located in
the NE ¼ Section 13, T.10N, R.2E, Boise Meridian, Valley County, Idaho
SIZE: 46 acres
REQUEST: 12-Lot Single-Family Residential Subdivision
EXISTING LAND USE: Single-Family Residential Parcel

On November 13, 2025, the Valley County Planning and Zoning Commission denied SUB 25-018 Tripod View Subdivision conditional use permit and preliminary plat in a tie (2-2) vote. This decision was appealed.

Background:

Steven Emerson requested a conditional use permit for a 12-lot, single-family residential subdivision on 46 acres. Proposed lot sizes range from 1.8-acres to 6.2 acres.

Individual septic systems and individual wells are proposed.

The lots would be accessed from a new private road, approximately 1500-ft long, onto Dry Buck Road, a public road. Variances were requested for a cul-de-sac longer than 900-feet long (Valley County Code 10-4-4.F.6) and shared driveways. The proposed road includes a portion of RP10N02E131915.

Road right-of-way would be dedicated to Valley County for Dry Buck Road. Dry Buck Road currently receives only summer maintenance by Valley County.

A wildland urban interface fire protection plan was submitted. This site is not within a fire district. This site is within Water District 65A. It is not within an irrigation district. The Valley County-wide

EMS District provides emergency services to the High Valley Area.

John Lillehaug and James Fronk also represented the applicant and provided testimony during the public hearings.

The Appeal

The appeal (attached) was received in a timely manner on November 24, 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:

- 1) The project meets the required standards of approval for a conditional use permit and subdivision per the Valley County Code.
- 2) Valley County Code 9-5-2C encourages conditional uses; noncompatible aspects should be mitigated where appropriate.
- 3) The residential subdivision is compatible with the current use of the property and also serves to reserve agricultural use where feasible and viable.
- 4) The Applicant has worked to address concerns related to fire suppression, water supply, and High Valley Road.
- 5) VCC 9-5-2 outlines the criteria and standards that must be used to evaluate the application, specifically:
 1. In areas and to standards that will increase the value of privately owned property;
 2. Without undue adverse impact on the environment, adjoining properties, or governmental services; and,
 3. Where consistent with the Comprehensive Plan.
- 6) The PZ Commission decision contains deficiencies. The Commission failed to consider the information contained in the record and failed to identify relevant contested facts to explain noncompliance with the applicable criteria or how such facts could not be alleviated with certain conditions of approval. The two Commissioners opposing the application failed to provide reasons and evidence on why they believed the application did not meet the criteria of Valley County Code 9-5-2C.

[VCC 9-5-2C. The interpretation of the standards and procedures herein shall be to encourage conditional uses where, in the opinion of the commission, noncompatible aspects can be satisfactorily mitigated through development agreements for the costs to service providers, provision for community housing, site selection, application of technology, design, construction techniques, topography, landscaping and structure location.]
- 7) Idaho Code 67-6535 states that approval or denial of any application must be based upon standards and criteria which are set forth in the governing bodies' ordinances. It requires the decision to identify aspects of compliance or noncompliance with relevant approval standards and criteria in the written decision.

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:
 - Partial application was submitted June 30, 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 July 24, 2025. A summary was submitted August 14, 2025.
 - A letter dated August 21, 2025, requesting that the Fire Protection Plan be allowed to be submitted at a later date, prior to final plat recordation.
 - Applicant's letter dated November 5, 2025, responding to questions and concerns voiced by PZ Commissioners on October 16, 2025
 - Wildland Urban Interface Fire Protection Plan– submitted Oct. 12, 2025, and Nov. 5, 2025
3. The Planning and Zoning Commission held a properly noticed public hearing on October 16, 2025.
4. The matter was tabled to November 13, 2025, at 6:00 p.m., for additional information. Since the matter was tabled to a specific date and time, further legal notice was not required. However, notice was posted in the *Star News* on October 23, 2025, and October 30, 2025.
5. The Planning and Zoning Commissioner held a properly noticed public hearing on November 13, 2025.
6. People in attendance commented as undecided and in opposition during public testimony on the proposal. Written comments were received from agencies and the public. See the PZ Commission staff reports and minutes for each hearing.
7. The Commissioners deliberated and stated the following conclusions.
 - Commissioner Mabe stated the High Valley Road conditions are due to logging equipment, not residential traffic. Road concerns could be mitigated by requiring the applicant to address their proportional share of impacts as part of a development agreement. The Valley County Board of Commissioners would discuss details with the Gem County Commissioners. People buying property in this area tend to be more self-reliant individualists and would be aware of the response times for emergency services. The site is outside of the fire district; however, much of private land in Valley County is also outside of a fire district. Location within a fire district should not become a requirement for subdivision approval. Impacts to others wells should be considered but is an issue of Idaho Dept. of Water Resources. In reference to the comments regarding a decrease in the general quality of life due to additional people, this is occurring throughout Idaho.

- Commissioner Potter expressed concerns regarding wells, EMS and fire response, safety of community, and the public testimony of road conditions and seasonal availability. However, she believes these issues can be mitigated.
- Chairman Roberts was not supportive. He questioned if the Commission had enough information to make a decision. The Valley County Prosecuting Attorney has stated health, safety, and welfare are reasons that the Commission can deny applications. Chairman Roberts has serious concerns about health and safety of this proposal, particularly the lack of water for domestic wells and fire suppression. The applicant should be required to prove that there is enough domestic water for all 12 lots through a test well and/or using one community well which may need to be much deeper than other wells in the area.
- Commissioner Oyarzo concerns include the lack of water supply, both for domestic wells and fire suppression. Does not believe a water tank would be beneficial; water tanks for fire suppression do no good if the pumping equipment is not available.

8. A motion to approve the conditional use permit and preliminary plat for SUB 25-018 Tripod View was made and seconded. Commissioner Potter and Commissioner Mabe voted in favor of the motion; Commissioner Oyarzo and Chairman Roberts voted in opposition. The motion was denied.

9. An appeal from the applicant's representative and the required \$1000 fee was received on November 24, 2025.

10. Legal notice for the Appeal was completed, as follows:

- Posted in the Star News on December 18, 2025, and December 25, 2025.
- Potentially affected agencies were notified on December 10, 2025.
- The applicant/property owner/appellant, legal representative, consultant/representative, and surveyor were notified by fact sheet sent December 11, 2025.
- Property owners within 300 feet of the property line were notified by fact sheet sent December 11, 2025.
- The fact sheet was also sent on December 11, 2025, to people who previously commented on this matter.
- The appeal letter and public hearing notice were posted online at www.co.valley.id.us on December 11, 2025.
- The site was posted on December 28, 2025, at two locations: at the entrance to the proposed subdivision and at the intersection of Dry Buck Road and High Valley Road.

11. The Minutes of the P&Z Commission Hearings and the Facts and Conclusions are attached, along with 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.
- 2) Valley County has opted to substitute traditional zoning with a multiple use zone in which there is no separation of land uses.

- 3) Valley County has one mixed use zone that is a performance-based ordinance which promotes mitigation of impacts.
- 4) That the proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will potentially be otherwise detrimental to the public health, safety, and welfare.
- 5) Access to the area is limited seasonally. During the winter season, the area is accessed from Gem County or by snowmobiles. Therefore, the ability for emergency services to respond is limited seasonally.
- 6) The High Valley area is not within a fire district. There are not adequate water sources available within the proposed subdivision for fire suppression.
- 7) Availability of water for domestic uses and fire suppression is limited; building additional homes would be detrimental to the public health, safety, and welfare of both existing property owners and future lot owners.
- 8) Valley County has one mixed use zone that promotes mitigation of potential impacts. There was a lack of information concerning how impacts of this specific use on domestic drinking water, adjacent wells, and road conditions would be mitigated.

12. Additional Information (Attached)

- Staff's Compatibility Questions and Evaluation
- List of Exhibits
- Planning and Zoning Commission Staff Reports & Meeting Minutes
 - October 16, 2025
 - November 13, 2025

13. All Agency comment received - Comments received after the PZ Commission Decision are highlighted in yellow:

Steven Hull, Cascade Rural Fire Chief, stated this development is outside the Cascade Rural Fire Protection District (CRFPD) boundary. However, EMS response is provided. The site is 27 miles away from Cascade with a 50-minute drive in good weather. The area is not accessible from Cascade during the winter months. CRFPD's opinion is that future developments outside of fire districts should meet the same requirements as those within for the safety of the public. Recommendations for roads, driveways, and fire protection water supply. Existing homes in this area are unable to get homeowners insurance due to the lack of structure fire protection. CRFPD does not recommend approval of Tripod View Subdivision due to location and access. (September 26, 2025)

Steven Hull, Cascade Rural Fire Chief, clarified his previous comments. The requirement for an underground water tank is one of the factors that led to the denial by the PZ Commission. However, he acknowledges that the development is not within any fire district; thus, the requirement may not be relevant as it would not be used by any responding fire district. The safety of homes can be addressed by following guidelines outlined in the WUIFPP. The use of Class B roofing material is mandated. The County should consider implementing enhanced Firewise building material standards, particularly in areas outside of established

fire districts or in regions identified as having a high wildfire dangers. For this proposal, options could include residential sprinkler systems and Firewise building materials. (December 29, 2025)

Brent Copes, Central District Health, stated groundwater data and engineering report are required. (September 30, 2025) CDH has no objection to the appeal. (December 10, 2025)

Jeff McFadden, Valley County Road Superintendent, stated County-maintained roads that would see increase traffic included High Valley Road and Dry Buck Road. He recommends a 35-ft right-of-way to the public for property owned by the owner immediately adjacent to Dry Buck Road. Prior to final acceptance of C.U.P., the developer should agree to provide an appraisal for the value of the ROW, a legal description, and a warranty deed. He recommends that the developer mitigate impacts to transportation services by paying a proportionate share of road improvement costs. Recommendations should be memorialized in a future voluntary development agreement. (September 23, 2025)

Megan Myers, Valley County Communications Supervisor, and Laurie Frederick, Valley County Cadastral Specialist III, approve the proposed road name Haven Ranch Road. (July 9, 2025; July 11, 2025; July 13, 2025; July 14, 2025)

Brandon Flack, Idaho Fish and Game Regional Technical Assistance Manager, submitted general recommendations for subdivisions, which include controlling pets, vegetative recommendations, prohibiting feeding of wildlife, riparian barriers around wetlands, pond requirements, and wildlife friendly fencing. (November 21, 2024)

Neal Capps, Gem County Road and Bridge Department Director, stated High Valley Road is a steep, narrow, and winding access route that currently serves a number of year-round residents. The Department strongly opposes approval of the subdivision due to the increase traffic impacts on High Valley Road; safety concerns related to roadway geometry; and conditions; and anticipated increase demand on the road system. There was additional correspondence clarifying the process between Mr. Capps and Cynda Herrick. (November 12 - 13, 2025, and Exhibits 1 and 10, November 13, 2025)

Neal Capps, Gem County Gem County Road and Bridge Department Director, stated concerns haven not changed since email dated 11/13/2025. He strongly opposes approval due to traffic impacts, safety concerns, and increased demand on the road system. If approved, he recommends that the applicant shall 1) install narrow road signs on High Valley Road in Gem County, and 2) remove vegetation to improve sight distances from the County line to the National Forest Service boundary in Gem County. (January 4, 2026)

14. All Public comment received:

In Favor of Appeal (i.e., in favor of approval of SUB 25-018 - no comments

Opponents of Appeal of Denial of PZ Commission's Approval of Tripod View ((i.e., in opposition to approval of SUB 25-013) – See written comments and meeting minutes. Reasons Given Include:

- The area is remote with a lack of public services such as emergency services and trash facilities. Development should occur where infrastructure exists.
- Water and Wells

- Lack of water for domestic and fire suppression uses.
 - The impact on the nearby wells is a concern. The four closest wells produce 1, 1, and 3-gallons per minute. If new wells are drilled for the subdivision, would they find enough water?
 - Water table and availability of water is a concern; existing wells have low flow rates and run dry.
 - Applicant failed to demonstrate water availability or mitigate well impacts.
- Wildfire, Fire Suppression, and Emergency Services Response:
 - The site is not within a fire district.
 - Response from Sweet/Ola Volunteer Fire Department typically 45 minutes to one hour. Sheriff and EMT responses are similar.
 - The pond referenced during the public hearing on October 16, 2025, is not full of water year-round and would not suffice for fire suppression.
 - Gem County Fire District 2 lacks the manpower, equipment, and on-site water sources to effectively fight fires in this remote, dead-end location.
 - Fire mitigation measures are unsupported by available water resources, including irrigation of fuel break and continued livestock grazing.
- High Valley Road Concerns:
 - The increase of traffic on roads not well-maintained is a concern. Impacts were not satisfactorily addressed by applicant.
 - The road to Smith's Ferry is closed to vehicular traffic in the winter. From Ola, the road is in poor shape.
 - Increased dust and road wear due to increased traffic from residents, recreational traffic, and construction traffic.
- Environmental, Wildlife, and Waterfowl Concerns
 - The site provides wetlands and habitat for wildlife, sandhill cranes, and waterfowl.
 - No clear mitigation plan for the environmental and infrastructural impacts, counter to Valley County's stated goal of ensuring balanced and sustainable development.
 - Proposal fails to adequately evaluate impacts to wildlife habitat, seasonal water storage, or downstream water quality.
 - Concerns regarding additional septic systems near season creek(s).
- Gem County Related Issues:
 - Better communication between Valley County and Gem County is needed.
 - Increased population will burden Gem County which maintains part of High Valley Road, operates the at-capacity Ola Transfer Station, and provides the only accessible post office for residents six months of the year.
- Would negatively impact quality of life in High Valley.
- The [original] public hearing sign should have been more visible to High Valley residents.
- Not in harmony with the Comprehensive Plan or the general purpose of the mixed-use zoning ordinance.
- Parcels in High Valley should be larger, e.g. 40+acres.
- The project would change the character of the area, represents unsustainable growth, and exceeds the area's long-term carry capacity.
- There are five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these are developed, impacts and infrastructure demands will increase.
- PZ Commission decision is compliant with Idaho Code, Valley County Code, and Idaho case law.
- Conflicts cannot be mitigated based on information in the application, including vehicle use, fire response, and emergency services.
- Granting the C.U.P. would set a precedent in the area to allow overwhelming development

in an unsuitable portion of the County.

- CCRs can change and should not be used to mitigate impacts and risks.
- Adding new residents would place additional demands on already strained services and heighten safety risks.

- 1) Rich Summers, 9 Canteen CT, October 29, 2025; December 29, 2025
- 2) Kim Minter, owner of cabin in Marster's Subdivision, Exhibit 2 - November 13, 2025
- 3) Barbara McNeil and Harold Miller, cabin owners in High Valley, Exhibit 3 - November 13, 2025; January 5, 2026
- 4) Art Lee, 2 Lem Court, Exhibit 4 - November 13, 2025
- 5) E. Brian Allen, 175 Wilderness Lake RD, Exhibit 5 - November 13, 2025; January 5, 2026
- 6) Jennifer Hunn, Boise, Exhibit 6 - November 13, 2025; January 5, 2026
- 7) John Kinney, 141 Dry Buck RD and Boise, Exhibit 7 - November 13, 2025; January 5, 2026
- 8) John Green, 137 Dry Buck Road, Exhibit 8 - November 13, 2025; January 6 2026
- 9) Susan Brown, Boise and 137 Dry Buck Road, Exhibit 9 - November 13, 2025; December 26, 2025
- 10) Tom Love, 120 High Valley Road, November 13, 2025, and December 16, 2025
- 11) Jessie Perkins, 120 Wilderness Lake Road, November 13, 2025
- 12) Saul Monreal, Nampa and Dry Buck Road, November 13, 2025
- 13) Blane Wheatley, Meridian and 18 Woodall Lane, November 13, 2025, and December 19, 2025
- 14) Jeff Bayes, 13 Ranch Circle, November 13, 2025
- 15) Sam Penrod, 175 Lantern Way, November 13, 2025
- 16) Emily Wilson, November 26, 2025
- 17) Amber Summers, 9 Canteen CT, December 29, 2025
- 18) Allen Mardian, Boise, December 31, 2025
- 19) Mike and Jeanne O'Hara, 99 and 95 Ranch Circle, December 30, 2025.
- 20) Mark Andelin, High Valley property owner, January 3, 2026
- 21) Gillis Kinney, Boise, January 4, 2026
- 22) Jeff Currier, January 4, 2026
- 23) Robin and Sam Penrod, January 4, 2026
- 24) Jacob and Irene Westrick, Boise and 74 Park DR, January 5, 2026
- 25) Maxine R. Jeffs, 660 High Valley RD, January 5, 2026
- 26) Richard Flory, 661 High Valley RD, January 5, 2026
- 27) Brian R. Sheets, BRS Legal LLC, legal representation for Jennifer Hunn and Jonathan Kinney, January 5, 2026
- 28) Patricia Currier, January 5, 2026
- 29) Tom Weston, January 5, 2026
- 30) Mary Sheets, 140 Wilderness Ranch RD, January 5, 2026
- 31) Dylan L Roberts, January 5, 2026
- 32) Patty Roberts, January 5, 2026
- 33) Mike Larsen, 8 Creel CT, January 6, 2026

Other

- 1) Jennifer Hunn, adjacent landowner, spoke as undecided during testimony on October 16, 2025. Concerns include wildfire, water, and grazing rights.
- 2) Bill Gardiner, 7 Arrows Edge PL, High Valley Area, stated the applicant is a honest, sincere, and upstanding individual. (November 5, 2025)

15. 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.

B. Exemptions: Grading for bona fide agricultural activities, timber harvest, and similar permitted uses herein are exempt from this section.

C. Flood Prone Areas: Grading within flood prone areas is regulated by provisions of section 9-6-2 of this title and title 11 of this code. A permit, if required, shall be a part of the conditional use permit.

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:

F.

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.

-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 (20°) of right angles or radial to street lines.

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.

- 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.
 2. 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.
 3. 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.
 4. Cost: The cost and implementation of the plan preparation shall be the responsibility of the applicant.
 5. 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.

16. RECOMMENDATIONS / COMMENTS BY STAFF:

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.

- Valley County Code 9-5C-2.C states that frontage on a public or private road shall not be less than 30-ft for each lot. All lots appear to meet this minimum.
- The density of the subdivision is 0.26 units per acre. Maximum density allowed by Valley County Code is 2.5 units per acre.
- Approval of a variance will be required for cul-de-sac longer than 900-feet long (Valley County Code 10-4-4.F.6)
- The Declaration of Private Road would be required to permit the use by the owners of the adjacent properties to the south (current access is by easement).
- Road right-of-way would be dedicated to Valley County for Dry Buck Road.

Board of County Commissioner's Decision

- 1) 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)
- 2) **Formulate the reasoned decision and rationale for the finding as follows...**
 - I. List Issues
 - II. Develop Reasoned Statements on the issues.
 - III. Base decisions on evidence in the record.
 - IV. Base decisions on applicable ordinances, etc.
- 3) **Idaho Code 67-6519. APPLICATION GRANTING PROCESS.**
 - (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.**
- 4) **Facts and Conclusions** will be prepared for Board of County Commissioner's decision final decision for approval at a later date.

List of Attachments:

- 1) Appeal
 - Appeal letter received November 24, 2025.
- 2) Applicant's Submittals, Including Exhibits
 - Partial application submitted June 30, 2025.
 - A summary of the Neighborhood Meeting submitted August 14, 2025.
 - A letter dated August 21, 2025, requesting that the Fire Protection Plan be allowed to be submitted at a later date, prior to final plat recordation.
 - Applicant's letter dated November 5, 2025, responding to questions and concerns voiced by PZ Commissioners on October 16, 2025
 - Wildland Urban Interface Fire Protection Plan– submitted Oct. 12, 2025, and Nov. 5, 2025
- 3) PZ Commission
 - Proposed Conditions of Approval per motion made November 13, 2025
 - PZ Commission Facts and Conclusions
 - PZ Commission Minutes and Staff Reports – October 16, 2025, and November 13, 2025
- 4) Maps / Pictures
 - Location Map
 - Aerial Map
 - Wetland Map – USFWS Layer Valley County GIS Map
 - Google Maps – Aerial View - 2025
 - Google Map Street Images - 2024
 - Photos taken September 29, 2025; and December 28, 2025
 - Assessor Plat – T.10N R.2E Section 13
- 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) Memorandum of Understanding between Gem County and Valley County regarding snow removal on High Valley Road, April 2019
- 7) List of Exhibits
- 8) All Agency Responses, Including Exhibits
- 9) All Public Comments, Including Exhibits
- 10) Compatibility Rating
 - Blank Compatibility Rating with Instructions
 - Staff's Compatibility Rating

END OF STAFF REPORT



Abigail R. Germaine

251 E. Front St., Ste. 300, Boise, ID 83702
T: (208) 343-5454 | E: arg@elamburke.com
www.elamburke.com

November 24, 2025

VIA EMAIL:

commissioners@valleycountyid.gov
boakey@valleycountyid.gov
valleyclerk@valleycountyid.gov
cherrick@valleycountyid.gov
lhunter@valleycountyid.gov

Hard copy to follow:

Valley County Board of County Commissioners
c/o Brian Oakey, Chief Deputy Prosecutor
Valley County Clerk – Douglas A. Miller
219 North Main Street
PO Box 1350
Cascade, ID 83611

Re: Appeal to Board of County Commissioners
Steve Emerson/James Fronk Consulting LLC
SUB 25-18/CUP 25-23 Tripod View – Preliminary Plat

Dear Valley County Board of County Commissioners:

Thank you for your time and consideration of this matter. We represent Steve and Jonna Emerson, the property owner, and James Fronk Consulting LLC, the representative (“Applicant”) of this project. The Applicant is appealing the Valley County Planning and Zoning Commission decision from November 13, 2025 (“Commission”). The Commission considered SUB 25-18/CUP 25-23, Tripod View, for a preliminary plat and conditional use permit to build a 12-lot single family residential subdivision (“Applications”). On November 13, 2025, the Commission moved to approve the Applications, however after receiving a second to the motion, the motion failed to pass based on a 2-2 vote (“Decision”). The Commission has not yet issued its Findings of Fact, Conclusions of Law related to the Commission’s decision, and therefore we reserve the right to supplement this appeal with additional information and argument when said Decision is issued in writing. The Applicant respectfully requests that the Valley County Board of County

Commissioners (“Board”) reverse the decision by the Commission and approve the Applications based on the information in the record and provided below.

I. BACKGROUND

First, it is important to understand the nature of this development. This development is a small 12-lot single family residential subdivision located on 46 acres (“Project”) in High Valley. The lot sizes proposed range from 1.8 acres to 6.2 acres. The Project is located on property which current use is Single-Family Residential. The property owners, Steve and Jonna Emerson, intend to live on the property full time and continue agricultural and ranching operations on the property where appropriate. This Project will greatly improve the utilization of non-productive agricultural property, while preserving agricultural and ranching operations where feasible. The location of the proposed 12-lot subdivision is in an area of the property which will have the least impact to the overall ranching capacity of the land due to thinner graze for cattle, and timber density insufficient for routine harvest (“Property”). The Southeast portion of the ranch Property does have stock-water holding ponds and some trees which cattle tend to use for shade in the heat of summer. The design of the subdivision preserves the stock water ponds, grazing corridors commonly frequented by cattle as they graze toward the western portion of the Property, and preserves groupings of the commonly frequented shade trees. The open areas and moderate timber of the development areas are ideal for cabin sites and views of Tripod Mountain. In spite of the open areas within the subdivision, the topography is utilized to keep most of the homesites visually shielded from others. Additionally, the site is located such that most other residential lots in High Valley cannot see the site, thereby preserving the overall openness of the valley floor. Finally, the development location is the area of the ranch property that the previous owner(s) had already created 8 individual lots for dwellings by splitting parcels, therefore this conditional use will be consistent with prior use of this portion of the ranch Property. The remainder of the ranch has better overall grazing, timber with commercial value for routine thinning harvest, and the northern portion of the ranch having grass hay/pasture with irrigation rights.

In addition, the Applicant has elected to strategically place the residential development in a clustered area, so as to minimize impacts to adjacent property owners. Based on Valley County Code, the Applicant would be permitted to conduct various lot line adjustments and lot splits, to achieve creating additional lots for individual sale, without the subdivision or conditional use process. However, the Applicant is committed to minimizing impacts to adjacent property owners by strategically arranging the buildable lots in a manner that preserves agricultural uses and minimizes aesthetic impacts to neighboring lots. The clustered nature of the development is what has triggered the need for a subdivision and conditional use approval.

As way of background, the Applicant has worked diligently to develop an Application and Project which meets the criteria of Valley County Code and is in the best interest of the community and the adjacent property owners, while maintaining its private property rights to develop a portion of the property. Specifically, over the course of this application process, the Applicant has made every effort to accommodate the public and Valley County Staff’s requests on project specifics. Procedurally, the Applicant held a neighborhood meeting on July 24, 2025, to introduce the Applications to the community and to gather feedback from individuals to help inform the content and nature of the development. A public hearing on the Applications was initially held by the

Commission on October 16, 2025, which was then continued to November 13, 2025. Continuation of consideration of the Applications was requested to allow the Applicant to provide additional information regarding water wells, structural fire protection, and water sources for fire protection.

Following these public hearings, and based on feedback from Valley County Planning Staff (“Staff”), the Commission, and the community, the Applicant engaged numerous consultants and obtained additional information in an attempt at alleviating and mitigating the items and issues raised by staff, the surrounding neighbors, and the Commission. The Commission considered this new and additional information on November 13, 2025. Commissioner Mabe moved to approve the Applications and Commissioner Potter seconded the motion. Both Commissioners voted in favor of the motion, however, Commissioner Oyarzo and Chairman Roberts voted in opposition. Because only 4 Commissioners were present that evening, the motion to approve the Applications resulted in a tie and therefore the motion failed and the Applications were denied.

The Applicant requests the Board grant the Applicant’s appeal of the Commission’s decision and approve the Applications because the information in the record supports a finding that the proposed Project meets the required standards of approval for a conditional use and subdivision.

II. APPLICABLE STANDARDS AND REQUIREMENTS

a. Appeal Standards

The Applicant seeks to appeal the Decision of the Commission to the Board pursuant to Valley County Code Sections 10-2-5 and 9-5H-12, and Idaho Code Title 67, Chapter 65. Valley County Code 9-5H-12, related to conditional uses, provides that “any decision of the commission may be appealed to the board by the applicant, any aggrieved person or the administrator.” In addition, Valley County Code Section 10-2-5, related to subdivisions, states, “any person, firm or corporation may appeal in writing the decision of the commission relative to any matters hereunder decided to the board within ten (10) days from such decision, in accordance with the Valley County land use and development ordinance.”

Idaho Code 67-6535 of the Local Land Use Planning Act expressly provides that approval or denial of any application must be based upon standards and criteria which are set forth in the governing bodies’ ordinances. Specifically, Idaho Code § 67-6535(1) states that, “[t]he approval or denial of any application required or authorized pursuant to this chapter shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation of the county.” The language of the statute goes on to state that, “[w]henever the nature of any decision standard or criterion allows, the decision shall identify aspects of compliance or noncompliance with relevant approval standards and criteria in the written decision.” *Id.*

Failure to identify the nature of the compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for

invalidation of an approved permit or site-specific authorization, or denial of same, on appeal.

Idaho Code 67-6535(2)(a).

The Idaho Supreme Court on numerous occasions has stated that “failure to address compliance or noncompliance with express approval standards or relevant decision criteria is grounds for invalidating a governing authority’s decisions.” *North West Neighborhood Association v. City of Boise*, 535 P.3d 583 (2023). In *Jasso v. Camas County*, the Court determined that, “the reasoned statement must plainly state the resolution of factual disputes, identify the evidence supporting the factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest.” 151 Idaho 790, 794, 264 P.3d 897, 901 (2011).¹

Pursuant to Valley County Code Section 9-5H-12, the Board shall hold a public hearing on the Appeal and review the Commission’s “proceedings and decisions and may obtain additional information from the administrator, the applicant, the appellant, or the public. The board may sustain, deny, amend or modify the decision of the commission. The decision of the Board is final and need not be referred back to the commission; except the board may elect to refer the matter to the commission with specific instructions.”

The Applicant submits that the Decision by the Commission contains deficiencies that require the Board to reverse the denial of the Applications and the Board to approve the Applications. Specifically, the Commission’s Decision fails to consider the information contained in the record at the time of the Commission’s decision and fails to identify relevant contested facts to explain noncompliance with the applicable criteria, or how such facts could not be alleviated with certain conditions of approval.

b. *Applicable Code and Criteria*

The location of these Applications is within unincorporated Valley County and therefore Valley County Code applies. Valley County Code Section 9-5-2 outlines the criteria and standards

¹ In *Jasso*, the Court provided numerous examples of when statements issued by governing authorities were deemed deficient:

In *Crown Point Development, Inc. v. City of Sun Valley*, the purported findings of the city council were merely recitations of portions of the record, rather than determinations of the facts disputed by the parties. 144 Idaho 72, 77–78, 156 P.3d 573, 578–79 (2007). This Court found the “findings” to be inadequate. *Id.* In *Workman Family Partnership v. City of Twin Falls*, the city council’s factual findings explained that a rezone application was denied because the rezone imposed “[t]oo great a change,” would devalue nearby residential properties, and “would 10 violate the integrity of existing residential zoning districts.” 104 Idaho 32, 37, 655 P.2d 926, 931 (1982). We held that “[t]he reasons listed for the denial of the application … are basically conclusions. Nothing … reveals the underlying facts or policies that were considered by the Council. The reasons listed … provide very little insight into the Council’s decision.” 104 Idaho at 38, 655 P.2d at 932. In *Cooper v. Board of County Commissioners of Ada County*, the Court held that a board of county commissioners’ findings and conclusions, supplemented by a staff report that stated some of the shortcomings for which the application was denied, were inadequate where the board denied the application “because of items 1, 2, 3 and 4 and Agricultural Policies No. 4 and No. 5 and also because of the school district.” 101 Idaho 407, 408–09, 614 P.2d 947, 948–49 (1980).

that must be evaluated when reviewing an application for a conditional use such as this Project. Specifically, conditional uses should be allowed:

- 1) In areas and to standards that will increase the value of privately owned property;
- 2) Without undue adverse impact on the environment, adjoining properties, or governmental services; and
- 3) Where consistent with the Comprehensive Plan.

Valley County Code Section 9-5-2(C) specifically states, “[t]he interpretation of the standards and procedures herein shall be to encourage conditional uses, where in the opinion of the commission [or Board on appeal] noncompatible aspects can be satisfactorily mitigated through development agreements....” (emphasis added). The language of the code makes clear that conditional uses should be encouraged and that noncompatible aspects should be mitigated where appropriate.

III. BASIS FOR APPEAL – ANALYSIS OF APPLICABLE STANDARDS REQUIRES THE APPLICATIONS BE APPROVED

The Decision by the Commission to deny the Applications was a split decision and the Applications were ultimately denied because of a tie in the vote and a failure of the motion to approve the Applications. What this practically means is that 50% of the Commission found that the Applications met the criteria of Valley County Code and should be approved. What is at issue in this appeal is the 2 Commissioners who believed the Application did not meet the criteria, and their failure to provide a rational basis and reasoned statement for such belief.

As a housekeeping matter it appears that part of Steve Emerson's submittal materials was not included in the Commission packet. Mr. Emerson's November 5, 2025, application narrative was missing pages in the version submitted to the Commission. This narrative includes important information related to the nature of the development, the considerations and concessions being made, and the intended purpose of the development. We have included a full, complete version of this November 5th, 2025 submittal, here as Attachment A. It is unclear what effect this incomplete document had on the Commissioner's decision.

The Commission's verbal decision, and presumably the written decision, leaves ambiguity as to the basis of the denial. Because Idaho Code § 67-6535(2) requires a Commission's decision explain the basis for the denial and illustrate the supporting facts, because the decision fails to provide a “reasoned statement” based on the current “relevant contested facts”, the Applicant respectfully submits the appeal must be granted and the Applications approved.

The subject property of these Applications is located within unincorporated Valley County which consists of one mixed use zone that is a performance-based ordinance which promotes mitigation of impacts. What this means is that a conditional use should be permitted when impacts can be mitigated and mitigation of impacts should be favored. As noted previously, this residential subdivision is compatible with the current use of the property, Single Family Residential, and also serves to preserve agricultural use where feasible and viable. This Project is exactly what the

County contemplated when it designed its mixed use zone which promotes conditional uses which can be mitigated and help facilitate joint land use.

a. *Conditional Use Findings and Standards – Private Property Value*

It should be noted that Steve and Jonna Emerson only intend to subdivide 46 of the approximately 640 acres they own in High Valley. This decision is intentional and purposeful, and is being done to minimize development and preserve agricultural use and open space where possible.

The first criteria looked at in evaluating a conditional use as stated in Valley County Code 9-5-2(B)(3) is whether the application will result in an increase in value of private property. The answer to this is undoubtably yes. This Project will take unproductive, stagnant, agricultural land and provide residential housing in an environment that is well maintained with strict CC&Rs and maintenance requirements. In doing so, the Applicant will preserve the agricultural, grazing, and ranching opportunities which exist on the land adjacent to the Property which is prime for such use. Both of these aspects, the development of unproductive agricultural land, and the preservation of prime agricultural and ranching land, will drastically increase private property value not only for the Applicant but for adjacent property owners as well. The Commission did not disagree that this criteria had been met.

b. *Conditional Use Findings and Standards – Undue Adverse Impacts not Substantiated*

Valley County Code next considers whether increasing private property value will result in *undue* adverse impacts to the environment. The evaluation is not whether any adverse impact may result, but instead if such impact is undue and unreasonable considering the development. The Applicant has worked diligently to address concerns related to fire suppression and water supply, the two main issues the Commission raised.

Related to fire suppression, the Applicant has commissioned and presented a Wildland Urban Interface Fire Protection Plan. Included in this WUIFPP is reference to a pre-incident action plan that will be developed and instituted within the CC&Rs. Applicant will also construct a shaded fuel break at least 20-30 feet wide on both sides of Haven Ranch Road. In addition, all driveways will include a shaded fuel break on both sides to minimize fire risk. All lots will include a Firewise Defensible Space Zone, as specified in the WUIFPP. Furthermore, the CC&Rs will describe a long-term maintenance schedule that will sustain fuel treatment effectiveness.

The Commissioners discussed fire risk in their deliberation of approval of the Project. Two Commissioners acknowledged that many areas in Valley County are not within a fire district and that the Applicant has done an adequate job in addressing and mitigating risk. The Commissioners also discussed that many of these types of developments have fire risk and that purchasers do so at their own risk. The Decision does not specify how the other two Commissioners found that there was not adequate fire suppression. The general statement that “availability of water” is limited does not mean that fire suppression and mitigation cannot be achieved. The Commission’s

Decision does not provide a reasoned statement for the denial of the Application related to fire risk.

Turning to water supply, the record shows that there are multiple wells within the High Valley area that produce varying degrees of water volumes at varying depths. No evidence was produced that showed the Project would have any impact on existing wells. The Decision makes conclusory assertions that domestic water is limited and “building additional homes would be detrimental to the public health, safety, and welfare...” Absolutely no support for this assertion is provided. The Decision fails to articulate any basis for this assertion. The evidence in the record shows that there are numerous productive wells in the area.

Furthermore, Idaho has long relied on the doctrine of prior appropriation to address issues of water quantity within the State. One of the State’s most valuable resources, water has long been viewed as an important property right held by property owners within the State. In order to ensure that those who use and rely on individual water rights continue to be able to rely on and use said water rights, Idaho follows the principles of first in time, first in right. Should a junior water right impact a senior water right holder, said junior water right holder will be curtailed and prohibited from using water to the detriment of the senior water right holder. To the extent there are water quantity issues in High Valley, which no evidence has been presented that there is, the long established principles of water law appropriate will govern. All private property owners have the right to utilize their water rights to the extent such utilization does not harm senior right holders.

Regarding discussion and concerns from neighboring property owners, and the criteria of Valley County Code 9-5-2 which requires that the application not result in undue adverse impact to adjacent properties, the record indicates that this Project will not have an undue adverse impact on adjacent properties. The Applicant has been intentional in proposing this project in a manner that will have minimal impact on neighboring property owners. The Applicant has consciously chosen an area for the Project which is intended to minimize visual impacts to adjacent property owners. As mentioned, the Applicant could develop many portions of its property, but has elected to place the development in an area that utilizes the topography of the site to minimize visual impacts to neighbors. In addition, the conditions of approval that were contemplated with the potential approval of these Applications would benefit the adjacent properties. The Applicant is more than willing to consider proportionate share agreements with other users of High Valley Road for needed improvements to High Valley Road. Furthermore, the Applicant will require that the CC&Rs mandate future owners join any volunteer fire district that is created in High Valley. Likewise, the Applicant will require fire resistant materials and design within the CC&Rs for homes built within the Project. The Commissioners cited no evidence or support for how this project would negatively impact adjacent property owners. Instead, broad statements of general concerns for water quantity and fire risk were asserted. This is not enough to be a basis for denial, especially given the lack of supporting evidence related to these concerns.

Lastly there were questions raised regarding the nature of the condition of High Valley Road which would serve the Project, as it relates to the impact on governmental services. Gem County provided comments regarding the *current* condition of High Valley Road. Several Commissioners acknowledged the poor existing condition of High Valley Road, but acknowledged that the condition of High Valley Road was largely due to logging and other heavy equipment

trucks that utilize that road, not residential traffic. In addition, there are approximately 200 residences in the High Valley area that utilize this road. The impact of 12 additional lots will be de minimis at most. Nonetheless, the Applicant was more than willing to proportionately contribute to the improvement of High Valley Road for the betterment of the entire High Valley community.

The Decision of the Commission makes the general claim that the impacts of this Project cannot be mitigated. However, the two Commissioners opposing the Applications failed to provide the “reasoned statement” and “evidence supporting the factual determination” on why they believed the Application did not meet the criteria of Valley County Code 9-5-2 as required by *Jasso v. Camas County*.

As discussed, and illustrated above, the Applicant has met the standards of the conditional use requested in these Applications, and to the extent there are additional requirements or requests to mitigate adverse impacts, those should be included as conditions of approval, not a basis for denial. The Applications must be approved. In summary, the proposed Applications are in conformance with the applicable standards of approval and the comprehensive plan.

IV. SUPPLEMENTAL INFORMATION

In support of the Applications, the Applicant originally submitted the following documents and materials:

- a. Wildland Urban Interface Fire Protection Plan – All About Forestry, John Lillehaug.
- b. Well Map of High Valley adjacent to Tripod View Subdivision.
- c. Incomplete supporting Narrative from Applicant – November 5, 2025, Steve and Jonna Emerson (the document included in the packet was missing pages and not complete).

Based on the Commission’s Decision and the deliberation that occurred, the Applicant respectfully highlights certain previously submitted materials and also submits this additional information in support of the standards of approval discussed above:

- a. Attachment A – Complete supporting Narrative from Applicant – November 5, 2025, Steve and Jonna Emerson.
- b. Attachment B – November 23, 2025, Letter of Support from Michael Bechtold.
- c. Attachment C – November 23, 2025, Letter of Support from Michelle Bechtold.

V. CONCLUSION

The Applicant respectfully requests that based on the information provided in the record, and the lack of evidence supporting the Commission’s Decision, the Board grant the Applicant’s appeal and approve the Applications for the conditional use and subdivision of Tripod View Subdivision. As mentioned previously, because the Commission has not yet issued its Findings of Fact, Conclusions of Law, we reserve the right to supplement this appeal with additional argument

Valley County Board of County Commissioners
November 24, 2025
Page 9

to address any information contained in the Findings of Fact, Conclusions of Law, which is not yet addressed in this appeal.

Sincerely,

ELAM & BURKE
A Professional Association



Abigail R. Germaine

ARG/mse
Attachments

Exhibit A

November 5, 2025

Valley County Planning and Zoning
Cynda Herrick, AICP, CFM
Planning and Zoning Director
PO Box 1350
219 North Main Street
Cascade, ID 83611-1350

RE: SUB 25-018 Tripod View – Preliminary Plat

To: Valley County Planning & Zoning Commission and Staff:

Thank you for considering my application for subdividing a small portion of the land that I acquired in early 2024, located in High Valley Idaho. Given the time constraints of a public hearing, I don't feel I was able to adequately address the commission with a proper introduction of my wife Jonna and myself, and our long-term vision for living on and actively "working" our ranch property. And, given that there has been considerable misinformation sharing in social media about who we are and our plans, I am providing the following written statement and background information in attempt to give you better understanding and context to who we are and the purpose of the proposed project.

Personal Introduction:

My personal background is one of a very rural/agricultural upbringing. My entire youth was spent on a dry-land wheat farm and cattle ranch located in the very SE corner of Washington State (Garfield and Columbia Counties). I learned to drive a vehicle at age 5, drove myself the two miles of dirt lane to a gravel county road for school bus pickup beginning in 3rd grade, leaving the car at the end of the road so my brothers and I could drive ourselves home after the 1 hour and 45-minute school bus ride back to the ranch. I learned to operate heavy farm equipment at a young age and grew up active in 4-H and FFA raising registered Yorkshire hogs and Angus/Hereford cross cattle. While High Valley is remote, our neighbors in High Valley are much closer than the farm I grew up on, and the multiple existing subdivisions in High Valley are about 17 miles closer to us than the closest "neighborhood" I experienced as a youth. We snow plowed and maintained our own roads, experienced frequent power outages, lived with a "party line" phone, and missed school every winter due to snow and/or spring thaw (mud). Family Friday night pizza for us was more than an hour drive each way! I love living in a rural setting but was not afforded that opportunity. So off to college I went to study business and accounting at Northwest Nazarene University (college at the time) where I worked and supported myself through college.

I have been married for more than 30 years to my lovely wife, Jonna. We have 4 amazing children, and one grandchild. For the past 30 years, Jonna and I have worked very hard and lived conservatively in hope that we could find and afford a rural ranch/legacy property to acquire, live on, and share with our kids and grandkids. In 2023, we found the property we now own. After much thought, prayer, and due diligence (including multiple visits with Valley County Planning and Zoning Staff to discuss future

development ideas), we agreed to purchase with a long-term plan of this development to raise extra funds necessary to steward a property.

The Why:

Successful completion of this subdivision is a means to an end for us with the end being to preserve and keep intact the major components of a legacy ranch property. While I was not afforded the opportunity to purchase the entire original ranch due to the prior owners creating 8 parcels consisting of more acreage than we are proposing to utilize in this subdivision, there remains a potential meaningful agricultural value in what we purchased. However, there are significant infrastructure deficiencies, and what is there is dilapidated and needs repair or replaced. Efforts to restore the ranch to its potential will take time and substantial investment. It is our hope that we can find an economically feasible way for the proposed project to move forward in effort to raise additional capital for funding of our ranching aspirations. Success in the end will be measured upon being able to enhance the capabilities of the overall ranch, and when I am gone, leave the land to the next generation in better shape than I received it.

The Plan:

The development site being proposed was very intentionally selected for multiple reasons. First, it is the area of the ranch that is near a road, but least visible to the main valley floor, thereby having the least impact visually to the aesthetics of High Valley. Second, it is the area of the property which I perceive to have the smallest impact to the overall ranching capacity of the property due to thinner graze for cattle, and timber density insufficient for routine harvest. Third, it is the area of the property that the previous owner(s) had already created 8 individual lots for dwellings by splitting parcels, so this activity is consistent with prior use of this portion of the ranch property.

Initially, the plan was to develop fewer and larger lots in this area, but after consultation with the Valley County Planning and Zoning staff, I was encouraged to develop smaller lots that are consistent with the application you have before you.

Process:

As I remain full time employed with one child still at home and not yet launched into adult life, I do not have the time or expertise to expeditiously shepherd a project of this nature to a successful outcome, so I began searching for a professional consultant and upon recommendation/reference, I engaged Jim Fronk to assist.

Jim Fronk has provided valuable counsel regarding lot configuration, road design, etc. Jim also was engaged to send invitations out to the neighbors for a “neighborhood meeting” this summer, in attempt to make neighbors aware of the plan and answer questions. Jonna and I attended this meeting which occurred on July 24, 2025.

John Lillehaug was engaged to develop a fire mitigation plan, which you have been provided a copy and John will be providing comment regarding his work at our meeting next week. I have relied heavily upon these two consultants, along with guidance from Valley County Staff to complete our communications, planning, application, and now response to the discussion from the October meeting.

Response to questions from the October Meeting:

Concerns identified in our October meeting included cattle grazing, fire mitigation, and well water. I will attempt to respond to each of these issues separately.

• **Cattle Grazing:**

- This one is difficult to respond to based on the comments made in opposition at the October public hearing. However, I suspect the concern is centered in the neighbors to my south historically enjoying having the cattle from my property graze upon their property. One landowner has their property fenced, so the cattle do not graze there, but other properties do not, and the owners have expressed their desire for that to continue. If a subdivision is placed between their property and the remainder of the ranch, it will be more difficult for this practice to continue.
- It should be noted that in the fire mitigation plan, cattle grazing is referenced as a planned continued activity within the subdivision until individual lots are sold, and then it would be up to end owner to place fencing if desired.

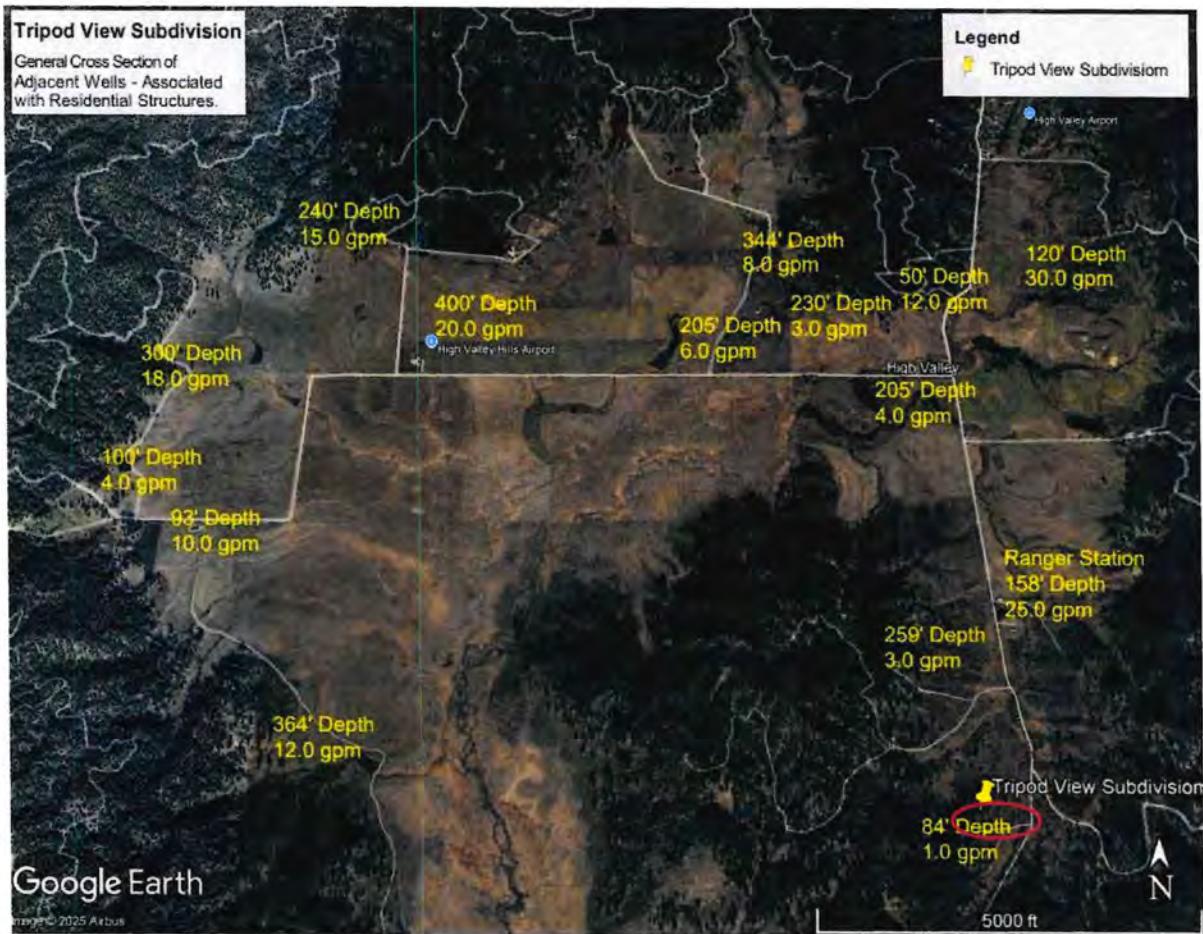
• **Ground Water:**

- What water is available underground cannot be known for certain, but the following report gives some indication of what is available in the area. Generally, well logs indicate a minor water source at shallow depths, and better water in the 300-400 foot range.
- A sample well log map shows low water flow in a 84 foot well directly adjacent to the proposed development, and good water just down the road at the ranger station at 158 foot depth.
- **Please see the Tripod View - Adjacent Wells attachment. This attachment is a general cross section of some of the adjacent wells to the Tripod View Subdivision that are listed on IDWR well location map web site. The attachment only includes some wells that can be associated with residential structures, this attachment also includes the Bunk Houses at the U.S. Forest Service Ranger Station. The purpose of the Adjacent Wells attachment is to give a general cross section look at the viable wells located in the High Valley area with associated well depths and production rates.**

In addition the Adjacent Wells the attachment helps also show the many water sources for Wildfire Protection as stated in the Wiland Urban Interface Fire Protection Plan Authored by John Lillehaug (Helicopter and Equipment draft sites).

Thank you,

**Jim Fronk
James Fronk Consulting, LLC.
208 634 8093**



- **Fire Hazard:**
 - Please see attached Fire Mitigation Plan from John Lillehaug who will be present at the meeting to provide further context.
 - Wildfire and Structure Fire is a real concern for everyone, including for my neighboring ranch. Both can be mitigated, and neither eliminated. In effort to address this risk, I have supplied a report from John Lillehaug which contains a fire mitigation plan. It is both John and my recommendation that our efforts are focused on mitigations that are of immediate and persistent value. These would include reduction of fuel loads and creation of defensible spaces (see John's report), along with CC&R's which address construction materials, defensible spaces, and potential structure fire suppression tools.
 - By addressing fuel loading and building materials type, we can mitigate risk. Planned CC&R's can direct these activities, and Valley County can help enforce through the building permitting process.

- It is noteworthy that Cascade Fire District and the Ola Fire Station do not include High Valley in their area, which negates the value of any infrastructure for trucks to utilize.

Concerns about process expressed publicly since the October meeting:

- **Neighbor communication**
 - Consultant Jim Fronk was engaged to notify neighboring property owners, and a meeting was held on July 24. Both Jonna and I attended the meeting.
- **Public Notice Signage**
 - Concerns have been raised that I placed the sign in a location to hide the planned development and that the development would occur in a different, more prominent location (High Valley Road)
 - Placement of public notice signs are the responsibility of the County Planning and Zoning, not the developer. I am not an expert on the signage laws, but the sign appears properly placed on the proposed site.
- **Concern about subdivision location**
 - Some confusion seems to be prevalent about the location of the subdivision. The application and Valley County Planning & Zoning staff reports are very clear of the location, which is on the SE corner of our property, approximately 1.4 miles south of the High Valley Rd/Dry Buck Rd intersection.
- **Character**
 - Given some fairly significant and slanderous attempts to impugn character, I have attached a character reference from a respected neighbor in High Valley, Bill Gardiner.

Thank you again for your consideration.

Respectfully,



Steven and Jonna Emerson

Enc. Fire Plan
 Water Map
 Character Reference

Bill Gardiner
High Valley Resident
7 Arrows Edge Pl
Cascade, ID 83611

October 30, 2025

Valley County Planning and Zoning Commission
219 N. Main Street
Cascade, ID 83611

Dear Members of the Valley County Planning and Zoning Commission,

I am writing in support of Mr. Steven Emerson. I have known Steve for several years and have always found him to be an honest, sincere, and upstanding individual.

Steve is a God-fearing man who consistently demonstrates integrity in both his personal and professional life. He coached my children in basketball for several seasons, and through that experience, I witnessed firsthand his patience, fairness, and genuine care for the young people he worked with. He has always treated others with kindness and respect, earning the trust and admiration of those around him.

In every interaction I've had with Steve, he has conducted himself with honesty and a strong moral compass. Regardless of your decision involving his property in High Valley, please know that you are dealing with an honest and good man.

Respectfully,



Bill Gardiner

Exhibit B

Valley County Commissioners

23 Nov 2025

I am Michael Becktold 22 Dry Buck Rd
my wife Michelle is putting my thoughts
on papers for me.

I have lived in High Valley since
1968 since that time I have seen
many changes ranch land turning
into subdivisions. Our suggest
change has been population more
people and vehicles year round.
I was one of the few people
that took time to, Steve Emerson and
learn of his plans to bring the
ranch back into full working condition.
Connie Baker and Roger Beal are my
cousins I was growing up always
close to them. We often helped each
other on the ranches when needed.
Back then that is how things worked
in our small community.

Steve looked at both parcels
of land for sale. Connie's parcel
was landlocked at the time.
Connie and Roger asked him to
buy both parcels.

That took allot of time and work on Steve's part. Connie spoke of how long it was taking. Steve finally got things worked out he met with Connie let her know he would need to sell some small lots.

Connie and Roger agreed with Steve selling small lots if that was the only way to keep the one parcel from being landlocked.

I'm look forward to seeing and helping Steve with his plans in the future.

Thank you,
Mark Dosthul

Exhibit C

Valley County Commissioners

23 Nov. 2025

In concern to: Subdivision Dry Buck Rd
High Valley (Cascade, ID) Steve Emerson

My name is Michelle Becktold
22 Dry Buck Rd

Michael Becktold and I have known
that subdividing the land was going to take
place before the land sale was even
completed.

Please let me explain. I have
known Aunt Connie (Connie Baker) of
going on 17 years since I met my husband.
In that time we have laughed, cried
and talked of many things. One talk
was the sale of the island (Beal Ranch),
We explained to Connie that Valley
County would no longer allow the
sale of landlocked land she was
upset. It seemed like forever after
that Connie would complain about
Heather, or Heather would complain
about Connie over a road that ^m

Heather would not make public so
Connie could sale her land.
Connie finally stopped by saying
she had sold both her and Roger's
land to the same guy Steve Emerson.
Connie started at that time
Steve would have to subdivide
some of the land to help with payments
but he would be farming the largest
part of the ranch.

Sometime passed Connie and
Heather stopped to see if we could
help load some of Heather's stuff
into a trailer. Connie said Steve
had bought out Heather's larger piece
of land, so he would have to
sale more lots then he originally
planned.

I tell you this because I
don't believe that the island
was bought as part of a land grab.
I believe Steve Emerson bought it
as a work ranch with a
small subdivision on the far side.

Although I have not known Steve Emerson long I have quietly watched him worked the Ranch land taking the time to ensure that it will come back strong and healthy the way it was when young Roger Beal worked it.

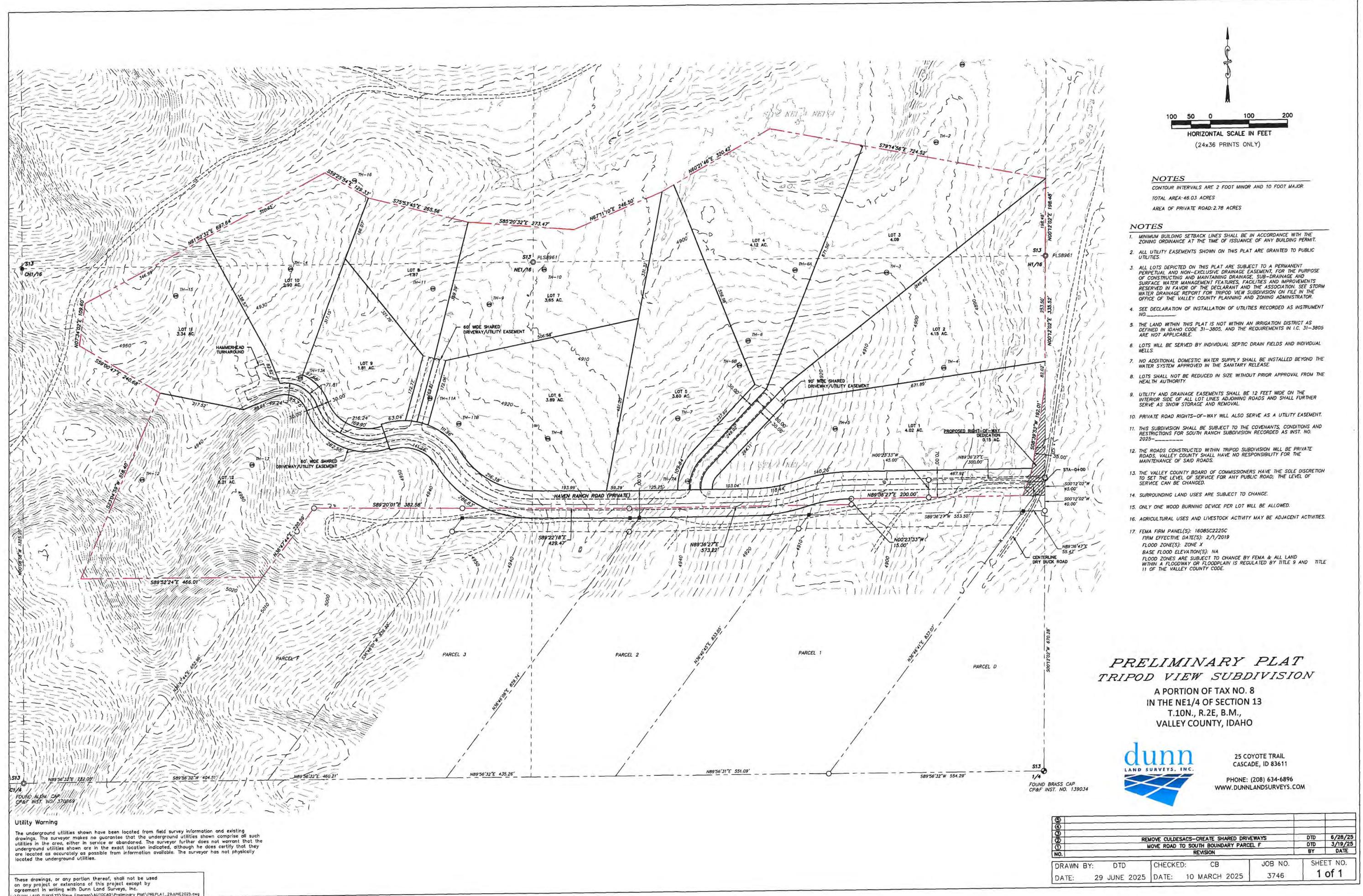
The few conversations we have had have been about family and his hopes, dreams not only for his family's future but for the growth and future of the community within High Valley.

I talked to Steve a few days after the meeting on Nov. 13th. What I heard in his voice was not his usual upbeat nature but that of a lost even a hurt man. A man understanding now or why a community he has chosen to live the American dream is not only rejecting him but some are judging him without even getting to talk to him or know him and his family.

Steve is a good honest man and wants to live out his life

ranching and loving his family
within a community he can make
a difference. I believe High Valley
is that community

Thank you
Mark



June 27, 2025

[Preliminary Plat - Tripod View Subdivision - Narrative](#)

Tripod View Subdivision Description

The Preliminary Plat – Tripod View Subdivision consists of twelve (12) Single Family Lots. The Tripod View Subdivision Preliminary Plat is planned to be constructed in a single phase.

The Tripod View Subdivision will consist of the construction of one (1) Standard Private Road (+/- 1500 lf.) with a fire turnaround constructed to meet Valley County Road Standards. The Subdivision has three (3) private shared driveways. Two of the shared driveways have three (3) lots that access them. The applicant is requesting a variance for the road length of the Private Road "Haven Ranch Road" to +/- 1500 lf. Additionally, a variance is required for the two shared drives, each providing access to three lots.

The Tripod View Subdivision discussions have taken place with the Cascade Rural Fire District on fire requirements. Valley Countywide EMS District provides EMS/Rescue support to the High Valley Area only (see attached email memo).

The HOA and CC&Rs are being finalized for submission to the Valley County P&Z Department for review.

The Wildland Urban Interface Fire Protection Plan is in the process of completion by the consultant with All About Forestry who has been on the property site.

Final Engineering for the Road Plan is underway and will be submitted to the Valley County Engineer for review and approval.

The CDHD application is submitted, and staff are scheduled to visit the site to identify proposed septic systems for the project. Septic Engineering Report (SER) will be prepared for the final designated septic systems.

Valley County Planning and Zoning Department

219 N. Main
PO Box 1350
Cascade, ID 83611
www.co.valley.id.us
cherrick@co.valley.id.us
208-382-7115



Subdivision Application

Includes Conditional Use Permit

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT		<input type="checkbox"/> Check # _____ or <input type="checkbox"/> Cash or <input type="checkbox"/> Card
FILE # SUB 25-018 Tripod View		FEE \$ <u>\$600</u>
ACCEPTED BY _____		DEPOSIT <u>\$1000</u>
CROSS REFERENCE FILE(S): _____		DATE <u>6-30-2025</u>
<input type="checkbox"/> ADMINISTRATIVE PLAT		COMMENTS: <u>12 SF Residential Lots</u>
<input type="checkbox"/> SHORT PLAT		_____
<input checked="" type="checkbox"/> FULL PLAT		_____

When an application has been submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as complete.

Applicant's Signature: Date: 6-30-25

The following must be completed and submitted with the conditional use permit application:

- Neighborhood Meeting Information and results if 5 or more lots. VCC 9-5H-1.D**
- A preliminary plat containing all of the necessary requirements according to the Valley County Subdivision Regulations, Title 10.**
- A phasing plan and construction timeline.**
- One 8½ x 11" – 300 scale drawing of the proposed subdivision showing only the street names and lots.**
- A plot plan, drawn to scale, showing existing utilities, streets, easements, ditches, and buildings.**
- A landscaping plan, drawn to scale, showing elements such as trees, shrubs, ground covers, and vines. Include a plant list, indicating the size, quantity, location, and name (both botanical and common) of all plant material to be used.**
- A site grading plan clearly showing the existing site topography and detailing the best management practices for surface water management, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development.**
- A lighting plan.**
- A Wildfire Mitigation Plan.**
- Names and mailing addresses of property owners within 300 feet of the property boundary. Information can be obtained through the Valley County GIS maps. Only one list is required.**
- Ten (10) copies of the application and additional materials are required.**

We recommend you review Title 9 and Title 10 of the Valley County Code online at
www.co.valley.id.us/planning-zoning or
at the Planning and Zoning Office, 219 North Main, Cascade, Idaho.

Subject to Idaho Statute 55-22 Underground Facilities Damage Prevention.

CONTACT INFORMATION

PROPOSED SUBDIVISION NAME: Tripod View Subdivision

APPLICANT Steven Emerson PHONE XXXXXXXXXX
 Owner Option Holder Contract Holder
MAILING ADDRESS 10016 W. Broadford Drive Star, ID ZIP 83611
EMAIL XXXXXXXXXX

PROPERTY OWNER _____
(if not the applicant)
MAILING ADDRESS _____ **ZIP** _____
EMAIL _____

Nature of Owner's Interest in this Development? Owner of the Land

AGENT / REPRESENTATIVE James Fronk Consulting, LLC. PHONE 208 634 8093
MAILING ADDRESS P.O. Box 576 McCall, ID ZIP 83638

ENGINEER Manning Civil Consulting Engineers
MAILING ADDRESS 2976 E. State St. Suite 120-435 ZIP 83616

SURVEYOR Dunn Land Surveys, Inc. **MAILING ADDRESS** 25 Coyote Trail, Cascade, Idaho **ZIP** 83611
EMAIL Dan@dunplandsurveys.com **PHONE** 208 634 6896

PROPERTY INFORMATION

1. SIZE OF PROPERTY 46.03 Acres
2. AMOUNT OF ACREAGE OF ADJACENT LAND HELD BY THIS OWNER Large Cattle Ranch Acres
3. ANY RESTRICTIONS ON THIS PROPERTY? Must show all easements on plat.

Easements None

Deed Restrictions NA

Liens or encumbrances None

4 LEGAL DESCRIPTION A PORTION OF TAX NO.8 IN THE N.E.1/4 OF SECTION 13

5. TAX PARCEL NUMBER(S) _____

Quarter NE 1/4 Section 13 Township T.10N. Range 2E

6. EXISTING LAND USES AND STRUCTURES ON THE PROPERTY:

None

7. ARE THERE ANY KNOWN HAZARDS ON OR NEAR THE PROPERTY (such as canals, hazardous material spills, soil or water contamination)? If so, describe and give location: None

8. ADJACENT PROPERTIES HAVE THE FOLLOWING BUILDING TYPES AND/OR USES:

North Cattle Ranching

South Cattle Ranching - small residential subdivision

East Cattle Ranching

West Cattle Ranching

9a. TYPE OF TERRAIN: Mountainous Rolling Flat Timbered

9b. DOES ANY PORTION OF THIS PARCEL HAVE SLOPES IN EXCESS OF 15%? Yes No

9c. DESCRIBE ANY SIGNIFICANT NATURAL RESOURCES SUCH AS ROCK OUTCROPPING, MARSHES, WOODED AREAS: Two small no name intermittent streams with small adjacent wetland on stream edges.
The proposed subdivision does not impact this resources.

10a. WATER COURSE: Two small no name intermittent streams with small adjacent wetland on stream edges.

10b. IS ANY PORTION OF THE PROPERTY LOCATED IN A FLOODWAY OR 100-YR FLOODPLAIN?
(Information can be obtained from the Planning & Zoning Office) Yes No

10c. ARE THERE WETLANDS LOCATED ON ANY PORTION OF THE PROPERTY? Yes No

10d. WILL ANY PART OF THE PROPERTY BE SUBJECT TO INUNDATION FROM STORMWATER OVERFLOW OR SPRING MELTING RUN-OFF? None

11a. NUMBER OF EXISTING ROADS: one (1) Width 18 ft. Public Private

Are the existing road surfaces paved or graveled? Gravel Paved Slightly graveled

11b. NUMBER OF PROPOSED ROADS: one (1) Proposed width: 24 ft.
Will the proposed roads be Public Private

Proposed road construction: Gravel Paved

12a. EXISTING UTILITIES ON THE PROPERTY ARE AS FOLLOWS: None

12b. PROPOSED UTILITIES: Power - Phone and Fiber conduit.

Proposed utility easement width 12 ft. Locations Along private road.

13. SOLID WASTE DISPOSAL METHOD: Individual Septic Central Sewage Treatment Facility

14. POTABLE WATER SOURCE: Public Water Association Individual
If individual, has a test well been drilled? _____ Depth _____ Flow _____ Purity Verified? _____
Nearest adjacent well _____ Depth _____ Flow _____

15. ARE THERE ANY EXISTING IRRIGATION SYSTEMS? Yes No
Are you proposing any alterations, improvements, extensions or new construction? Yes No
If yes, explain: _____

16. DRAINAGE (Proposed method of on-site retention): Retention road swales.
Any special drains? No (Please attach map)
Soil type(s): Swede silt loam 2 to 12 percent.
(Information can be obtained from the Natural Resource Conservation Service: websoilsurvey.nrcs.usda.gov)

17. WILL STREETS AND OTHER REQUIRED IMPROVEMENTS BE CONSTRUCTED PRIOR TO THE RECORDING OF THE FINAL PLAT? It is anticipated to be complete.
If not, indicate the type of surety that will be put up to ensure the construction of the improvements within one (1) year from the date of filing the plat: Escrow

18. OUTLINE OF PROPOSED RESTRICTIVE COVENANTS:
Setbacks: Front _____ feet Sides _____ feet Rear _____ feet
Mobile homes allowed? Yes No
Minimum construction value _____ Minimum square footage _____
Completion of construction required within _____ Days Months Years
Resubdivision permitted? Yes No
Other The CC&R's are being completed.

19. LAND PROGRAM:
Open Areas and/or Common Areas Yes No
Acreage in subdivision 46.03 ac. Number of lots in subdivision 12
Typical width and depth of lots 400'w - 500'd
Typical lot area 4.0 ac. Minimum lot area 1.81 ac. Maximum lot area 6.21 ac.
Lineal footage of streets +/- 1500 lf. Average street length per lot 125 lf.
Percentage of area in streets 2.78 %
Dedicating road right-of-way to Valley County? Yes No
Percentage of area of development to be public (including easements) None %
Maximum street gradient 8 percent
Is subdivision to be completely developed at one time? Yes No - Attach phasing plan and timeline.

20. COMPLETE ATTACHED PLAN FOR IRRIGATION if you have water rights &/or are in an irrigation district.
Submit letter from Irrigation District, if applicable.

21. COMPLETE ATTACHED WEED CONTROL AGREEMENT.

22. COMPLETE ATTACHED IMPACT REPORT. It must address potential environmental, economic, and social impacts and how these impacts are to be minimized.

Irrigation Plan

(Idaho Code 31-3805)

This land: Has water rights available to it
 Is dry and has no water rights available to it.

Idaho Code 31-3805 states that when all or part of a subdivision is "located within the boundaries of an existing irrigation district or canal company, ditch association, or like irrigation water deliver entity ... no subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land will be accepted, approved, and recorded unless:"

- A. The appropriate water rights and assessment of those water rights have been transferred from said lands or excluded from an irrigation entity by the owner; or
- B. The owner filing the subdivision plat or amendment to a subdivision plat or map has provided for the division of land of underground tile or conduit for lots of one acre or less or a suitable system for lots of more than one acre which will deliver water to those landowners within the subdivision who are also within the irrigation entity with the appropriate approvals:
 1. For proposed subdivisions located within an area of city impact, both city and county zoning authorities must approve such irrigation system.
 2. For proposed subdivisions outside of negotiated areas of city impact, the delivery system must be approved by the Planning and Zoning Commission and the Board of County Commissioners with the advice of the irrigation entity charged with the delivery of water to said lands (e.g., irrigation district).

To better understand your irrigation request, we need to ask you a few questions. Additional pages can be added. A list of the map requirements follows the short questionnaire. **Any missing information may result in the delay of your request before the Planning and Zoning Commission and ultimately the approval of your irrigation plan by the Board of County Commissioners as part of final plat approval.**

1. Are you within an area of negotiated City Impact? Yes No

2. What is the name of the irrigation district/company and drainage entities servicing the property?

Irrigation: NA

Drainage: NA

3. How many acres is the property being subdivided?

4. What percentage of this property has water?

5. How many inches of water are available to the property?

6. How is the land currently irrigated? surface sprinkler irrigation well
 above ground pipe underground pipe

7. How is the land to be irrigated after it is subdivided? surface sprinkler irrigation well
 above ground pipe underground pipe

8. Describe how the head gate/pump connects to the canal and irrigated land and where ditches &/or pipes go.

9. Is there an irrigation easement(s) on the property? Yes No

10. How do you plan to retain storm and excess water on each lot? N/A

11. How do you plan to process this storm water and/or excess irrigation water prior to it entering the established drainage system? (i.e. oil, grease, contaminated aggregates)
N/A

Irrigation Plan Map Requirements

The irrigation plan must be on a scalable map and show all of the irrigation system including all supply and drainage structures and easements. Please include the following information on your map:

- All canals, ditches, and laterals with their respective names.
- Head gate location and/or point of delivery of water to the property by the irrigation entity.
- Pipe location and sizes, if any
- Rise locations and types, if any.
- Easements of all private ditches that supply adjacent properties (i.e. supply ditches and drainage ways).
- Slope of the property in various locations.
- Direction of water flow (use short arrows on your map to indicate water flow direction →).
- Direction of wastewater flow (use long arrows on your map to indicate wastewater direction →).
- Location of drainage ponds or swales, if any where wastewater will be retained on property
- Other information: _____

Also, provide the following documentation:

- Legal description of the property.
- Proof of ownership.
- A written response from the irrigation entity and/or proof of agency notification.
- Copy of any water users' association agreement which shows water schedules and maintenance responsibilities.
- Copy of all new easements ready for recording (irrigation supply and drainage).
- If you are in a city area of impact, please include a copy of the approvals by the city planning and zoning commission and city council of your irrigation plan.

=====Applicant Acknowledgement=====

I, the undersigned, agree that prior to the Planning and Zoning Department accepting this application, I am responsible to have all the required information and site plans.

I further acknowledge that the irrigation system, as approved by the Planning and Zoning Commission and ultimately the Board of County Commissioners, must be bonded and/or installed prior to the recording of the plat or building permit.

Signed: Steven Emerson
Applicant Steven Emerson

Date: 06/30/25



VALLEY COUNTY

WEED CONTROL AGREEMENT

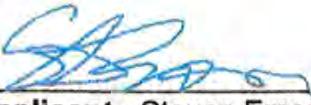
It shall be the duty and responsibility of all landowners to control noxious weeds on their land and property, in accordance with Idaho Statute 22-2407.

The purpose of this agreement is to establish a cooperative relationship between Valley County and the undersigned Cooperator to protect the natural and economic values in the Upper Payette River watershed from damages related to the invasion and expansion of infestations of noxious weeds and invasive plants. This is a cooperative effort to prevent, eradicate, contain and control noxious weeds and invasive plants on public and private lands in this area. Factors related to the spread of weeds are not related to ownership nor controllable at agency boundaries. This agreement formalizes the cooperative strategy for management of these weeds addressed in Valley County's Integrated Weed Management Plan.

In this continuing effort to control Noxious Weeds, Valley County Weed Control will consult with the undersigned Cooperator and outline weed identification techniques, present optional control methods and recommend proper land management practices.

The undersigned Cooperator acknowledges that he/she is aware of any potential or real noxious weed problems on his/her private property and agrees to control said weeds in a timely manner using proper land management principles.

Valley County Weed Department can be contacted at 208-382-7199.

By: 
Applicant - Steven Emerson

By: Valley County Weed Supervisor

Date: 06/30/25

IMPACT REPORT (from Valley County Code 9-5-3-D)

You may add information to the blanks below or attach additional sheets.

- ❖ An impact report shall be required for all proposed Conditional Uses.
- ❖ Thoroughly answer all questions. Mark N/A if the question is not applicable to your application.
- ❖ The impact report shall address potential environmental, economic, and social impacts and how these impacts are to be minimized as follows:

1. Traffic volume, character, and patterns including adequacy of existing or proposed street width, surfacing, alignment, gradient, and traffic control features or devices, and maintenance. Contrast existing with the changes the proposal will bring during construction and after completion, build-out, or full occupancy of the proposed development. Include pedestrian, bicycle, auto, and truck traffic.

The project proposes Twelve (12) residential lots. It is expected that traffic on High Valley and the surrounding roads will remain stable or see a minimal increase.

2. Provision for the mitigation of impacts on housing affordability.

NA

3. Noise and vibration levels that exist and compare to those that will be added during construction, normal activities, and special activities. Include indoor and outdoor, day and night variations.

The construction of the subdivision road and the twelve (12) residential buildings will result in a temporary increase in noise due to the development activities. Construction shall be during daylight hours only and will comply with the noise and vibration levels set forth in the VALLEY COUNTY LAND USE AND DEVELOPMENT ORDINANCE. No significant long-term noise impacts are expected to result from the development.

4. Heat and glare that exist and that might be introduced from all possible sources such as autos in parking areas, outdoor lights, water or glass surfaces, buildings or outdoor activities.

At the time of building construction, there may be a slight increase in heat and glare within the twelve (12) lots due to construction and related activities associated with site development. Minimization of long-term heat and glare on the subdivision through site planning, building orientation, and vegetative screening. All lighting will comply with Section 3.03.06(b) "Lighting" of the Valley County LUDO.

5. Particulate emissions to the air including smoke, dust, chemicals, gasses, or fumes, etc., both existing and what may be added by the proposed uses.

Each residential home will be allowed one (1) wood burning devices, wood stove or fireplace.

Particulate emissions to the air may increase slightly during residential construction and related activities associated with the twelve (12) lot development. These emissions shall be mitigated using appropriate construction management and limit construction hours.

6. Water demand, discharge, supply source, and disposal method for potable uses, domestic uses, and fire protection. Identify existing surface water drainage, wetlands, flood prone areas and potential changes. Identify existing ground water and surface water quality and potential changes due to this proposal.

Proposed water for the twelve (12) residential lots shall be provided by individual wells supplying quality potable water. A site wetland delineation was conducted onsite in the spring of 2025 by James Fronk Consulting, LLC. and found two intermittent streams with small amount of fringe of jurisdictional wetlands or "Waters of the United States". The subdivision will not have wetland impacts.

7. Fire, explosion, and other hazards existing and proposed. Identify how activities on neighboring property may affect the proposed use.
Planning measures will provide for natural open space fire breaks, necessary building access and utilize best design standards for fire protection. (The Fire Protection Plan is being prepared). The twelve-lot subdivision consists of open ground with light timber, and moderate timber on the western half.
8. Removal of existing vegetation or effects thereon including disturbance of wetlands, general stability of soils, slopes, and embankments and the potential for sedimentation of disturbed soils.
The topography of the project is a slope of generally 2 to 4 percent with some areas on the western half of the subdivision with 4 to 12 percent. There are small areas of +/- 15 percent sloped ground located in the southwestern area of the subdivision. The NRCS soils survey identifies the soils type as Swede silt loam, 0 to 2 percent slopes, Swede silt loam, 4 to 12 percent slopes, and Takeuchi course sandy loam 3 to 35 percent slopes erosion is slight, moderately drained.
9. Include practices that will be used to stabilize soils and restore or replace vegetation.
The proposed development will consist of one road and associated driveways for the twelve (12) single family residences. Landscape techniques implemented on the site shall be in compliance with Section 3.03.04 (d) of the Valley County LUDO. Best Management Practices (BMPs) should be implemented as described in the "Department of Environmental Quality's Handbook of Stormwater BMPs" to manage stormwater and stabilize disturbed soils, preventing sedimentation.
10. Soil characteristics and potential problems in regard to slope stability, embankments, building foundation, utility and road construction. Include suitability for supporting proposed landscaping.
The topography of the project is the slope is generally 0 to 2 and 4 to 12 percent. The NRCS soils survey identifies the soils type as Swede silt loam, erosion slight, moderate drained. Generally, the soil found across the site has slight erosion and slope stability issues. Soil and erosion control measures will be implemented to avoid potential sediment and erosion concerns.
11. Site grading or improvements including cuts and fills, drainage courses and impoundments, sound and sight buffers, landscaping, fencing, utilities, and open areas.
Grading will be accomplished with maximum preservation of the site's natural character. Cut and Fill slopes along roadway will be minimal and carefully designed to minimize visual impacts, Preservation of the existing natural features and stormwater conveyance patterns will be maintained, and appropriate best management practices will be implemented in accordance with the Environmental Quality's Handbook of Stormwater BMP's.
12. Visibility from public roads, adjoining property, and buildings. Include what will be done to reduce visibility of all parts of the proposal but especially cuts and fills and buildings. Include the impacts of shadows from new features on neighboring property.
The proposed development will be minimally visible from the adjoining properties, and far distanced buildings. The applicant will utilize the natural topography and native vegetation to screen residential structures.
13. Reasons for selecting the particular location including topographic, geographic and similar features, historic, adjoining land ownership or use, access to public lands, recreation, utilities, streets, etc., in order to illustrate compatibility with and opportunities presented by existing land uses or character.
The selection of the Tripod View Subdivision location: The current land-use setting is cattle grazing with natural vegetation present. The proposed site location application is somewhat screened from the adjacent and distant properties. The application proposes smaller lots with screened building envelopes, leaving the rest of the area with natural vegetation. The proposed application will be in accordance with The Fire Protection Plan.

14. Approximation of increased revenue from change in property tax assessment, new jobs available to local residents, and increased local expenditures.

The proposed development will increase tax revenue. It will provide jobs during the construction of the road and new buildings.

15. Approximation of costs for additional public services, facilities, and other economic impacts.

Because of the small scale of the twelve (12) lot development, it is not anticipated that the project will not have any significant economic impacts on the greater community. Associated property taxes will offset any additional burden placed on the public services by the addition of twelve (12) lots.

16. State how the proposed development will impact existing developments providing the same or similar products or services.

Because of the small scale of this development and location, it is not anticipated that the project will have any significant impacts on the existing developments.

17. State what natural resources or materials are available at or near the site that will be used in a process to produce a product and the impacts resulting from the depletion of the resource. Describe the process in detail and describe the impacts of each part.

The proposed development impacts natural resources only to the extent that it changes the use of the property from grazing land to residential. The construction of the road, driveway and buildings will use on-site rock materials, and local resources for building materials from local building supply vendors. All proposed activities will be designed to protect the natural integrity of the existing landscape and adjacent distant properties.

18. What will be the impacts of a project abandoned at partial completion?

Since the project involves one road and minor infrastructure, it is unlikely to be abandoned.

19. Number of residential dwelling units, other buildings and building sites, and square footage or gross non-residential floor space to be available.

The development will consist of twelve (12) residential dwelling units approximately 1800 to 3000 square feet in size. The total non-residential floor space, including garages and outbuildings, is approximately 3000 square feet per dwelling unit.

20. Stages of development in geographic terms and proposed construction time schedule.

The planned start of the private road and utilities for the Subdivision is fall of 2025 Completion fall of 2026.

21. Anticipated range of sale, lease or rental prices for dwelling units, building or other site, or non-residential floor space in order to insure compatibility with adjacent land use and development.

The anticipated price range for dwelling units lots is approximately \$185,000.00 to \$250,000.00.

Property Tax Exemption

New and expanding business may qualify for a property tax exemption for up to 5 years by meeting the qualifications in accordance with Idaho Code§ 63-602NN

Application must be filed with the Valley County Assessor's office before construction begins.

Protocols for qualifying property exemption in Valley County, Idaho:

- Application must be received prior to the start of construction (ex. Building Permits, excavation)
- Term of exemption, not to exceed 5 years, will be up to the discretion of the Valley County Board of Commissioners
- Retail sales business do not qualify
- Multi use may qualify excluding retail sale area
- Housing
 - Multi-family housing must have 5 units or more per structure.
 - Multi-Family housing units may qualify if more than one structure is built totaling 5 or more units
 - For local housing only (workforce)
 - Short term rentals not allowed
 - Units cannot be individually sold (e.g., no condominiums)
- Remodel and/or additions to existing businesses
 - Only the area of remodel/addition may qualify for exemption
 - Retail sales additions/remodel will not qualify

For further information regarding the 63-602NN application process and instructions, please contact the Valley County Assessor's office at 208-382-7126.

jamesfronkconsulting@gmail.com

From: Steven Hull <steve@cascaderuralfire.com>
Sent: Thursday, January 30, 2025 9:38 AM
To: jamesfronkconsulting@gmail.com
Subject: Cascade Rural Fire District info

Jim,

I'm following up on our phone conversation regarding Cascade Rural Fire District's boundary and the services we provide to High Valley.

To clarify, Cascade Rural Fire District's southern boundary for fire suppression response is just south of the head of the canyon at Mile Marker 101 on Highway 55. However, High Valley falls within our response area for EMS/Rescue incidents, which we provide through our contract with Valley Countywide EMS District. This contract covers approximately 1320 square miles in the southern part of Valley County.

In the event of a wildfire in High Valley, the responding agencies would be the USFS and SITPA (Southern Idaho Timber Protective Association).

Please let me know if you have any further questions.

Thanks,



SCHEDULE C
Legal Description

Parcel I:

A parcel of land being the SE1/4 SW1/4 of Section 12, Township 10 North, Range 2 East, Boise Meridian, Valley County, Idaho; the NE1/4 NW1/4; NW1/4 NE1/4; SE1/4 NW1/4; S1/2 of the NE1/4 NE1/4; a portion of the SW1/4 NE1/4 and a portion of the SE1/4 NE1/4 of Section 13, Township 10 North, Range 2 East, Boise Meridian, Valley County, Idaho, being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 13, from which the East One-Quarter Corner of said Section 13 bears S.00°12'02"W., 2655.00 feet, thence, along the East line of said Section 13,

A) S.00°12'02"W., 663.75 feet to the Northeast corner of the S1/2 of the NE1/4 NE1/4 of said Section 13, being the POINT OF BEGINNING; thence, continuing along said East line,

1) S.00°12'02"W., 1320.97 feet to the Northeast corner of Parcel "D" as shown on Record of Survey Instrument No. 371969, official records of Valley County, Idaho; thence, along the North line of Parcels D, 1, 2, 3 and 4 as shown on said Record of Survey, the following three courses:

2) S.89°36'27"W., 1072.56 feet; thence,

3) N.89°22'18"W., 429.71 feet to the Northwest corner of said Parcel 3; thence,

4) N.89°20'01"W., 400.83 feet to the Northwest corner of said Parcel 4; thence, along the West line of said Parcel 4,

5) S.36°47'44"W., 842.60 feet to the South line of the SW1/4 NE1/4 of said Section 13; thence, along said South line,

6) S.89°56'32"W., 222.05 feet to the Center 1/4 corner of said Section 13; thence, along the South line of the SE1/4 NW1/4 of said Section 13,

7) S.89°56'32"W., 1322.84 feet to the Southwest corner of said SE1/4 NW1/4 of said Section 13; thence, along the West line of the E1/2 of the NW1/4 of said Section 13,

8) N.00°07'38"W., 2648.12 feet to the Northwest corner of the NE1/4 NW1/4 of said Section 13; thence, along the West line of the SE1/4 SW1/4 of said Section 12,

9) N.00°36'58"E., 1320.46 feet to the Northwest corner of said SE1/4 SW1/4; thence, along the North line of said SE1/4 SW1/4,

10) N.89°56'46"E., 1320.15 feet to the Northeast corner of said SE1/4 SW1/4; thence, along the East line of said SE1/4 SW1/4,

11) S.00°32'42"W., 1318.06 feet to the Southwest corner of the SE1/4 of said Section 12; thence, along the North line of the NW1/4 NE1/4 of said Section 13,

12) N.89°50'35"E., 1321.81 feet to the Northeast corner of said NW1/4 NE1/4; thence, along the East line of said NW1/4 NE1/4,

13) S.00°13'36"W., 663.18 feet to the Northwest corner of the S1/2 of the NE1/4 NE1/4 of said Section 13; thence, along the North line of said S1/2,

14) N.89°52'04"E., 1322.11 feet to the POINT OF BEGINNING.

Excepting Therefrom a parcel of land located in the NE 1/4 of Section 13, Township 10 North, Range 2 East, Boise Meridian, Valley County, Idaho, being more particularly described as follows:

Commencing at the Northeast corner of said Section 13, from which the East One-Quarter Corner of said Section 13 bears S.00°12'02"W., 2655.00 feet, thence, along the East line of said Section 13,

A) S.00°12'02"W., 663.75 feet to the POINT OF BEGINNING, being the Northeast corner of the S 1/2 of the NE 1/4 NE 1/4 of said Section 13; thence, continuing along said East line,

1) S.00°12'02"W., 1235.97 feet; thence, leaving said East line, along a line parallel with and 85.00 feet North of the North line of Parcel "D" and Parcel "1" as shown on Record of Survey Instrument No. 371969, Official records of Valley County, Idaho,

2) S.89°36'27"W., 300.00 feet; thence, leaving said parallel line,

3) S.00°23'33"E., 45.00 feet; thence, along a line parallel with and 40.00 feet North of the North line of said Parcel 1,

4) S.89°36'27"W., 200.00 feet; thence, leaving said parallel line,

5) S.00°23'33"E., 15.00 feet; thence, along a line parallel with and 25.00 feet North of the North line of Parcels 1, 2, 3 and 4 as shown on said Record of Survey, the following three courses:

- 6) S.89°36'27"W., 573.22 feet; thence,
- 7) N.89°22'18"W., 429.47 feet; thence,
- 8) N.89°20'01"W., 382.58 feet; thence, leaving said parallel line, along the prolongation of the Westerly boundary of said Parcel 4 and the Westerly boundary of said Parcel 4,
- 9) S.36°47'44"W., 873.55 feet to the South line of the SW 1/4 NE 1/4 of said Section 13; thence, along said South line,
- 10) S.89°56'32"W., 222.05 feet to the Center 1/4 corner of said Section 13; thence, along the West line of the NE 1/4 of said Section 13,
- 11) N.00°08'58"W., 2650.41 feet to the North One-Quarter corner of said Section 13; thence, along the North line of the NW 1/4 NE 1/4 of said Section 13,
- 12) N.89°50'35"E., 1321.81 feet to the Northeast corner of said NW 1/4 NE 1/4; thence, along the East line of said NW 1/4 NE 1/4,
- 13) S.00°13'36"W., 663.18 feet to the Northwest corner of the S 1/4 of the NE 1/4 NE 1/4 of said Section 13; thence, along the North line of said S 1/4,
- 14) N.89°52'04"E., 1322.11 feet to the POINT OF BEGINNING.

Parcel II:

SW1/4 SE1/4, Section 12, Twp. 10 N., R. 2 E., B.M., Valley County, Idaho.

Parcel III:

A parcel of land located in the NE 1/4 of Section 13, Township 10 North, Range 2 East, Boise Meridian, Valley County, Idaho, being more particularly described as follows:

Commencing at the Northeast corner of said Section 13, from which the East One-Quarter Corner of said Section 13 bears S.00°12'02"W., 2655.00 feet, thence, along the East line of said Section 13,

- A) S.00°12'02"W., 663.75 feet to the POINT OF BEGINNING, being the Northeast corner of the S 1/2 of the NE 1/4 NE 1/4 of said Section 13; thence, continuing along said East line,
- 1) S.00°12'02"W., 1235.97 feet; thence, leaving said East line, along a line parallel with and 85.00 feet North of the North line of Parcel "D" and Parcel "1" as shown on Record of Survey Instrument No. 371969, Official records of Valley County, Idaho,
- 2) S.89°36'27"W., 300.00 feet; thence, leaving said parallel line,
- 3) S.00°23'33"E., 45.00 feet; thence, along a line parallel with and 40.00 feet North of the North line of said Parcel 1,
- 4) S.89°36'27"W., 200.00 feet; thence, leaving said parallel line,
- 5) S.00°23'33"E., 15.00 feet; thence, along a line parallel with and 25.00 feet North of the North line of Parcels 1, 2, 3 and 4 as shown on said Record of Survey, the following three courses:

- 6) S.89°36'27"W., 573.22 feet; thence,
- 7) N.89°22'18"W., 429.47 feet; thence,
- 8) N.89°20'01"W., 382.58 feet; thence, leaving said parallel line, along the prolongation of the Westerly boundary of said Parcel 4 and the Westerly boundary of said Parcel 4,
- 9) S.36°47'44"W., 873.55 feet to the South line of the SW 1/4 NE 1/4 of said Section 13; thence, along said South line,
- 10) S.89°56'32"W., 222.05 feet to the Center 1/4 corner of said Section 13; thence, along the West line of the NE 1/4 of said Section 13,
- 11) N.00°08'58"W., 2650.41 feet to the North One-Quarter corner of said Section 13; thence, along the North line of the NW 1/4 NE 1/4 of said Section 13,
- 12) N.89°50'35"E., 1321.81 feet to the Northeast corner of said NW 1/4 NE 1/4; thence, along the East line of said NW 1/4 NE 1/4,
- 13) S.00°13'36"W., 663.18 feet to the Northwest corner of the S 1/4 of the NE 1/4 NE 1/4 of said Section 13; thence, along the North line of said S 1/4,
- 14) N.89°52'04"E., 1322.11 feet to the POINT OF BEGINNING.

RECEIVED
AUG 14 2025
BY: _____

August 12, 2025

Tripod View Subdivision – Neighborhood Meeting Summary:

Meeting Date: 7/24/25 – 11:00 am

Meeting Location: 101 Dry Buck Road:

Mailing List:

Baker Contance L. Trust, 835 High Valley Road. Ola, ID 83657

Susan Rae Brown, 3885 Staly Drive. Boise, ID 83703

Jennifer Hunn, 2011 West Tendoy Drive. Boise, ID 83705

Donald White, 10079 E. Gatfield Road. Montour, ID 83617

Attendees:

Susan Brown – Parcel 1 - 2

Steven and Jonna Emerson - Applicant

James Fronk – Applicant Representative

John Green – Parcel F

Jennifer and Johnathan Hunn – Parcel 3

Presentation of Project

Walked the south property boundary and proposed subdivision private road centerline. (The south property boundary and centerline of the proposed private subdivision road was survey field staked).

Disused the connectivity of the proposed private subdivision road to the existing adjacent property private driveways (south property line).

The current adjacent private road and the associated driveways will still exist, and the neighbors can stay connected to their existing private driveway if they choose.

Summary of Comments:

Susan Brown – Commented on trying to use as much of the existing roadbed which exists on the applicant's property to minimize impact to the area. – Applicant representative (James Fronk) showed a potential road realignment to the South. In addition, the possible avoidance of several prominent trees located in the proposed private road alignment was mentioned in order to minimize impact

Jennifer and Johnathan Hunn – Walked the proposed subdivision private road to their private driveway. Discussed how best to tie existing driveway back onto the proposed subdivision private road.

John Green – Walked the proposed subdivision private road to their private driveway. Discussed how best to tie existing driveway back onto the proposed subdivision private road.

James Fronk Consulting, LLC.
P.O. Box 576
McCall, Idaho 83638
208.634.8093
JamesFronkConsulting@gmail.com

August 21, 2025

Valley County Planning
& Zoning Administrator
Cynda Herrick, AICP, CFMO
219 North Main Street
P.O. Box 1350
Cascade, Idaho 83611

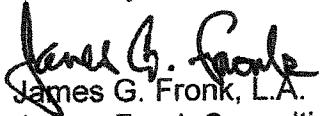
RE: Tripod View Subdivision – Fire Protection Plan

Dear Cynda,

Steven Emerson the Applicant is requesting that the Fire Protection Plan for Tripod View Subdivision be allowed to be submitted before Final Plat Recordation. The Applicant has engaged with John Lillehaug (All About Forestry) to prepare the Fire Management Plan.

Thank you.

Sincerely,


James G. Fronk, L.A.
James Fronk Consulting, LLC.
208 634 8093

Cc: Steve Emerson

From: Steven Emerson [REDACTED]
Sent: Sunday, October 12, 2025 2:44 PM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Cc: James Fronk <jamesfronkconsulting@gmail.com>
Subject: Fwd: Draft Fire plan

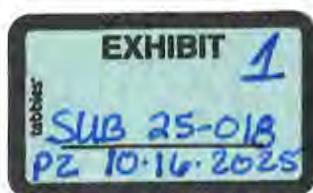
Cynda,

Please find attached a fire plan that was created by John Lillehaug. John was onsite earlier this summer and has been preparing this report for the subdivision application. I have reviewed the report with John and I am now forwarding to you for this weeks meeting.

Please let me know if you have any questions or concerns.

Thank you.

Steven Emerson
[REDACTED]



WILDLAND URBAN INTERFACE FIRE PROTECTION PLAN

Valley County Idaho
Title 10 Chapter 7

TRIPOD VIEW

A proposed subdivision in Parts of NE Sec. 13 T10N, R2E B.M.



John Lillehaug
PO Box 1250 McCall, ID. 83638
(208) 630-4076
john@allaboutforestry.com

Purpose

Valley County's Community Wildfire Protection Plan (CWPP) acknowledges that wildfire hazard areas exist throughout the county. Therefore, wildfire mitigation actions are prudent to enable safe habitation in these fire environments. The existence of said plans will assist Valley County Planning and Zoning Commission and the structural fire districts plus the wildland fire agencies in satisfying the current subdivision regulation, subsection 10-3-2-6D7 of Valley County's Code of Ordinances (Ord. 10-07, 8-26-2010).

The Wildland Urban Interface (hereafter referred to as WUI) consists of *the area where developed lands interact with undeveloped lands and include the infrastructure and natural resources communities rely on for existence*. The character of the WUI ranges from urban areas adjoining wildlands to isolated ranches or cabins. Since 1993, the number of structures in the WUI has doubled and soon will triple. As the number of structures in the WUI continues to increase, concerns over public safety and the protection of improvements increase. The highest human-caused ignition sources in WUI are miscellaneous and debris burning.

Executive Summary

The proposed subdivision consists of a parcel of land (approximately 50 plus acres in size) that is planned to be divided into twelve (12) various sized Lots that will eventually add more structures to the Valley County WUI. This *Fire Protection Plan* will assist in providing recommendations to minimize the wildfire risk to the property and proposed individual Lots.

The property that is planned for this proposed subdivision is approximately 55% forested with the rest either sagebrush or grass dominate ground cover. It lies within Valley County's Geographic Hazard Assessment Wildland Urban Interface **high** level condition for overall wildfire risk. There is *NO* structural fire protection district designated within the High Valley area,

General treatments to be completed to mitigate the wildfire hazard and provide protection for future homes are outlined in **Section B Wildfire Risk Mitigation** portion of this document and include the following:

1. The shaded fuel break along Haven Ranch Road must be completed before the final plat is granted or the work to be accomplished financially guaranteed.
2. Maintain the current grazing regime throughout the proposed subdivision area. An individual Lot owner will be responsible for installing a fence to keep cattle from grazing.

3. Individual Lot owners will be responsible for constructing their driveway and site for a residence or RV. The private driveway must meet Valley County standards and provide a shaded fuel break to meet the same specifications set for Haven Ranch Road. The future homesite must have Defensible Space Zones installed upon construction of the pad site (see attached Defensible Space Zones in Appendix).

Section A *Wildfire Risk Assessment:*

1. Site Description:

Tripod View proposed subdivision lies within parts of NE Sec. 13, T10N, R2E, B.M. and is owned by Steven and Jonna Emerson.

The development lies in High Valley, an area about seven (7) air miles northeast of Ola and consists of about 50 acres. Year around access is provided only from Ola via the High Valley Road, a county gravel surface road then onto Dry Buck Road, a native surface county road. There is a Class II stream that flows through the eastern portion of Lots 1 and 2. This stream flows underneath Haven Ranch Road at the entrance of the development. There is also an intermittent Class II stream that flows through parts of Lots 3 and 4 which only flows during spring snow melt. Both streams are tributaries of Little Squaw Creek. The proposed subdivision consists of twelve (12) buildable lots ranging from 1.69 to 5.21 acres in size.

2. Existing Vegetative and Fuel Hazard Conditions:

Approximately 27 acres have a 100% canopy conifer tree cover consisting of Ponderosa pine (95%) and Douglas-fir (5%) with a few Grand Fir. The understory vegetation consists of Aspen, Huckleberry, snowberry, Serviceberry, and willows along with various forbs and grasses. The remaining acreage consists of sagebrush and grass with a few scattered Ponderosa pine.

The overall existing timber stand is an uneven-aged (multi-storied) stand with three basic age groups:

1. **The seedling/sapling age group:** Trees range from one foot to 25 feet tall, have diameters up to six inches D.B.H., and ages from one to 25 years. This age group is a low to medium component of the overall timber stand.

2. **The pole size age group:** Trees range in size from six to 10 inches D.B.H. and ages from 30 to 50 years. This age group is a medium component of the overall timber stand often found growing in overcrowded clumps with sapling age trees that may have up to 500 trees per acre or as individual suppressed trees growing underneath a larger tree.
3. **Overstory:** This age group was harvested as part of the larger ownership within the past 15 years, the last entry leaving good quality trees. Trees range from 10 to 25 plus inches D.B.H., heights range from 80 to over 100 feet tall, and ages range from 55 to over 100 years.

Proposed Lots 9-12 are 100% forested; Lots 6-8 range from 30 to 60% forested and the rest sagebrush; Lots 1-5 range from 10-15% forested the rest primarily sagebrush. The sagebrush cover is dense and with strong wind a fire could have flame lengths 5 to 10 feet tall.



Figure 1: Overcrowded clump of young trees typical of the Lots that are heavily forested.



Figure 2: Lots that are dominated by sagebrush with few trees.

4. Fire History

Fire history records from all jurisdiction agencies show a very low occurrence from lightning or humans caused ignitions in the past. As more structures are built the probability of human-caused ignitions will increase.

5. Existing Roads and bridges

Haven Ranch Road is an existing native surface road along the south boundary that currently serves as access for four privately owned parcels that were split off the original ranch. This road and two short spurs will be reconstructed to Valley County private road standards to provide access to all the proposed Lots. There is also an existing road north of the proposed development that serves as the main access to the main timber stand of Mr. Emerson's property.

6. Location of existing building structures and estimate of property density

Currently there are no existing structures within the proposed subdivision area. There are several structures on the adjacent privately owned property along the south boundary. **Tripod View** subdivision is planned to provide a density of one single family unit per about 3.75 acres.

7. Infrastructure that may affect wildfire risk

The timber stand consists of overcrowded clumps of young trees. The main ranch property was commercially thinned about 10-15 years ago leaving good quality fire resilient tree species. The overstory is well spaced to minimize the risk of a crown fire. There are numerous small slash piles that were not burned scattered throughout the development that were left after the harvest entry. Approximately 40% of the ground cover (eastern third of the proposed subdivision) consists of dense sagebrush where a ground fire supported by a strong wind could exhibit flames lengths 5-10 feet tall. There is limited availability of water that could be used for drafting firefighting equipment located within the development. However, there are several ponds in the area that could be utilized by aircraft for dipping and Little Squaw Creek for drafting capability.

8. Description of existing features that may assist in wildfire control.

High Valley Road and Dry Buck Road will provide good access for wild land firefighting equipment. Haven Ranch Road being reconstructed to meet Valley County private road standards in combination with the proposed *Shaded Fuel Break* installed on both sides of the road will minimize the risk of fire entering or leaving the property along the south boundary. The existing main ranch access road north of the proposed development could also provide a fire break. Along with two ponds (one south of Haven Ranch Road where it flows underneath the road and the other north of proposed Lot 7) that could be used for aircraft dipping or drafting by firefighting equipment.

9. Current structural and wildfire jurisdiction agencies

There is **no** structural fire jurisdiction for the High Valley area, the closest fire department being in Ola. The Idaho Department of Lands Southwest Area provides wildfire protection for all timber lands in the area.

Wildfire Risk Assessment Summary:

The property lies within Valley County's Geographic Hazard Assessment Wildland Urban Interface **high** level condition and the overall wildfire risk is high for the following reasons:

- The current timber stand is dense with young trees growing with crowns touching each other and limbs to the ground. Also, numerous small slash piles were left unburned after the previous timber harvest.

- There are limited water sources available on or close by the property to draft water.
- The proposed subdivision is surrounded on three sides by continuous fuel (thick timber stands in various stages of management) and dense sagebrush on the eastern side.



Figure 3: Dense timber stands and heavy sagebrush layer surround the proposed subdivision.

Section B *Wildfire Risk Mitigation:*

The Fire Behavior Triangle consists of three factors that combine to determine how a fire burns—they are topography, weather, and fuels. Topography is fixed as it changes very slowly over time. Weather is highly variable and the ability to predict is somewhat limited. Fuel (anything that burns and changes from season-to-season or time of day) is the only factor that can be manipulated to minimize wildfire risk.

1. Access-Planned ingress and egress routes

High Valley Road and Dry Buck Road are the primary access routes as well as the primary escape route to travel away from the property. The Haven Ranch Road and two short spur roads will be the primary roads within the development and must be reconstructed to meet County private road standards with the appropriate turnarounds installed at each end. However, these roads will still be a dead-end road which can pose problems if evacuation is necessary.

2. Water supply for structural and wildland fire responses

Water supply for structural fire will depend on either the well located on the individual Lot or what is supplied by a Structural Fire Department if responding. Water supply for wildfire could be provided by aircraft dipping from any nearby ponds or engines drafting from nearby streams.

3. Estimated response time and distance for jurisdictional fire agencies

The estimate response time from the Ola Rural Fire District is at least 45 minutes depending on weather conditions. The IDL Southwest Area response is even greater with engines coming from Boise. The extended response time could be critical in stopping or slowing wildfire from impacting residences.

4. Proposed internal fire protection systems.

No internal sprinkler systems within future residences are planned currently.

5. Proposed infrastructure (including driveways, signage, and power connections).

The future driveways to each residence should not exceed 10% grade, be at least 12 feet running surface wide excluding shoulders, have an unobstructed vertical clearance of 13.5 feet, and should be maintained to support fire apparatus up to 70,000 pounds.

New structures are strongly urged to utilize building materials meeting a standard of fire resistance advocated by the Valley County Building Department and the International Fire Code (IFC).

All new residences will have the address number posted as per Valley County standards (i.e., numbers posted at the entrance to the driveway or on the house and the numbers must be at least 3 and 1/2 inches tall with a reflective coloring).

Electrical power is planned to be provided to the individual Lots via an underground service.

6. Evacuation and Pre-incident planning.

A pre-incident action plan will be developed and instituted in the Community Covenants (CCR's). This action plan should address the escape route and evacuation plan to encourage pre-planning by residents for preparation in the event of an incident. Every five years the IDL Southwest Area fire staff and the future residents should formulate an assessment of the existing structures and vegetation that will aid in addressing whether the current action plan needs to be updated.

7. Planned vegetation treatments to reduce fuel loads.

Vegetation treatments that need to be completed to reduce the **High** Wildland Urban Interface Hazard Assessment level include the following:

- A. Install a *Shaded Fuel Break* on both sides of Haven Ranch Road and the two short spurs while the roads are being reconstructed to Valley County standards. The shaded fuel break should be at least 20-30 feet wide on each side utilizing the following specifications:

- Young trees (i.e., sapling/pole size age group) leave trees spaced about 12-15 feet apart to obtain a minimum of 6-8 foot live crown distance. Prune

these trees at least 6-8 feet above ground level of the lowest branch leaving at least 40% of the tree height in live crown.

- Overstory age group leave trees spaced about 20-25 feet apart to obtain a minimum of 10 live crown distance. Prune these trees 8-10 feet above ground level of the lowest branch.
- Masticate all slash created from the thinning and pruning activity plus any dead material lying on the ground that is less than 10 inches DBH and 50% sound wood. Masticate all the small slash piles that were left from the previous timber harvest.

B. Driveway construction will be the responsibility of the individual Lot owner.

Construction specifications should meet the minimum standards as stated in #5 above. In addition, installing a *Shaded Fuel Break* on both sides of the driveway to minimize fire risk and the ability for evacuation is necessary.

C. Future Lot owners should install the following **Firewise Defensible Space Zone** guidelines *as the pad is constructed for a future structure or parking a RV* as they will greatly minimize the risk of loss from wildfire.

The recommended **Firewise Defensible Space Zone** treatments are as follows:

1. **Immediate Zone**- 0 to 5 feet around the future building structure.
 - i. Recommend using rock or gravel instead of flammable vegetation or mulches next to the house.
 - ii. Trim branches from large trees or shrubs that overhang the home, porch, or deck.
 - iii. Do not stack firewood on or under decks.
2. **Intermediate Zone**- the next 5 to 30 feet from the building structures.
 - i. The landscape vegetation should consist of a well-maintained greenbelt. Utilize native low-lying plants that are fire resilient (visit idahofirewise.org for list). Favor deciduous trees and shrubs over evergreens, although Ponderosa pine and Douglas-fir can be fire resilient due to their thick bark. Keeping this zone green as much as possible in the hot dry summer months will also minimize surface fire from reaching the buildings.
 - ii. Shrubs can be limited to small clusters or groups of a few each to break up the continuity of vegetation across the landscape.
 - iii. Place propane tanks on gravel or concrete pads at least 30 feet from structures and surround them with non-flammable fencing.

3. Extended Zone- the next 30 to 100 feet from the building structures.

- i. Space trees to have a minimum of 15-20 feet between the crowns.
- ii. Remove the ladder fuel by pruning the lower branches at least 6-10 feet from the ground not to exceed 1/3 of the overall tree height.
- iii. Remove dead trees and shrubs. Also remove large accumulations of ground litter/debris.

8. Long-term maintenance schedule to sustain fuel treat effectiveness.

- Maintain the current grazing regime to minimize the amount of fuel loading and height of grasses.
- Promote the opportunity to maintain or return to native plant species and resistance to fire (such as Ponderosa pine, Western Larch, and Douglas-fir).
- Keep the shrubs and tree branches cut back along Haven Ranch Road and future driveways to provide good access for firefighting equipment.
- Future Lot owners should thin the timber stand or reduce the sagebrush density to reduce fuel loading which will ultimately minimize wildfire risk.
- Woody debris and vegetation encroachment within the 100' zone of each structure will be reduced annually. This may be accomplished by the homeowner, during a community workday, or by a professional contractor hired by the homeowner.
- No debris burning will be allowed during the closed burn season (May 10- October 20) without a approved burn permit. Fire pits at the residence site, if installed should be maintained to prevent a fire from escaping the structure. Recommend using metal containers for the fire pit.
- Periodically (1-5 years) the current Lot owner or HOA meet with the respective structural and/or wildland fire organizations meet to review trends and projections of future fire risk and fire risk reduction capabilities to ensure that mitigation measures are adequate.



Portion of Haven Ranch Road that needs reconstruction to meet county standards and a shaded fuel break installed on both sides of the road.



Small slash piles that were left from the previous harvest that need to be masticated or disposed of to reduce fuel load.



Thinning of the overcrowded younger trees will minimize wildfire risk and improve the health of the trees (reduce mortality losses from bark beetles like the red needle trees at right).



Minimizing the density of the sagebrush by providing openings where grasses can grow will reduce the continuity of the tall shrubs to carry a fire into the trees.

Firewise Defensible Space Zones

At a minimum, apply **Firewise Defensible Space** guidelines to each proposed single-family residence before construction. The Defensible Space zone recommended treatments are as follows:

1. **Immediate Zone**- 0 to 5 feet around the building structures.
 - a. Recommend using rock or gravel instead of flammable vegetation or mulches next to the house.
 - b. Trim branches from large trees or shrubs that overhang the home, porch, or deck.
 - c. Do not stack firewood on or under decks.
2. **Intermediate Zone**- the next 5 to 30 feet from the building structures.
 - a. The landscape vegetation should consist of a well-maintained greenbelt. Utilize native low-lying plants that are fire resilient (visit idahofirewise.org for list). Remove the ladder fuel by pruning the lower branches at least 10-16 feet from the ground not to exceed 1/3 of the overall tree height.
 - b. Keeping this zone green as much as possible in the hot dry summer months will also minimize surface fire from reaching the buildings.
 - c. Shrubs can be limited to small clusters or groups of a few each to break up the continuity of vegetation across the landscape.
 - d. Place propane tanks on gravel or concrete pads at least 30 feet from structures and surround them with non-flammable fencing.
3. **Extended Zone**- the next 30 to 100 feet from the building structures.
 - a. Space trees to have a minimum of 15-20 feet between the crowns.
 - b. Remove the ladder fuel by pruning the lower branches at least 6-10 feet from the ground not to exceed 1/3 of the overall tree height.
 - c. Remove dead trees and shrubs. Also remove large accumulations of ground litter/debris.

November 5, 2025

Valley County Planning and Zoning
Cynda Herrick, AICP, CFM
Planning and Zoning Director
PO Box 1350
219 North Main Street
Cascade, ID 83611-1350



RE: SUB 25-018 Tripod View – Preliminary Plat

To: Valley County Planning & Zoning Commission and Staff:

Thank you for considering my application for subdividing a small portion of the land that I acquired in early 2024, located in High Valley Idaho. Given the time constraints of a public hearing, I don't feel I was able to adequately address the commission with a proper introduction of my wife Jonna and myself, and our long-term vision for living on and actively "working" our ranch property. And, given that there has been considerable misinformation sharing in social media about who we are and our plans, I am providing the following written statement and background information in attempt to give you better understanding and context to who we are and the purpose of the proposed project.

Personal Introduction:

My personal background is one of a very rural/agricultural upbringing. My entire youth was spent on a dry-land wheat farm and cattle ranch located in the very SE corner of Washington State (Garfield and Columbia Counties). I learned to drive a vehicle at age 5, drove myself the two miles of dirt lane to a gravel county road for school bus pickup beginning in 3rd grade, leaving the car at the end of the road so my brothers and I could drive ourselves home after the 1 hour and 45-minute school bus ride back to the ranch. I learned to operate heavy farm equipment at a young age and grew up active in 4-H and FFA raising registered Yorkshire hogs and Angus/Hereford cross cattle. While High Valley is remote, our neighbors in High Valley are much closer than the farm I grew up on, and the multiple existing subdivisions in High Valley are about 17 miles closer to us than the closest "neighborhood" I experienced as a youth. We snow plowed and maintained our own roads, experienced frequent power outages, lived with a "party line" phone, and missed school every winter due to snow and/or spring thaw (mud). Family Friday night pizza for us was more than an hour drive each way! I love living in a rural setting but was not afforded that opportunity. So off to college I went to study business and accounting at Northwest Nazarene University (college at the time) where I worked and supported myself through college.

I have been married for more than 30 years to my lovely wife, Jonna. We have 4 amazing children, and one grandchild. For the past 30 years, Jonna and I have worked very hard and lived conservatively in hope that we could find and afford a rural ranch/legacy property to acquire, live on, and share with our kids and grandkids. In 2023, we found the property we now own. After much thought, prayer, and due diligence (including multiple visits with Valley County Planning and Zoning Staff to discuss future

development ideas), we agreed to purchase with a long-term plan of this development to raise extra funds necessary to steward a property.

The Why:

Successful completion of this subdivision is a means to an end for us with the end being to preserve and keep intact the major components of a legacy ranch property. While I was not afforded the opportunity to purchase the entire original ranch due to the prior owners creating 8 parcels consisting of more acreage than we are proposing to utilize in this subdivision, there remains a potential meaningful agricultural value in what we purchased. However, there are significant infrastructure deficiencies, and what is there is dilapidated and needs repair or replaced. Efforts to restore the ranch to its potential will take time and substantial investment. It is our hope that we can find an economically feasible way for the proposed project to move forward in effort to raise additional capital for funding of our ranching aspirations. Success in the end will be measured upon being able to enhance the capabilities of the overall ranch, and when I am gone, leave the land to the next generation in better shape than I received it.

The Plan:

The development site being proposed was very intentionally selected for multiple reasons. First, it is the area of the ranch that is near a road, but least visible to the main valley floor, thereby having the least impact visually to the aesthetics of High Valley. Second, it is the area of the property which I perceive to have the smallest impact to the overall ranching capacity of the property due to thinner graze for cattle, and timber density insufficient for routine harvest. Third, it is the area of the property that the previous owner(s) had already created 8 individual lots for dwellings by splitting parcels, so this activity is consistent with prior use of this portion of the ranch property.

Initially, the plan was to develop fewer and larger lots in this area, but after consultation with the Valley County Planning and Zoning staff, I was encouraged to develop smaller lots that are consistent with the application you have before you.

Process:

As I remain full time employed with one child still at home and not yet launched into adult life, I do not have the time or expertise to expeditiously shepherd a project of this nature to a successful outcome, so I began searching for a professional consultant and upon recommendation/reference, I engaged Jim Fronk to assist.

Jim Fronk has provided valuable counsel regarding lot configuration, road design, etc. Jim also was engaged to send invitations out to the neighbors for a “neighborhood meeting” this summer, in attempt to make neighbors aware of the plan and answer questions. Jonna and I attended this meeting which occurred on July 24, 2025.

John Lillehaug was engaged to develop a fire mitigation plan, which you have been provided a copy and John will be providing comment regarding his work at our meeting next week. I have relied heavily upon these two consultants, along with guidance from Valley County Staff to complete our communications, planning, application, and now response to the discussion from the October meeting.

Response to questions from the October Meeting:

Concerns identified in our October meeting included cattle grazing, fire mitigation, and well water. I will attempt to respond to each of these issues separately.

• **Cattle Grazing:**

- This one is difficult to respond to based on the comments made in opposition at the October public hearing. However, I suspect the concern is centered in the neighbors to my south historically enjoying having the cattle from my property graze upon their property. One landowner has their property fenced, so the cattle do not graze there, but other properties do not, and the owners have expressed their desire for that to continue. If a subdivision is placed between their property and the remainder of the ranch, it will be more difficult for this practice to continue.
- It should be noted that in the fire mitigation plan, cattle grazing is referenced as a planned continued activity within the subdivision until individual lots are sold, and then it would be up to end owner to place fencing if desired.

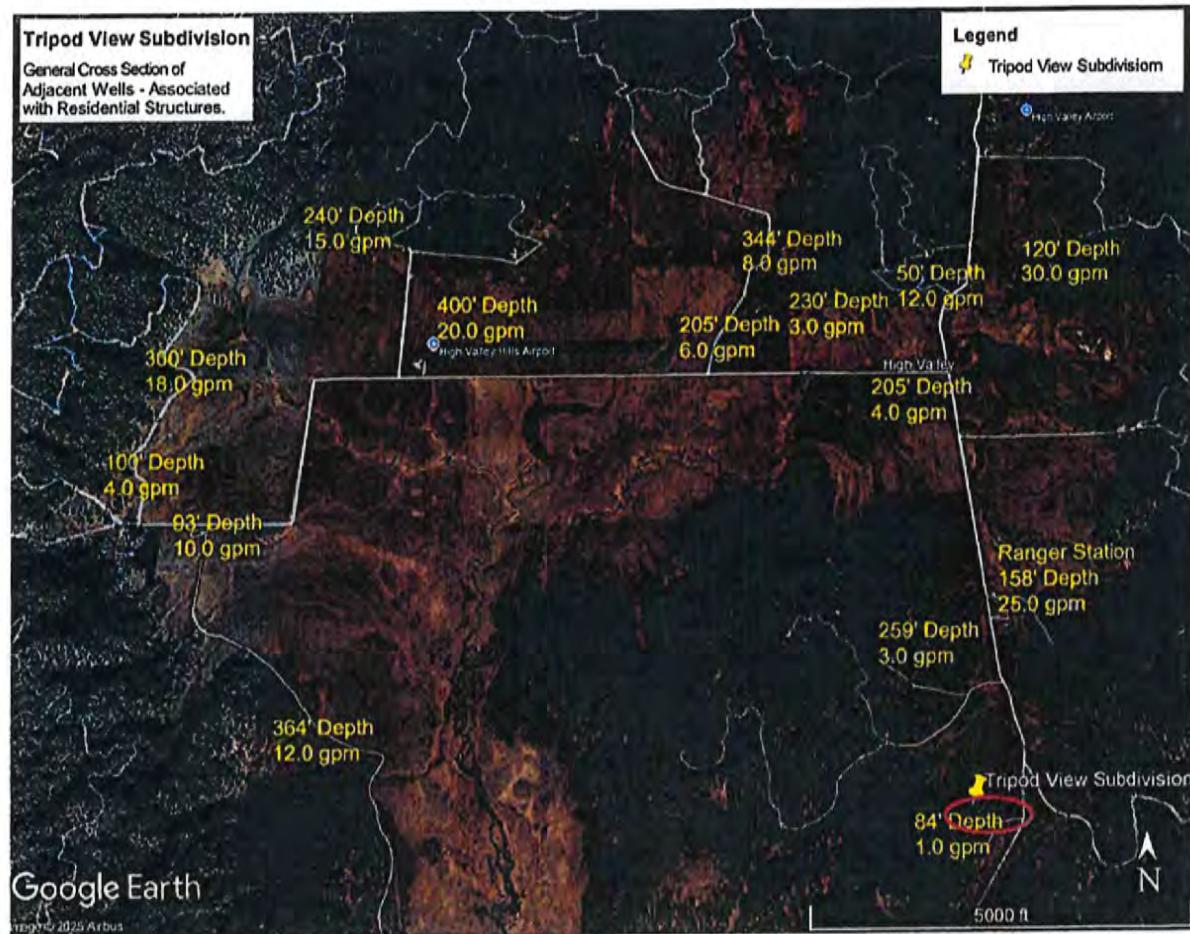
• **Ground Water:**

- What water is available underground cannot be known for certain, but the following report gives some indication of what is available in the area. Generally, well logs indicate a minor water source at shallow depths, and better water in the 300-400 foot range.
- A sample well log map shows low water flow in a 84 foot well directly adjacent to the proposed development, and good water just down the road at the ranger station at 158 foot depth.
- Please see the Tripod View - Adjacent Wells attachment. This attachment is a general cross section of some of the adjacent wells to the Tripod View Subdivision that are listed on IDWR well location map web site. The attachment only includes some wells that can be associated with residential structures, this attachment also includes the Bunk Houses at the U.S. Forest Service Ranger Station. The purpose of the Adjacent Wells attachment is to give a general cross section look at the viable wells located in the High Valley area with associated well depths and production rates.

In additional the Adjacent Wells the attachment helps also show the many water sources for Wildfire Protection as stated in the Wildland Urban Interface Fire Protection Plan Authored by John Lillehaug (Helicopter and Equipment draft sites).

Thank you,

**Jim Fronk
James Fronk Consulting, LLC.
208 634 8093**



- **Fire Hazard:**
 - Please see attached Fire Mitigation Plan from John Lillehaug who will be present at the meeting to provide further context.
 - Wildfire and Structure Fire is a real concern for everyone, including for my neighboring ranch. Both can be mitigated, and neither eliminated. In effort to address this risk, I have supplied a report from John Lillehaug which contains a fire mitigation plan. It is both John and my recommendation that our efforts are focused on mitigations that are of immediate and persistent value. These would include reduction of fuel loads and creation of defensible spaces (see John's report), along with CC&R's which address construction materials, defensible spaces, and potential structure fire suppression tools.
 - By addressing fuel loading and building materials type, we can mitigate risk. Planned CC&R's can direct these activities, and Valley County can help enforce through the building permitting process.

- It is noteworthy that Cascade Fire District and the Ola Fire Station do not include High Valley in their area, which negates the value of any infrastructure for trucks to utilize.

Concerns about process expressed publicly since the October meeting:

- **Neighbor communication**
 - Consultant Jim Fronk was engaged to notify neighboring property owners, and a meeting was held on July 24. Both Jonna and I attended the meeting.
- **Public Notic Signage**
 - Concerns have been raised that I placed the sign in a location to hide the planned development and that the development would occur in a different, more prominent location (High Valley Road)
 - Placement of public notice signs are the responsibility of the County Planning and Zoning, not the developer. I am not an expert on the signage laws, but the sign appears properly placed on the proposed site.
- **Concern about subdivision location**
 - Some confusion seems to be prevalent about the location of the subdivision. The application and Valley County Planning & Zoning staff reports are very clear of the location, which is on the SE corner of our property, approximately 1.4 miles south of the High Valley Rd/Dry Buck Rd intersection.
- **Character**
 - Given some fairly significant and slanderous attempts to impugn character, I have attached a character reference from a respected neighbor in High Valley, Bill Gardiner.

Thank you again for your consideration.

Respectfully,



Steven and Jonna Emerson

Enc. Fire Plan
 Water Map
 Character Reference

WILDLAND URBAN INTERFACE FIRE PROTECTION PLAN

Valley County Idaho
Title 10 Chapter 7

RECEIVED
R NOV 05 2025
BY: _____

TRIPOD VIEW

A proposed subdivision in Parts of NE Sec. 13 T10N, R2E B.M. BY: _____



John Lillehaug
PO Box 1250 McCall, ID. 83638
(208) 630-4076
john@allaboutforestry.com

Purpose

Valley County's Community Wildfire Protection Plan (CWPP) acknowledges that wildfire hazard areas exist throughout the county. Therefore, wildfire mitigation actions are prudent to enable safe habitation in these fire environments. The existence of said plans will assist Valley County Planning and Zoning Commission and the structural fire districts plus the wildland fire agencies in satisfying the current subdivision regulation, subsection 10-3-2-6D7 of Valley County's Code of Ordinances (Ord. 10-07, 8-26-2010).

The Wildland Urban Interface (hereafter referred to as WUI) consists of *the area where developed lands interact with undeveloped lands and include the infrastructure and natural resources communities rely on for existence*. The character of the WUI ranges from urban areas adjoining wildlands to isolated ranches or cabins. Since 1993, the number of structures in the WUI has doubled and soon will triple. As the number of structures in the WUI continues to increase, concerns over public safety and the protection of improvements increase. The highest human-caused ignition sources in WUI are miscellaneous and debris burning.

Executive Summary

The proposed subdivision consists of a parcel of land (approximately 50 plus acres in size) that is planned to be divided into twelve (12) various sized Lots that will eventually add more structures to the Valley County WUI. This *Fire Protection Plan* will assist in providing recommendations to minimize the wildfire risk to the property and proposed individual Lots.

The property that is planned for this proposed subdivision is approximately 55% forested with the rest either sagebrush or grass dominate ground cover. It lies within Valley County's Geographic Hazard Assessment Wildland Urban Interface **high** level condition for overall wildfire risk. There is *NO* structural fire protection district designated within the High Valley area,

General treatments to be completed to mitigate the wildfire hazard and provide protection for future homes are outlined in **Section B Wildfire Risk Mitigation** portion of this document and include the following:

1. The shaded fuel break along Haven Ranch Road must be completed before the final plat is granted or the work to be accomplished financially guaranteed.
2. Maintain the current grazing regime throughout the proposed subdivision area. An individual Lot owner will be responsible for installing a fence to keep cattle from grazing.

3. Individual Lot owners will be responsible for constructing their driveway and site for a residence or RV. The private driveway must meet Valley County standards and provide a shaded fuel break to meet the same specifications set for Haven Ranch Road. The future homesite must have Defensible Space Zones installed upon construction of the pad site (see attached Defensible Space Zones in Appendix).

Section A *Wildfire Risk Assessment:*

1. Site Description:

Tripod View proposed subdivision lies within parts of NE Sec. 13, T10N, R2E, B.M. and is owned by Steven and Jonna Emerson.

The development lies in High Valley, an area about seven (7) air miles northeast of Ola and consists of about 50 acres. Year around access is provided only from Ola via the High Valley Road, a county gravel surface road then onto Dry Buck Road, a native surface county road. There is a Class II stream that flows through the eastern portion of Lots 1 and 2. This stream flows underneath Haven Ranch Road at the entrance of the development. There is also an intermittent Class II stream that flows through parts of Lots 3 and 4 which only flows during spring snow melt. Both streams are tributaries of Little Squaw Creek. The proposed subdivision consists of twelve (12) buildable lots ranging from 1.69 to 5.21 acres in size.

2. Existing Vegetative and Fuel Hazard Conditions:

Approximately 27 acres have a 100% canopy conifer tree cover consisting of Ponderosa pine (95%) and Douglas-fir (5%) with a few Grand Fir. The understory vegetation consists of Aspen, Huckleberry, snowberry, Serviceberry, and willows along with various forbs and grasses. The remaining acreage consists of sagebrush and grass with a few scattered Ponderosa pine.

The overall existing timber stand is an uneven-aged (multi-storied) stand with three basic age groups:

1. **The seedling/sapling age group:** Trees range from one foot to 25 feet tall, have diameters up to six inches D.B.H., and ages from one to 25 years. This age group is a low to medium component of the overall timber stand.

2. **The pole size age group:** Trees range in size from six to 10 inches D.B.H. and ages from 30 to 50 years. This age group is a medium component of the overall timber stand often found growing in overcrowded clumps with sapling age trees that may have up to 500 trees per acre or as individual suppressed trees growing underneath a larger tree.
3. **Overstory:** This age group was harvested as part of the larger ownership within the past 15 years, the last entry leaving good quality trees. Trees range from 10 to 25 plus inches D.B.H., heights range from 80 to over 100 feet tall, and ages range from 55 to over 100 years.

Proposed Lots 9-12 are 100% forested; Lots 6-8 range from 30 to 60% forested and the rest sagebrush; Lots 1-5 range from 10-15% forested the rest primarily sagebrush. The sagebrush cover is dense and with strong wind a fire could have flame lengths 5 to 10 feet tall.



Figure 1: Overcrowded clump of young trees typical of the Lots that are heavily forested.



Figure 2: Lots that are dominated by sagebrush with few trees.

4. Fire History

Fire history records from all jurisdiction agencies show a very low occurrence from lightning or humans caused ignitions in the past. As more structures are built the probability of human-caused ignitions will increase.

5. Existing Roads and bridges

Haven Ranch Road is an existing native surface road along the south boundary that currently serves as access for four privately owned parcels that were split off the original ranch. This road and two short spurs will be reconstructed to Valley County private road standards to provide access to all the proposed Lots. There is also an existing road north of the proposed development that serves as the main access to the main timber stand of Mr. Emerson's property.

6. Location of existing building structures and estimate of property density

Currently there are no existing structures within the proposed subdivision area. There are several structures on the adjacent privately owned property along the south boundary. **Tripod View** subdivision is planned to provide a density of one single family unit per about 3.75 acres.

7. Infrastructure that may affect wildfire risk

The timber stand consists of overcrowded clumps of young trees. The main ranch property was commercially thinned about 10-15 years ago leaving good quality fire resilient tree species. The overstory is well spaced to minimize the risk of a crown fire. There are numerous small slash piles that were not burned scattered throughout the development that were left after the harvest entry. Approximately 40% of the ground cover (eastern third of the proposed subdivision) consists of dense sagebrush where a ground fire supported by a strong wind could exhibit flames lengths 5-10 feet tall. There is limited availability of water that could be used for drafting firefighting equipment located within the development. However, there are several ponds in the area that could be utilized by aircraft for dipping and Little Squaw Creek for drafting capability.

8. Description of existing features that may assist in wildfire control.

High Valley Road and Dry Buck Road will provide good access for wild land firefighting equipment. Haven Ranch Road being reconstructed to meet Valley County private road standards in combination with the proposed *Shaded Fuel Break* installed on both sides of the road will minimize the risk of fire entering or leaving the property along the south boundary. The existing main ranch access road north of the proposed development could also provide a fire break. Along with two ponds (one south of Haven Ranch Road where it flows underneath the road and the other north of proposed Lot 7) that could be used for aircraft dipping or drafting by firefighting equipment.

9. Current structural and wildfire jurisdiction agencies

There is **no** structural fire jurisdiction for the High Valley area, the closest fire department being in Ola. The Idaho Department of Lands Southwest Area provides wildfire protection for all timber lands in the area.

Wildfire Risk Assessment Summary:

The property lies within Valley County's Geographic Hazard Assessment Wildland Urban Interface **high** level condition and the overall wildfire risk is high for the following reasons:

- The current timber stand is dense with young trees growing with crowns touching each other and limbs to the ground. Also, numerous small slash piles were left unburned after the previous timber harvest.

- There are limited water sources available on or close by the property to draft water.
- The proposed subdivision is surrounded on three sides by continuous fuel (thick timber stands in various stages of management) and dense sagebrush on the eastern side.



Figure 3: Dense timber stands and heavy sagebrush layer surround the proposed subdivision.

Section B *Wildfire Risk Mitigation:*

The Fire Behavior Triangle consists of three factors that combine to determine how a fire burns—they are topography, weather, and fuels. Topography is fixed as it changes very slowly over time. Weather is highly variable and the ability to predict is somewhat limited. Fuel (anything that burns and changes from season-to-season or time of day) is the only factor that can be manipulated to minimize wildfire risk.

1. Access-Planned ingress and egress routes

High Valley Road and Dry Buck Road are the primary access routes as well as the primary escape route to travel away from the property. The Haven Ranch Road and two short spur roads will be the primary roads within the development and must be reconstructed to meet County private road standards with the appropriate turnarounds installed at each end. However, these roads will still be a dead-end road which can pose problems if evacuation is necessary.

2. Water supply for structural and wildland fire responses

Water supply for structural fire will depend on either the well located on the individual Lot or what is supplied by a Structural Fire Department if responding. Water supply for wildfire could be provided by aircraft dipping from any nearby ponds or engines drafting from nearby streams.

3. Estimated response time and distance for jurisdictional fire agencies

The estimate response time from the Ola Rural Fire District is at least 45 minutes depending on weather conditions. The IDL Southwest Area response is even greater with engines coming from Boise. The extended response time could be critical in stopping or slowing wildfire from impacting residences.

4. Proposed internal fire protection systems.

No internal sprinkler systems within future residences are planned currently.

5. Proposed infrastructure (including driveways, signage, and power connections).

The future driveways to each residence should not exceed 10% grade, be at least 12 feet running surface wide excluding shoulders, have an unobstructed vertical clearance of 13.5 feet, and should be maintained to support fire apparatus up to 70,000 pounds.

New structures are strongly urged to utilize building materials meeting a standard of fire resistance advocated by the Valley County Building Department and the International Fire Code (IFC).

All new residences will have the address number posted as per Valley County standards (i.e., numbers posted at the entrance to the driveway or on the house and the numbers must be at least 3 and 1/2 inches tall with a reflective coloring).

Electrical power is planned to be provided to the individual Lots via an underground service.

6. Evacuation and Pre-incident planning.

A pre-incident action plan will be developed and instituted in the Community Covenants (CCR's). This action plan should address the escape route and evacuation plan to encourage pre-planning by residents for preparation in the event of an incident. Every five years the IDL Southwest Area fire staff and the future residents should formulate an assessment of the existing structures and vegetation that will aid in addressing whether the current action plan needs to be updated.

7. Planned vegetation treatments to reduce fuel loads.

Vegetation treatments that need to be completed to reduce the **High** Wildland Urban Interface Hazard Assessment level include the following:

A. Install a *Shaded Fuel Break* on both sides of Haven Ranch Road and the two short spurs while the roads are being reconstructed to Valley County standards. The shaded fuel break should be at least 20-30 feet wide on each side utilizing the following specifications:

- Young trees (i.e., sapling/pole size age group) leave trees spaced about 12-15 feet apart to obtain a minimum of 6-8 foot live crown distance. Prune

these trees at least 6-8 feet above ground level of the lowest branch leaving at least 40% of the tree height in live crown.

- Overstory age group leave trees spaced about 20-25 feet apart to obtain a minimum of 10 live crown distance. Prune these trees 8-10 feet above ground level of the lowest branch.
- Masticate all slash created from the thinning and pruning activity plus any dead material lying on the ground that is less than 10 inches DBH and 50% sound wood. Masticate all the small slash piles that were left from the previous timber harvest.

B. Driveway construction will be the responsibility of the individual Lot owner. Construction specifications should meet the minimum standards as stated in #5 above. In addition, installing a *Shaded Fuel Break* on both sides of the driveway to minimize fire risk and the ability for evacuation is necessary.

C. Future Lot owners should install the following **Firewise Defensible Space Zone** guidelines as the pad is constructed for a future structure or parking a RV as they will greatly minimize the risk of loss from wildfire.

The recommended **Firewise Defensible Space Zone** treatments are as follows:

1. **Immediate Zone**- 0 to 5 feet around the future building structure.
 - i. Recommend using rock or gravel instead of flammable vegetation or mulches next to the house.
 - ii. Trim branches from large trees or shrubs that overhang the home, porch, or deck.
 - iii. Do not stack firewood on or under decks.
2. **Intermediate Zone**- the next 5 to 30 feet from the building structures.
 - i. The landscape vegetation should consist of a well-maintained greenbelt. Utilize native low-lying plants that are fire resilient (visit idahofirewise.org for list). Favor deciduous trees and shrubs over evergreens, although Ponderosa pine and Douglas-fir can be fire resilient due to their thick bark. Keeping this zone green as much as possible in the hot dry summer months will also minimize surface fire from reaching the buildings.
 - ii. Shrubs can be limited to small clusters or groups of a few each to break up the continuity of vegetation across the landscape.
 - iii. Place propane tanks on gravel or concrete pads at least 30 feet from structures and surround them with non-flammable fencing.

3. Extended Zone- the next 30 to 100 feet from the building structures.

- i. Space trees to have a minimum of 15-20 feet between the crowns.
- ii. Remove the ladder fuel by pruning the lower branches at least 6-10 feet from the ground not to exceed 1/3 of the overall tree height.
- iii. Remove dead trees and shrubs. Also remove large accumulations of ground litter/debris.

8. Long-term maintenance schedule to sustain fuel treat effectiveness.

- Maintain the current grazing regime to minimize the amount of fuel loading and height of grasses.
- Promote the opportunity to maintain or return to native plant species and resistance to fire (such as Ponderosa pine, Western Larch, and Douglas-fir).
- Keep the shrubs and tree branches cut back along Haven Ranch Road and future driveways to provide good access for firefighting equipment.
- Future Lot owners should thin the timber stand or reduce the sagebrush density to reduce fuel loading which will ultimately minimize wildfire risk.
- Woody debris and vegetation encroachment within the 100' zone of each structure will be reduced annually. This may be accomplished by the homeowner, during a community workday, or by a professional contractor hired by the homeowner.
- No debris burning will be allowed during the closed burn season (May 10- October 20) without a approved burn permit. Fire pits at the residence site, if installed should be maintained to prevent a fire from escaping the structure. Recommend using metal containers for the fire pit.
- Periodically (1-5 years) the current Lot owner or HOA meet with the respective structural and/or wildland fire organizations meet to review trends and projections of future fire risk and fire risk reduction capabilities to ensure that mitigation measures are adequate.



Portion of Haven Ranch Road that needs reconstruction to meet county standards and a shaded fuel break installed on both sides of the road.



Small slash piles that were left from the previous harvest that need to be masticated or disposed of to reduce fuel load.



Thinning of the overcrowded younger trees will minimize wildfire risk and improve the health of the trees (reduce mortality losses from bark beetles like the red needle trees at right).



Minimizing the density of the sagebrush by providing openings where grasses can grow will reduce the continuity of the tall shrubs to carry a fire into the trees.

Tripod View Subdivision

General Cross Section of
Adjacent Wells - Associated
with Residential Structures.

Legend

Tripod View Subdivision



High Valley Airport

240' Depth
15.0 gpm

344' Depth
8.0 gpm

120' Depth
30.0 gpm

400' Depth
20.0 gpm

205' Depth
6.0 gpm

50' Depth
12.0 gpm

230' Depth
3.0 gpm

205' Depth
4.0 gpm

259' Depth
3.0 gpm

364' Depth
12.0 gpm

93' Depth
10.0 gpm

100' Depth
4.0 gpm

300' Depth
18.0 gpm

84' Depth
1.0 gpm

Ranger Station
158' Depth
25.0 gpm

259' Depth
3.0 gpm

Tripod View Subdivision



High Valley Hills Airport

Proposed Conditions of Approval per Motion Made November 13, 2025

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 the Valley County Engineer or Road Superintendent and Planning and Zoning Director on an agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners.
5. The final plat shall be recorded within two years, or this permit will be null and void.
6. A Deed transferring the road right-of-way to Valley County shall be prepared by the applicant.
7. Sanitary Restrictions must be removed by Central District Health prior to recording the final plat.
8. The Wildland Urban Interface Fire Protection Plan shall be approved by the Valley County Wildfire Mitigation Program Director.
9. Shall record the Wildfire Urban Interface Protection Plan with the final plat.
10. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
11. All easements shall be shown on the final plat.
12. A Declaration of Installation of Utilities shall be noted on the face of the plat referencing electrical power, phone, and fiber.
13. 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.
14. CCR's, if recorded, should address lighting, noxious weeds, septic maintenance, wildfire prevention, fire wise wildland urban interface landscaping requirements, prohibiting yews in landscaping, dogs being a nuisance to adjacent agricultural uses, and limit each lot to one wood-burning device.
15. CCR's should provide for long-term maintenance of requirements in the Wildland Urban Interface Fire Protection Plan.
16. 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.”
- Wildfire Urban Interface Protection Plan recorded as instrument # _____.”
- “Shared Driveway Maintenance Agreement was recorded as Instrument # _____.”
- Declaration of Private Road was recorded as Instrument # _____.”
- Lots shall not be reduced in size without prior approval from the Health Authority and Valley County Planning and Zoning Commission.

17. Shall work with Gem County to address their proportional share of impacts as part of a development agreement. Recommend the Valley County Board of Commissioners discuss with Gem County Commissioners.

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

SUBJECT: SUB 25-018 Tripod View - Preliminary Plat

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on October 16, 2025. The Commission reached a quorum. Commission members in attendance were Ben Oyarzo, Carrie Potter, Heidi Schneider, and Chairman Ken Roberts. A public hearing was held. The matter was tabled to November 13, 2025, at 6:00 p.m.

This matter came before the Valley County Planning and Zoning Commission on November 13, 2025. The Commission reached a quorum. Commission members in attendance were Brad Mabe, Ben Oyarzo, Carrie Potter, and Chairman Ken Roberts.

Steven Emerson, the applicant, was present and requested a conditional use permit for a 12-lot, single-family residential subdivision on 46 acres. Proposed lot sizes range from 1.8-acres to 4.2 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from a new private road onto Dry Buck Road, a public road. Variances are requested for shared driveways and a cul-de-sac road longer than 900-ft. The site is part of parcels RP10N02E130606 and RP10N02E131915 located in the NE ¼ Section 13, T.10N, R.2E, Boise Meridian, Valley County, Idaho

John Lillehaug and James Fronk also represented the applicant and provided testimony during the public hearings.

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 meetings dated October 16, 2025, and November 13, 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 Single-Family Residential Parcel. The previous property owner used the property for Agricultural (Timber / 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, Agricultural (Dry Grazing) with Home Sites, and U.S. Forest Service Managed Lands.
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 on July 24, 2025. A summary is in the application.
- The complete application was received from the applicant on August 21, 2025.
- Legal notice was posted in the *Star News* on September 25, 2025, and October 2, 2025.
- Potentially affected agencies were notified on September 16, 2025.
- Property owners within 300 feet of the property line were notified by fact sheet sent September 17, 2025.
- The notice and application were posted online at www.co.valley.id.us on September 16, 2025.
- The site was posted on September 29, 2025.
- A public hearing was held on October 16, 2025.
- The public hearing was tabled to November 13, 2025, at 6:00 p.m.
- Since the matter was tabled to a specific date and time, further legal notice was not required. However, notice was posted in the *Star News* on October 23, 2025, and October 30, 2025.
- Additional information was submitted by the applicant.

6. People in attendance commented as undecided and in opposition during public testimony on the proposal. Written comments were received from agencies and the public. See the staff reports and minutes for each hearing.

7. The Commissioners deliberated and stated the following conclusions.

- Commissioner Mabe stated the High Valley Road conditions are due to logging equipment, not residential traffic. Road concerns could be mitigated by requiring the applicant to address their proportional share of impacts as part of a development agreement. The Valley County Board of Commissioners would discuss details with the Gem County Commissioners. People buying property in this area tend to be more self-reliant individualists and would be aware of the response times for emergency services. The site is outside of the fire district; however, much of private land in Valley County is also outside of a fire district. Location within a fire district should not become a requirement for subdivision approval. Impacts to others wells should be considered but is an issue of Idaho Dept. of Water Resources. In reference to the comments regarding a decrease in the general quality of life due to additional people, this is occurring throughout Idaho.
- Commissioner Potter expressed concerns regarding wells, EMS and fire response, safety of community, and the public testimony of road conditions and seasonal availability. However, she believes these issues can be mitigated.
- Chairman Roberts was not supportive. He questioned if the Commission had enough information to make a decision. The Valley County Prosecuting Attorney has stated health, safety, and welfare are reasons that the Commission can deny applications. Chairman Roberts has serious concerns about health and safety of this proposal, particularly the lack of water for domestic wells and fire suppression. The applicant should

be required to prove that there is enough domestic water for all 12 lots through a test well and/or using one community well which may need to be much deeper than other wells in the area.

- Commissioner Oyarzo concerns include the lack of water supply, both for domestic wells and fire suppression. Does not believe a water tank would be beneficial; water tanks for fire suppression do no good if the pumping equipment is not available.

8. Commissioner Mabe and Commissioner Potter voted to approve the conditional use permit and preliminary plat. Commission Oyarzo and Chairman Roberts voted in opposition. The motion failed. Thus, the application for SUB 25-018 Tripod View was denied due to a tie vote.

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.
2. Valley County has opted to substitute traditional zoning with a multiple use zone in which there is no separation of land uses.
3. Valley County has one mixed use zone that is a performance-based ordinance which promotes mitigation of impacts.
4. That the proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will potentially be otherwise detrimental to the public health, safety, and welfare.
5. Access to the area is limited seasonally. During the winter season, the area is accessed from Gem County or by snowmobiles. Therefore, the ability for emergency services to respond is limited seasonally.
6. The High Valley area is not within a fire district. There are not adequate water sources available within the proposed subdivision for fire suppression.
7. Availability of water for domestic uses and fire suppression is limited; building additional homes would be detrimental to the public health, safety, and welfare of both existing property owners and future lot owners.
8. Valley County has one mixed use zone that promotes mitigation of potential impacts. There was a lack of information concerning how impacts of this specific use on domestic drinking water, adjacent wells, and road conditions would be mitigated.

ORDER

The Valley County Planning and Zoning Commission, pursuant to the aforementioned, orders that the application of Steven Emerson for SUB 25-018 Tripod View Subdivision, as described in the application, staff report, correspondence, and minutes of the meetings be denied.

**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



Valley County Planning and Zoning Commission Chairman

Date: 12/11/2025

Valley County Planning and Zoning

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



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

STAFF REPORT:	SUB 25-018 Tripod View - Preliminary Plat
MEETING DATE:	October 16, 2025
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT / PROPERTY OWNER:	Steven Emerson 10016 W Broadford DR, Star, ID 83669
REPRESENTATIVE:	James Fronk Consulting LLC PO Box 576, McCall, Id 83638
SURVEYOR:	Dunn Land Surveys 25 Coyote Trail, Cascade, ID 83611
LOCATION:	Part of parcels RP10N02E130606 and RP10N02E131915 located in the NE ¼ Section 13, T.10N, R.2E, Boise Meridian, Valley County, Idaho
SIZE:	46 acres
REQUEST:	12-Lot Single-Family Residential Subdivision
EXISTING LAND USE:	Single-Family Residential Parcel

Steven Emerson is requesting a conditional use permit for a 12-lot, single-family residential subdivision on 46 acres. Proposed lot sizes range from 1.8-acres to 4.2 acres.

Individual septic systems and individual wells are proposed.

The lots would be accessed from a new private road, approximately 1500-ft long, onto Dry Buck Road, a public road. Variances are requested for a cul-de-sac longer than 900-feet long (Valley County Code 10-4-4.F.6) and shared driveways. The proposed road includes a portion of RP10N02E131915.

Road right-of-way would be dedicated to Valley County for Dry Buck Road. Dry Buck Road currently receives only summer maintenance by Valley County.

A wildland urban interface fire protection plan will be submitted prior to final plat approval. This site is not within a fire district. Valley Countywide EMS District provides emergency services to the High Valley Area.

CCRs are proposed but have not been submitted.

FINDINGS:

1. A neighborhood meeting, as required by VCC 9-5H-1.D, was held on July 24, 2025. A summary is in the application.
2. The complete application was submitted on August 21, 2025.
3. Legal notice was posted in the *Star News* on September 25, 2025, and October 2, 2025. The applicant was notified by letter on September 16, 2025. Potentially affected agencies were notified on September 16, 2025. Property owners within 300 feet of the property line were notified by fact sheet sent September 17, 2025. The notice was posted online at www.co.valley.id.us on September 16, 2025. The site was posted on September 29, 2025.
4. Agency comment received:

Steven Hull, Cascade Rural Fire Chief, stated this development is outside the Cascade Rural Fire Protection District (CRFPD) boundary. However, EMS response is provided. The site is 27 miles away from Cascade with a 50-minute drive in good weather. The area is not accessible from Cascade during the winter months. CRFPD's opinion is that future developments outside of fire districts should meet the same requirements as those within for the safety of the public. Recommendations for roads, driveways, and fire protection water supply. Existing homes in this area are unable to get homeowners insurance due to the lack of structure fire protection. CRFPD does not recommend approval of Tripod View Subdivision due to location and access. (September 26, 2025)

Brent Copes, Central District Health, stated groundwater data and engineering report are required. (September 30, 2025)

Jeff McFadden, Valley County Road Superintendent, stated County-maintained roads that would see increase traffic included High Valley Road and Dry Buck Road. He recommends a 35-ft right-of-way to the public for property owned by the owner immediately adjacent to Dry Buck Road. Prior to final acceptance of C.U.P., the developer should agree to provide an appraisal for the value of the ROW, a legal description, and a warranty deed. He recommends that the developer mitigate impacts to transportation services by paying a proportionate share of road improvement costs. Recommendations should be memorialized in a future voluntary development agreement. (September 23, 2025)

Megan Myers, Valley County Communications Supervisor, and Laurie Frederick, Valley County Cadastral Specialist III, approve the proposed road name Haven Ranch Road. (July 9, 2025; July 11, 2025; July 13, 2025; July 14, 2025)

Brandon Flack, Idaho Fish and Game Regional Technical Assistance Manager, submitted general recommendations for subdivisions, which include controlling pets, vegetative recommendations, prohibiting feeding of wildlife, riparian barriers around wetlands, pond requirements, and wildlife friendly fencing. (November 21, 2024)

5. Public comment received: *none*
6. Physical characteristics of the site: Rolling topography with open ground and timbered areas. Two small intermittent streams with adjacent wetlands on stream edges.

7. The surrounding land use and zoning includes:

North: Single-Family Residential Parcels (Assessment changed from Agricultural in 2025)
South: Single-Family Residential Parcels; Agricultural (Dry Grazing) with Home Sites
East: U.S. Forest Service
West: Single-Family Residential Parcels (Assessment changed from Agricultural in 2025)

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.
- B. Exemptions: Grading for bona fide agricultural activities, timber harvest, and similar permitted uses herein are exempt from this section.
- C. Flood Prone Areas: Grading within flood prone areas is regulated by provisions of section 9-6-2 of this title and title 11 of this code. A permit, if required, shall be a part of the conditional use permit.
- 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.

-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 (20°) of right angles or radial to street lines.

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.

- 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 +13.

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.

STAFF COMMENTS / QUESTIONS:

1. This site is within Water District 65A. It is not within an irrigation district nor a fire district.
2. Dry Buck Road does not currently receive winter maintenance by Valley County Road Department.
3. Valley County Code 9-5C-2.C states that frontage on a public or private road shall not be less than 30-ft for each lot. All lots appear to meet this minimum.
4. Plat Note 3 refers to a Storm Water Drainage Report; this has not been submitted to the PZ Office.
5. Plat Note 6 should be modified to include Planning and Zoning Commission.

6. Approval of a variance will be required for cul-de-sac longer than 900-feet long (Valley County Code 10-4-4.F.6)
7. Shall remove the reference to South Ranch Subdivision from Plat Note 11.
8. Will power lines be underground?
9. Question 6 of the Impact Report states that there are two intermittent streams with small amount of jurisdictional wetlands. All wetlands must be shown on the final plat.
10. The Declaration of Private Road must permit the use by the owners of the adjacent properties to the south.

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. Will 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
- Wetland Map
- Google Maps – Aerial View - 2025
- Google Map Street Images - 2024
- Photos taken September 29, 2025
- Assessor Plat – T.10N R.2E Section 13
- Preliminary Plat
- 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 the Valley County Engineer or Road Superintendent and Planning and Zoning Director on an agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners.
5. The final plat shall be recorded within two years, or this permit will be null and void.
6. A Deed transferring the road right-of-way to Valley County shall be prepared by the applicant.
7. Sanitary Restrictions must be removed by Central District Health prior to recording the final plat.
8. The Wildland Urban Interface Fire Protection Plan shall be approved by the Valley County Wildfire Mitigation Program Director.
9. Shall record the Wildfire Urban Interface Protection Plan with the final plat.
10. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.
11. All easements shall be shown on the final plat.
12. A Declaration of Installation of Utilities shall be noted on the face of the plat referencing electrical power, phone, and fiber.

13. 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.
14. CCR's, if recorded, should address lighting, noxious weeds, septic maintenance, wildfire prevention, fire wise wildland urban interface landscaping requirements, prohibiting yews in landscaping, dogs being a nuisance to adjacent agricultural uses, and limit each lot to one wood-burning device.
15. CCR's should provide for long-term maintenance of requirements in the Wildland Urban Interface Fire Protection Plan.
16. 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."
 - "Wildfire Urban Interface Protection Plan recorded as instrument # _____."
 - "Shared Driveway Maintenance Agreement was recorded as Instrument # _____."
 - Lots shall not be reduced in size without prior approval from the Health Authority and Valley County Planning and Zoning Commission.

END OF STAFF REPORT

Valley County Planning and Zoning Commission

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

Ken Roberts, Chairman
Carrie Potter, Vice-Chair



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

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

MINUTES

Valley County Planning and Zoning Commission
October 16, 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 Chairman Roberts. A quorum exists.

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

B. MINUTES: Commissioner Schneider moved to approve the minutes of September 11, 2025, with the corrected condition of approval for C.U.P. 25-020. Commissioner Potter seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

1. C.U.P. 25-022 Paikka Bakery - Amendment of C.U.P. 22-13: Finn Place LLC is requesting an amendment to a conditional use permit to allow the public to pick up orders on-site five days per week, to modify approved site plan, and to add an additional greenhouse. The existing septic system and individual wells would be used. The 3-acre site is addressed at 14118 Highway 55 and located in Finn Barn Subdivision Lot 1 Block 1 in the SENE Section 18, T.18N, R.3E, Boise Meridian, Valley County, Idaho. *Tabled from September 11, 2025.* Action Item.

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Commissioner Schneider moved to approve C.U.P 25-022 Paikka Bakery from the table. Commissioner Potter seconded. Motion passed unanimously

Director Herrick presented the staff report and displayed the site and GIS map on the projector screen.

Chairman Roberts asked for the applicant's presentation.

Commissioner Schneider moved to approve the conditional use permit and preliminary plat for SUB 25-017 Moss Landing with the stated conditions.

COA: Dark sky lighting requirements shall be included in CCRs.

COA: A "Lots are Available for Sale" sign is allowed on the subdivision entrance sign until such time lots have been sold.

COA: Micheal Leedom must approve the language in CCRs concerning the irrigation easement. If no agreement can be reached, the conditional use approval will not be nullified.

In addition, the Commission recommends (1) approval of variance for a cul-de-sac road longer than 900 feet, and (2) a pullout area for a cluster mailbox which should be included in the grading plan.

Commissioner Oyarzo seconded the motion. Commissioner Oyarzo, Commissioner Potter, and Commissioner Schneider voted in favor; Chairman Roberts voted in opposition. Motion carried.

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

8:48 p.m.

5. **SUB 25-018 Tripod View - Preliminary Plat:** Steven Emerson is requesting a conditional use permit for a 12-lot, single-family residential subdivision on 46 acres. Proposed lot sizes range from 1.8-acres to 4.2 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from a new private road onto Dry Buck Road, a public road. Variances are requested for shared driveways and a cul-de-sac road longer than 900-ft. The site is part of parcels RP1ON02E130606 and RP1ON02E131915 located in the NE ¼ Section 13, T.1ON, R.2E, Boise Meridian, Valley County, Idaho. Action Item.

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

- **Exhibit 1** – Wildland Urban Interface Protection Plan (October 12, 2025)

Director Herrick referred to the pictures within Exhibit 1 which show open sagebrush and scatter conifers. Other subdivisions in the High Valley area were reviewed on the GIS map. The site does have electrical power.

Chairman Roberts asked for the applicant's presentation.

Steven Emerson, Star, Idaho, purchased 650 acres in the area [multiple parcels]. He intends to live full time on the property; the remainder will be used for timber, livestock grazing, and hay growing. Funds from the sale of these lots would be used to preserve the remainder of the ranch property. This site was selected as it would have the least impact on the overall ranch operation and provide building sites with views.

Jim Fronk, McCall, represented the applicant. The site abuts up against the hill and is somewhat open. There would be view corridors of Tripod. He referred to the WUI Plan (**Exhibit 1**). The CCRs and HOA documents will include recommendations of the Fire Plan. He discussed building design criteria and HOA design review. Solar panels are likely to be used by future lot owners; however, electrical power will be provided to the subdivision. Director Herrick stated a conditional use permit would be required if solar panels were ground mounted.

The road grade follows the natural contours, with approximately 6-7% slope and limited cuts and fills. The adjacent neighbors have their own dedicated access which will not be destroyed but each one of those lots were provided crossover to reach the main road. There is a hammerhead at the end of the new road and turnaround at shared driveways as required by Valley County Code. The lots meet the frontage requirements.

It is the applicant's intent to meet the recommendations of the Cascade Fire Chief; however, Cascade Fire District does not service the area. Property insurance is being lost throughout the country. The applicant does not wish to bury a water tank for fire suppression as no fire district apparatus would be available to connect to a tank. The applicant prefers onsite mitigation such as sprinklers. U.S. Forest Service and Southern Idaho Timber Protection Association (SITPA) would respond to wildfires in this area. The existing building and driveway are shown on preliminary plat for adjacent Parcel F.

Chairman Roberts stated he likes the shared driveways.

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

Jennifer Hunn, Boise, owns adjacent 141 Dry Buck Road located to immediate south. Without seeing the proposed CCRs, her concerns include wildfire, water, and grazing rights. Her property has two wells; neither provides enough water for the home. One well is 280-ft deep through fractured granite and provides 1 gallon of water per minute. They fill a cistern with buckets. The overall area has fire breaks created by meadows, roads, and livestock grazing. There are currently five homes in the area. This proposal would increase the number of homes and the likelihood of wildfire. The existing cattle grazing provides an economic benefit as well as reduction in fuel (grass) for a wildfire.

The production of the three wells in the area were reviewed by Saff and Commissioners.

Chairman Roberts asked for opponents. There were none.

Chairman Roberts asked for rebuttal from the applicant.

Mr. Fronk stated that currently Mr. Emerson's cows graze the site. Wells were discussed with Commissioners. A test well could be done. Residences could also use water storage methods. Requiring fire sprinklers would be possible in kitchens and high-flammable areas. That is expensive but so is a water tank. The WUI plan includes clearing spaces and fuel breaks. SITPA could use the creek or existing ponds at the subdivision entrance and north of lots for water. The pond at the entrance could be made deeper. The proposed road and existing easements are on the applicant's property.

Steve Emerson has had many conversations with John Lillehaug. The road from Smith's Ferry to Dry Buck Road is closed approximately six months every year; the Cascade Fire District has stated they would not respond to a structure fire. Thus, a water tank would not be used and would be expensive to install and maintain. It would be more effective to follow the WUI Plan and spend money on fuel breaks.

Chairman Roberts closed the public hearing. The Commission deliberated. Chairman Roberts is concerned about the effects on the health and safety for future lot owners. Commissioners agreed that fire risk is the primary concern; how would this be mitigated. Director Herrick stated the Commission could require a dry hydrant in the pond and require the CCRs to regulate

maintenance, similar to a project in Round Valley. Size and locations of existing ponds were discussed. Does water exist year-round? Could the ponds be made bigger? Only a portion of the pond by the entrance is on the applicant's property. The site and pond was reviewed on the GIS map. Sprinklers could be required in the home. The WUI Plan would be implemented. WUI plan does not address water source for fire protection. A dry hydrant would not be helpful if there was not a fire truck available to pump it. SITPA would respond to a wildland fire, not a structural fire. A pond is helpful but more information on size is needed; could the pond be used as a dipping site by a helicopter? There is also a large pond at Wilderness Lake Ranch approximately three miles away.

The production of wells in the area was reviewed by Staff and Commissioners. Not all well logs are on the Idaho Department of Water Resources website, nor are all the marked locations precise.

Commissioner Potter moved to table SUB 25-018 Tripod View to November 13, 2025, at 6:00 p.m., for more information from the applicant on wells, structural fire protection, and water sources for fire suppression. Commissioner Schneider seconded the motion. Motion carried unanimously.

Director Herrick stated the applicant might consider speaking to a fire district in the Ola area in Gem County.

9:35 p.m.

6. VAC 25-001 Zrile Vacation of Utility Easements: Albin Zrile is requesting vacations of 12-ft utility easements that are centered on the lot lines between Little Donner Subdivision Tract II Lots 29, 30, and 33 in order to build over the easements. The 2.62-acre site is addressed at 67, 73, and 77 Mountain Air Drive and located in the NE $\frac{1}{4}$ Section 11, T.14N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

No utilities are located in these easement areas. Staff has not yet heard from Idaho Power.

Chairman Roberts asked for the applicant's presentation.

Aaron Bell, Idaho City, represented the applicant. He is the applicant's land surveyor. The applicant would like to build over the lot lines. An application has also been submitted to Idaho Power Company.

Director Herrick stated the property owner will be required to combine the lots in order to build over the lot line. The Assessor's Office would combine the lots for tax purposes; this process does not remove the actual lot line from the plat.

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

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents. There were none.

Chairman Roberts closed the public hearing. The Commission deliberated. Commissioners had no issues as long as Idaho Power is in favor.

Commissioner Schneider moved to recommend approval of VAC 25-001 to the Board of County Commissioners. Commissioner Potter seconded the motion. Motion carried unanimously.

Valley County Planning and Zoning

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



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

STAFF REPORT:	SUB 25-018 Tripod View - Preliminary Plat - Addendum
MEETING DATE:	November 13, 2025
TO:	Planning and Zoning Commission
STAFF:	Cynda Herrick, AICP, CFM Planning and Zoning Director
APPLICANT / PROPERTY OWNER:	Steven Emerson 10016 W Broadford DR, Star, ID 83669
REPRESENTATIVE:	James Fronk Consulting LLC PO Box 576, McCall, Id 83638
SURVEYOR:	Dunn Land Surveys 25 Coyote Trail, Cascade, ID 83611
LOCATION:	Part of parcels RP10N02E130606 and RP10N02E131915 located in the NE ¼ Section 13, T.10N, R.2E, Boise Meridian, Valley County, Idaho
SIZE:	46 acres
REQUEST:	12-Lot Single-Family Residential Subdivision
EXISTING LAND USE:	Single-Family Residential Parcel

On October 16, 2025, the PZ Commission tabled C.U.P. 25-023 to November 13, 2025. Please refer to the previous staff report for additional information. Additional information requested from the applicant includes wells, structural fire protection, and water sources for fire suppression.

FINDINGS:

1. On October 16, 2025, the PZ Commission tabled C.U.P. 25-023 to November 13, 2025, at 6:00 p.m. The public hearing was closed but can be reopened since new information has been submitted by the applicant. The applicant previously submitted a Wildland Urban Interface (WUI) Fire Protection Plan [Exhibit 1, October 16, 2025].
2. Legal notice was posted in the *Star News* on October 23, 2025, and October 30, 2025.
3. Additional Submittals from the Applicant received November 5, 2025:
 - 1) Letter including personal introduction, reason for application and site selection, and responses to questions from previous meeting.
 - o Cattle Grazing
 - o Ground water / Wells
 - o Fire Hazard
 - o Noticing

- Subdivision Location
- Applicant's Character

- 2) Map of Nearby Wells, Depth and Flow
- 3) Wildland Urban Interface Fire Protection Plan

4. All Agency comment received:

Steven Hull, Cascade Rural Fire Chief, stated this development is outside the Cascade Rural Fire Protection District (CRFPD) boundary. However, EMS response is provided. The site is 27 miles away from Cascade with a 50-minute drive in good weather. The area is not accessible from Cascade during the winter months. CRFPD's opinion is that future developments outside of fire districts should meet the same requirements as those within for the safety of the public. Recommendations for roads, driveways, and fire protection water supply. Existing homes in this area are unable to get homeowners insurance due to the lack of structure fire protection. CRFPD does not recommend approval of Tripod View Subdivision due to location and access. (September 26, 2025)

Brent Copes, Central District Health, stated groundwater data and engineering report are required. (September 30, 2025)

Jeff McFadden, Valley County Road Superintendent, stated County-maintained roads that would see increase traffic included High Valley Road and Dry Buck Road. He recommends a 35-ft right-of-way to the public for property owned by the owner immediately adjacent to Dry Buck Road. Prior to final acceptance of C.U.P., the developer should agree to provide an appraisal for the value of the ROW, a legal description, and a warranty deed. He recommends that the developer mitigate impacts to transportation services by paying a proportionate share of road improvement costs. Recommendations should be memorialized in a future voluntary development agreement. (September 23, 2025)

Megan Myers, Valley County Communications Supervisor, and Laurie Frederick, Valley County Cadastral Specialist III, approve the proposed road name Haven Ranch Road. (July 9, 2025; July 11, 2025; July 13, 2025; July 14, 2025)

Brandon Flack, Idaho Fish and Game Regional Technical Assistance Manager, submitted general recommendations for subdivisions, which include controlling pets, vegetative recommendations, prohibiting feeding of wildlife, riparian barriers around wetlands, pond requirements, and wildlife friendly fencing. (November 21, 2024)

5. All Public comment received:

Jennifer Hunn, adjacent landowner, spoke as undecided during testimony on October 16, 2025. See attached meeting minutes.

Rich Summers, Wilderness Lake Ranch Subdivision, is opposed. The pond referenced during the public hearing on October 16, 2025, is not full of water year-round. Wildfire is a high concern for area. What would lot owners do for trash removal? He takes travel to a transfer trailer in Ola on Saturdays. The increase of traffic on roads not well-maintained is a concern. Water table is a concern. The public hearing sign should have been more visible to High Valley residents. (October 29, 2025)

STAFF COMMENTS / QUESTIONS:

1. This site is within Water District 65A. It is not within an irrigation district nor a fire district.
2. Dry Buck Road does not currently receive winter maintenance by Valley County Road Department.
3. Valley County Code 9-5C-2.C states that frontage on a public or private road shall not be less than 30-ft for each lot. All lots appear to meet this minimum.
4. Plat Note 3 refers to a Storm Water Drainage Report; this has not been submitted to the PZ Office.
5. Plat Note 6 should be modified to include Planning and Zoning Commission.
6. Approval of a variance will be required for cul-de-sac longer than 900-feet long (Valley County Code 10-4-4.F.6)
7. Shall remove the reference to South Ranch Subdivision from Plat Note 11.
8. Will power lines be underground?
9. Question 6 of the Impact Report states that there are two intermittent streams with small amount of jurisdictional wetlands. All wetlands must be shown on the final plat.
10. The Declaration of Private Road must permit the use by the owners of the adjacent properties to the south.

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. Will 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
- Draft Minutes – October 16, 2025
- Applicant's Submittal Received November 5, 2025
- Additional Responses Received

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 the Valley County Engineer or Road Superintendent and Planning and Zoning Director on an agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners.
5. The final plat shall be recorded within two years, or this permit will be null and void.
6. A Deed transferring the road right-of-way to Valley County shall be prepared by the applicant.
7. Sanitary Restrictions must be removed by Central District Health prior to recording the final plat.
8. The Wildland Urban Interface Fire Protection Plan shall be approved by the Valley County Wildfire Mitigation Program Director.
9. Shall record the Wildfire Urban Interface Protection Plan with the final plat.
10. Must have a fencing plan with neighboring properties if they run livestock for over 30 days per year.

11. All easements shall be shown on the final plat.
12. A Declaration of Installation of Utilities shall be noted on the face of the plat referencing electrical power, phone, and fiber.
13. 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.
14. CCR's, if recorded, should address lighting, noxious weeds, septic maintenance, wildfire prevention, fire wise wildland urban interface landscaping requirements, prohibiting yews in landscaping, dogs being a nuisance to adjacent agricultural uses, and limit each lot to one wood-burning device.
15. CCR's should provide for long-term maintenance of requirements in the Wildland Urban Interface Fire Protection Plan.
16. 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."
 - Wildfire Urban Interface Protection Plan recorded as instrument # _____."
 - "Shared Driveway Maintenance Agreement was recorded as Instrument # _____."
 - Declaration of Private Road was recorded as Instrument # _____.
 - Lots shall not be reduced in size without prior approval from the Health Authority and Valley County Planning and Zoning Commission.

END OF STAFF REPORT

Valley County Planning and Zoning Commission

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

Ken Roberts, Chairman
Carrie Potter, Vice-Chair



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

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

M I N U T E S
Valley County Planning and Zoning Commission
November 13, 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 Chairman Roberts. 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
PZ Commissioner – Heidi Schneider:	Excused
PZ Planner II – Lori Hunter:	Present

B. MINUTES: Commissioner Potter moved to approve the minutes of October 16, 2025, and October 23, 2025. Commissioner Mabe seconded the motion. Motion passed unanimously.

C. OLD BUSINESS:

- 1. SUB 25-019 HWY 55 Storage – Preliminary Plat:** Pearson Storage Partners LLC is requesting a conditional use permit for a subdivision on 28.5 acres. Block 1 would include 108 condominium storage units and two offices/bathroom units. Individual septic systems and individual wells are proposed. The use for Block 2 is undefined. Access would be from a joint driveway onto State Highway 55. The site, addressed at 14014 Highway 55, includes parcel RP18N03E331807 and Vandal Flats Subdivision Lot 2 Block 1, located in the NE ¼ Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. *Tabled from September 11, 2025.*
Action Item.

Commissioner Mabe moved to move SUB 25-019 HWY 55 Storage from the table. Commissioner Oyarzo seconded. Motion passed unanimously. Commissioner Potter did not vote.

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest. Commissioner Potter recused herself.

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

- **Exhibit 1** – Revised Preliminary Plat (7 sheets), received November 10, 2025. Vandal Flats Subdivision Lot 2 Block 1 has been removed from the preliminary plat.
- **Exhibit 2** – Revised Landscape Concept, received November 10, 2025

6:55 p.m.

3. **SUB 25-018 Tripod View - Preliminary Plat:** Steven Emerson is requesting a conditional use permit for a 12-lot, single-family residential subdivision on 46 acres. Proposed lot sizes range from 1.8-acres to 4.2 acres. Individual septic systems and individual wells are proposed. The lots would be accessed from a new private road onto Dry Buck Road, a public road. Variances are requested for shared driveways and a cul-de-sac road longer than 900-ft. The site is part of parcels RP1ON02E130606 and RP1ON02E131915 located in the NE ¼ Section 13, T.1ON, R.2E, Boise Meridian, Valley County, Idaho. Tabled from October 16, 2025. Action Item.

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Commissioner Mabe moved to move SUB 25-018 Tripod View from the table. Commissioner Potter seconded. Motion passed unanimously.

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

- **Exhibit 1** – Neal Capps, Gem County Road and Bridge Department Director, would like to be notified if approved by PZ Commission. He also wishes to be notified of any proposed development application in the High Valley area. (November 12, 2025)
- **Exhibit 2** – Kim Minter, owner of cabin in Marster's Subdivision, is opposed due to negative impacts to traffic, road conditions, and quality of life in High Valley. (November 12, 2025)
- **Exhibit 3** – Barbara McNeil and Harold Miller are opposed due to concerns of adverse impacts to High Valley residents' health and safety, the availability of public services, and wildfire. (November 11, 2025)
- **Exhibit 4** – Art Lee, 2 Lem Court, is opposed due to the road condition and dust from traffic. (November 12, 2025)
- **Exhibit 5** – E. Brian Allen, 175 Wilderness Lake RD, has concerns. He will present testimony this evening. (November 13, 2025)

Director Herrick stated she had responded to Mr. Capps explaining that the subdivision process in Valley County differs from Gem County. Mr. Capps further responded that he was strongly opposed due to access from Gem County and existing road conditions. Director Herrick clarified to the PZ Commissioners that during the winter, access from Smith's Ferry is closed due to snow. There was discussion between Staff and Commissioners on noticing, impacts to, and comments from adjacent Counties. A condition of approval could require the applicant work with Gem County for their impacts; however, Valley County cannot require them to pay impact fees to Gem County and should not require approval from Gem County. Valley County would have no control over another County's decisions or demands. The section of road from Gem County was reviewed on the GIS map; Gem County could stop maintaining the section of road. From Ola to the Valley Couty line is approximately eight road miles. It is the only plowed road access in the winter; other options are available during the summer.

Chairman Roberts asked for the applicant's presentation.

Steven Emerson, Star, Idaho, apologized for angst of the public that was unintentionally created. He acknowledged the letter from Gem County Road and Bridge. He would not be opposed to participating in a cost-share for road maintenance. Mr. Emerson responded to previous comments from Commissioners and the public. He intends to operate a working

ranch; this proposal is to raise capital to improve the ranch and continue to raise cattle and grow timber. The location of the proposed subdivision was chosen due to the least impact to the overall ranch operations. Trees at this site are not thick enough to have timber value but would be of value to future lot owners. The subdivision would preserve the overall value of ranch property, would have access to public roads, and would not be visible to much of High Valley. The lots would be hidden from the primary traffic in the area. The proposal is consistent with prior use; there are eight adjacent existing residential areas. Mr. Emerson is not a developer, this is the first development he has made, and additional phases are not planned. He used a consultant, James Fronk, for help with lot design and the application process. Mr. Emerson referred to the well log map that he submitted and wells in the area. Depth and water production varies throughout the High Valley area; better water seems to be deeper.

John Lillehaug, McCall, spoke about the Wildland Urban Interface Fire Protection Plan (WUIPP) he created. Roughly 400 acres of Mr. Emerson's 640-acre property is in timber; the rest is open grazing land with grass, sagebrush, and scattered trees. The property has been thinned and is good shape as far as wildfire risk is concerned. A wildfire would not be expected to spread too fast or get up into the crowns easily as fuel loading has been reduced. Approximately half of the proposed subdivision is 100% forested; other half is open sagebrush and grass with strings of trees. Access onto Dry Buck Road is from a private road. This road is currently native surface that provides easement access to adjacent properties. The road will be reconstructed to meet private road standards. The dead-end road would have appropriate turn arounds for fire suppression apparatus. A perennial Class 2 stream, with no fish, on the east end of property flows into Little Squaw Creek. Both the pond at the private road entrance and the pond located north of the proposed subdivision are shallow and not suitable for a dry hydrant for fire suppression purposes. There are a lot of water sources throughout High Valley that can provide water for fire suppression.

The WUIPP contains three vegetation treatments to minimize fire risk for the subdivision and adjacent properties. (1) The property is currently grazed and would continue to be so until lots are sold; grazing reduces fire risk. Grazing could continue if new lot owner(s) is willing; lot owners would be responsible to fence cows out. (2) A shaded fuel break would be created along the new private road, 20 to 30-ft wide where feasible. Young, smaller trees would be spaced a minimum of 12-ft apart. Lower limbs would be pruned while leaving 40% of the crown. Larger trees would be spaced 20 to 25-ft apart and limbs would be pruned 8-10-ft high. This would reduce likelihood of a crown fire. Slash/debris would be disposed of properly. (3) New lot owners would construct driveways and building sites. Lots would be required to have same shaded fuel break specifications as the private road. Lots would also require:

- Firewise defensive space zones with hard landscaping or irrigated green grass by buildings in the Immediate Zone.
- Fire resistant plants in the Intermediate Zone. Ponderosa Pine and Douglas Fir are considered fire resistant when lower limbs are pruned. Propane tanks would be placed on gravel or concrete pads a minimum of 30 ft from structures.
- Trees can be closer within the Extended Zone.

These requirements would reduce fuels, provide safety for ingress/egress, and minimize risk of wildfire. There is no fire district in this area. Property owners will need to take responsibility using right building materials. These restrictions can be addressed by CCRs.

Director Herrick read the second email from Neal Capps, Gem County Road and Bridge Department Director, into the record (**Exhibit 10**). Mr. Capps is concerned that additional phases may be planned. The High Valley Road is steep, narrow, and winding road with limited site distances. Additional traffic volumes would increase the wear and maintenance on a road that is already difficult due to terrain and weather conditions. Should the County approve this subdivision, the applicant should be responsible for roadway improvements to include but not

limited to tree removal, improved site distances, potential widening, and/or addition of surface material on High Valley Road.

Short recess was held to approximately 7:40 p.m.

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

E. Brian Allen, 175 Wilderness Lake Road, submitted Exhibit 5. He referred to the picture he submitted of a road sign posted at the intersection of Dry Buck RD and Old Buck RD. This sign states that the road is closed one mile ahead, local traffic only. Mr. Allen questioned if this sign makes the road private after one mile; he would like a legal determination. He also wants clarification to make sure the posting notice met required Code. He is concerned about additional traffic on High Valley Road. High Valley Road to Smith's Ferry is normally a good road. From the T-Junction to Ola, the road gets destroyed by current traffic and logging trucks. Every spring, the road base is pushed up towards surface.

Chairman Roberts asked for opponents.

John Kinney, Boise, submitted well data (Exhibit 7), including well location, depth, soil type, and production. His well is labeled "A" and is located at 141 Dry Buck Road, just south of the proposed site. The four closest wells to the site, labeled A, B, and C, produce 1, 1, and 3 gallons per minute. Adding 12 more wells at this site is a concern. He was curious if a test well has been done on the proposed subdivision site.

John Green, a full-time resident at 137 Dry Buck Road, submitted (Exhibit 8). The new road would go right past his barn. The pond cannot be used for fire mitigation; that was previously attempted during a fire. The closest fire station is located in Ola, a half-hour to 45 minutes away. This proposal would eliminate the grazing that currently occurs on his property. His well provides about a half-hour supply, less than 200 gallons in a half-hour, before the well starts pumping sand. Exhibit 8 shows watersheds and streams located on the proposed site. These areas provide wetlands and wildlife habitat for animals such as sandhill cranes. Even with mitigation there will be fire concerns. The Cascade Fire Chief did not support the proposal.

Jennifer Hunn, Boise, submitted written and verbal testimony (Exhibit 6). The surrounding property is rural land and dry grazing land. The site is cut off from Valley County services, schools, libraries, medical centers, grocery stores, hardware stores, etc., five to six months of the year. There is no mail or garbage service. Average response time for EMS in the last year was 67 minutes. Fire service can come from Ola. The last neighborhood developed in the area was Wilderness Lake Ranch in the late 1990s. Adding new lots would set a precedent. There would be impacts to wildlife. The new septic tanks would drain toward the wetland area. She disagrees with James Fronk's wetland delineation, particularly during snow melt and spring runoff. Development should occur where infrastructure exists. This proposal would not create affordable long-term housing. Impacts to roads are a concern. The existing four adjacent parcels have less than 4,000-sqft of buildings; the proposal would add 31,000 to 75,000-sqft of building space.

Tom Love, a full-time resident at 120 High Valley Road for about six years, primary concern is public safety. This includes response time to emergencies, particularly during winter. During 2024, it took four hours for a wildland fire crew to arrive to a wildfire in the High Valley area. Other concerns include impacts to existing wells, traffic, and road conditions.

Susan Brown, Boise and 137 Dry Buck Road, submitted a letter from Connie Baker, the previous property owner of the proposed subdivision site ([Exhibit 9](#)). The well on Susan Brown's adjacent property lasts 30 minutes and water quality varies. There is not enough water to irrigate a yard. Her septic tank is too close to a stream (125-ft) that runs three to four months per year; thus, she was only allowed gray water use. Cascade Fire District does not recommend approval of the subdivision. There is no more active ranger station or fire suppression group in the area. The ranch's cattle currently graze on her property. If the grazing stops, her property taxes would increase. The proposal would adversely affect the environment and wildlife habitat.

Jessie Perkins, 120 Wilderness Lake Road, is opposed.

Saul Monreal, Nampa and Dry Buck Road, is the fifth generation that homesteaded the area. Concerns include fire, road conditions, water, wildlife, and waterfowl habitat. The proposal would negatively change the community.

Blane Wheatley, Meridian and 18 Woodall Lane, asked if this proposal was the first phase of development. He is concerned that the proposed fire suppression uses water from ponds and streams located off-site. This may impact the water rights of others.

Jeff Bayes, 13 Ranch Circle, is concerned about the correspondence from Gem County Road and Bridge Department. Better communication between Valley County and Gem County is needed. Gem County maintains the High Valley Road for approximately six months of the year.

Sam Penrod, 175 Lantern Way, moved to the area in 2024 for retirement. He wanted a rural area, not subdivision projects. This would negatively impact the High Valley Area and the reasons that people choose to own land in the area.

Chairman Roberts asked for rebuttal from the applicant.

Steve Emerson stated valid concerns have been expressed, particularly regarding road and fire safety. Mr. Capps assumed additional developments were planned; this is incorrect. Mr. Emerson intends to run cattle on the ranch, not create multiple developments. Regarding the reference to water in High Valley area for fire suppression, the fire consultant was responding to comments asking where water could be used by helicopters responding to wildfire.

Chairman Roberts closed the public hearing. The Commission deliberated.

Chairman Roberts has concerns regarding limited supply of domestic drinking water in the area. If existing wells are negatively impacted by new wells, there are provisions in Idaho Code for protection.

Commissioner Potter expressed concerns regarding wells, EMS and fire response, safety of community, and the public testimony of road conditions and seasonal availability.

Commissioner Mabe also has concerns regarding water. If existing wells run dry, there is a process to follow with the State of Idaho. The fire mitigation plan is robust. Mitigation efforts would greatly reduce although not eliminate fire concerns. People attracted to rural areas understand the risks and long response times for emergency services. The existing road conditions are not due to residential traffic but by logging trucks. It is a horrible and narrow road in the winter. These are things that property purchasers need to consider. People buying in this

area are likely to be more self-reliant individualists. The comments regarding a decrease in the general quality of life due to additional people are occurring throughout Idaho. How to mitigate while upholding private property rights is a tough discussion.

Commissioner Oyarzo stated that the water supply, both for domestic wells and fire suppression, is his primary concern.

Chairman Roberts referred to the previous discussion on use of ponds for dry hydrants; however, testimony has been given that the ponds would not work for fire suppression. There is no guarantee that grazing would continue under future lot owners. The lack of grazing is a future fire concern. If the Commission was to approve this subdivision, there would need to be a conditional of approval requiring an agreement with Gem County regarding road mitigation. However, this Commission does not have control over another jurisdiction. It is unclear if the Road Superintendent's comments are the official opinion of Gem County. Cascade Fire Chief recommends denial.

There was further discussion between Commissioners of a possible agreement with Gem County. Idaho Transportation Department is also a different jurisdiction outside of this Commission's control.

Chairman Roberts stated the Valley County Prosecuting Attorney has stated that health, safety, and welfare are reasons that the Commission can deny applications. Chairman Roberts has serious concerns about health and safety of this proposal.

Commissioner Mabe stated it is the right of people to accept that risk. Residential traffic is not causing High Valley Road issues. There needs to be something on road maintenance although he is unsure of how to word the condition of approval requiring the landowner to work with Gem County. Requiring the applicant to reach an agreement may be beyond the Commission's scope.

Director Herrick stated the condition could read as "Shall work with Gem County to address their proportional share of impacts." If Gem County has traffic count numbers, the impact of the 12 proposed lots would be compared to the impacts of existing lots plus recreational use plus logging trucks. This would be considered in development agreement with the Board of County Commissioners. Director Herrick did reach out today to Jeff McFadden, Valley County Road Superintendent. The major road to Warren and Secesh is in Valley County. However, Idaho County does not assist with road maintenance unless Idaho County specifically asks the road to be opened in the winter. Director Herrick believes road impacts would be a discussion between the Valley County Commissioners and Gem County Commissioners.

Chairman Roberts stated another condition of approval would be to require the applicant to drill a community well to prove adequate water supply exists for 12 new homes as determined by the Idaho Department of Water Resources. This would consider the health and safety of new lot owners. Commissioner Potter stated that this would be a great compromise.

Chairman Roberts also stated a 10,000-gallon water tank for fire suppression should be required. He questions if there is any water source less than two or three miles away from the site. At some point in time, the community will be motivated to create a fire district.

Commissioner Oyarzo stated that water tanks do no good if the pumping equipment is not available.

Commissioner Mabe understands why the Cascade Fire District did not recommend approval. The site is outside of the fire district; however, much of private land in Valley County is outside of a fire district. This should not become a requirement.

There was further discussion. Yellow Pine has a fire brigade as does Silver Springs. Chairman Roberts questions if the Commission has enough information to make a decision. Is there enough water? A condition requiring a test well would gather information. This proposal is for 12 houses in 40 acres; is the distance and topography between a community well and individual homes feasible? Director Herrick asked for clarification if the Commissioners want (1) proof that water exists or (2) a community well for all 12 homes. Commissioner Mabe stated he would support a test well to determine if water is available. Chairman Roberts stated his intent is for the applicant to prove that there is enough water for all 12 lots using one well which may need to be much deeper than other wells in the area.

Commissioner Mabe moved to approve the conditional use permit and preliminary plat for SUB 25-018 Tripod View with the stated conditions.

COA: Shall work with Gem County to address their proportional share of impacts as part of a development agreement. Recommend the Valley County Board of Commissioners discuss with Gem County Commissioners.

Commissioner Potter seconded the motion. Commissioner Potter and Commissioner Mabe voted in favor of the motion; Commissioner Oyarzo and Chairman Roberts voted in opposition. The motion was denied.

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

8:42 p.m.

D. NEW BUSINESS:

1. **VAC 25-002 Trumpour Vacation of Easement:** Lynda Trumpour is requesting vacation of a 10-ft easement that is centered on the lot line between Round Valley Snow Haven No. 2 Lots 10 and 11 in order to build over the easements. The 1.36-acre site is addressed at 135 Skidoo Place and located in SWSW Section 21, T.12N, R.4E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report and displayed the site and GIS map on the projector screen. Director Herrick clarified that the applicant owns both lots.

Chairman Roberts asked for the applicant's presentation.

Chris Sage, 144 Herrick Lane, representing his mother, the applicant. The best spot to build is over the lot line, on top of the hill. This location also makes sense for electrical power. location of existing power location.

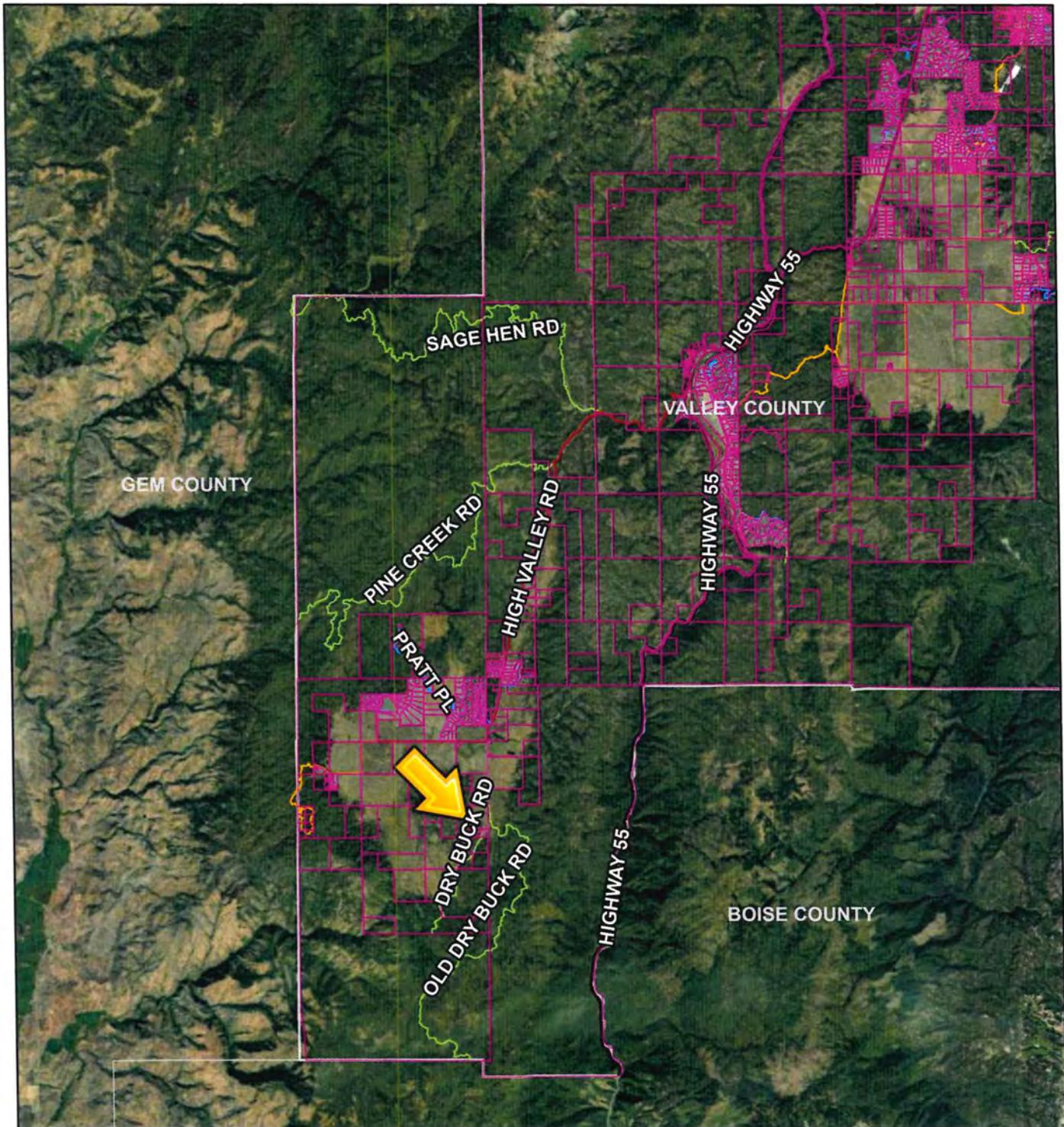
Director Herrick stated that the lots must be combined to build over the lot lines.

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

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents. There were none.

SUB 25-018 Location Map



1/6/2026, 9:16:05 AM

1:194,601

 Parcel Boundaries

— URBAN/RURAL

Roads

— USFS

— MAJOR

— PRIVATE

— MINOR COLLECTOR

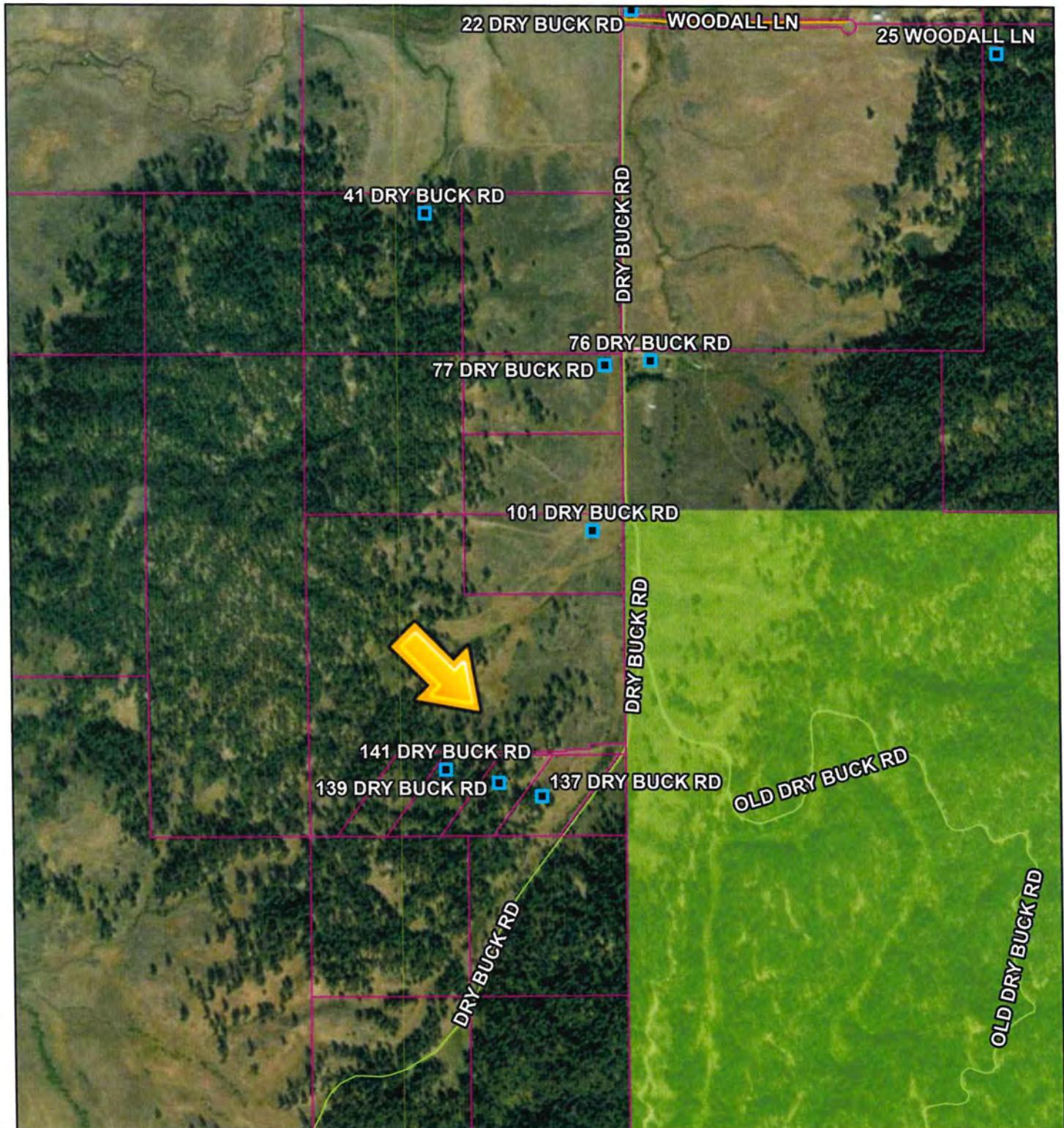


0 1 2
0 1.75 3.5 7 km

Earthstar Geographics

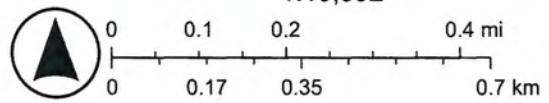
Created by Valley County

SUB 25-018 Aerial Map



9/29/2025, 3:50:00 PM

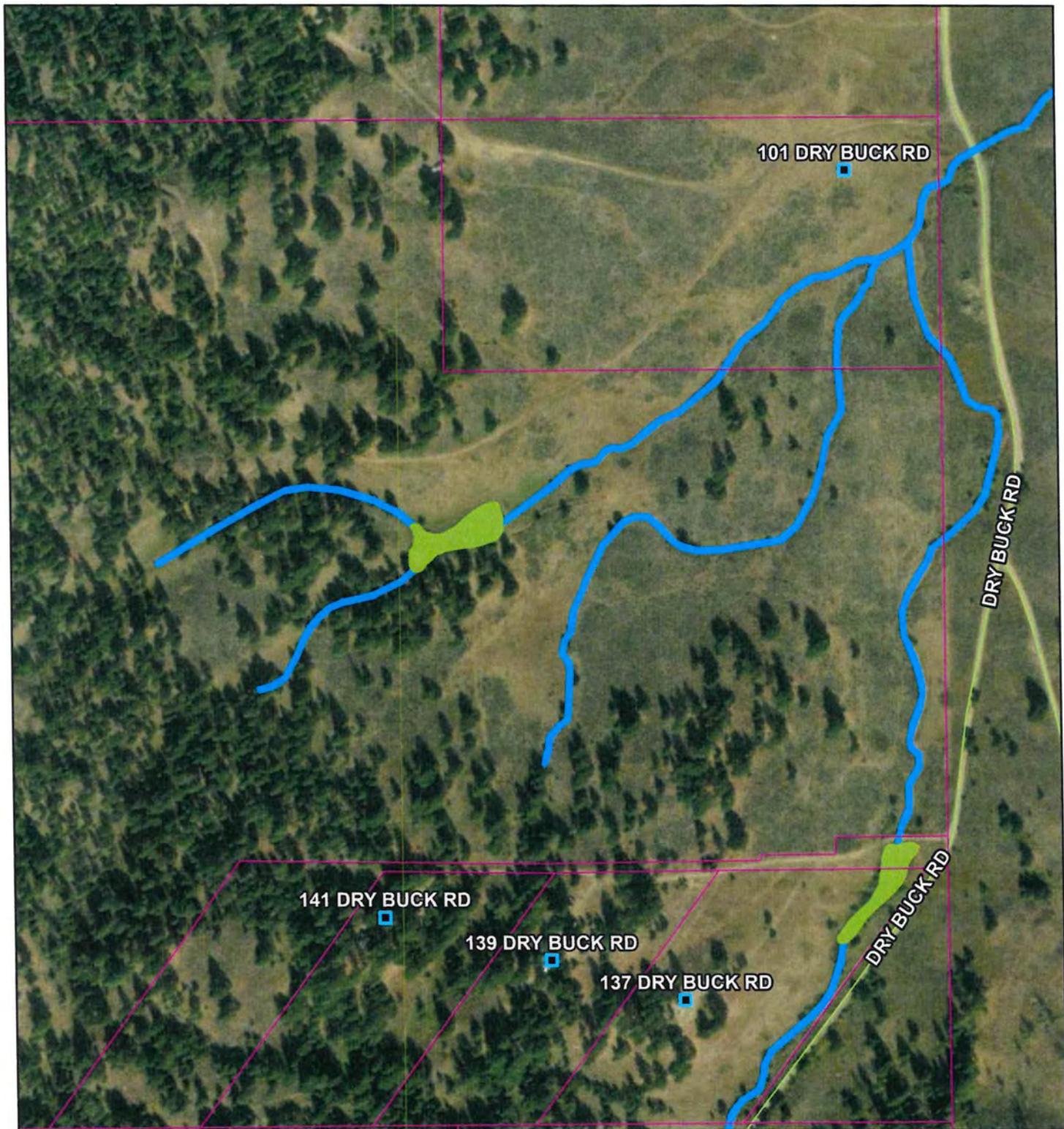
1:19,392



- Address Points
- Parcel Boundaries
- Roads
- URBAN/RURAL
- USFS
- USFS Surface Ownership
- Boise National Forest

Maxar

SUB 25-018 Wetland Map



7/8/2025, 2:27:19 PM

1:6,218



0 0.04 0.07 0.1 0.2 km
0 0.05 0.1

■ Address Points

■ Parcel Boundaries

Wetlands (USFWS)

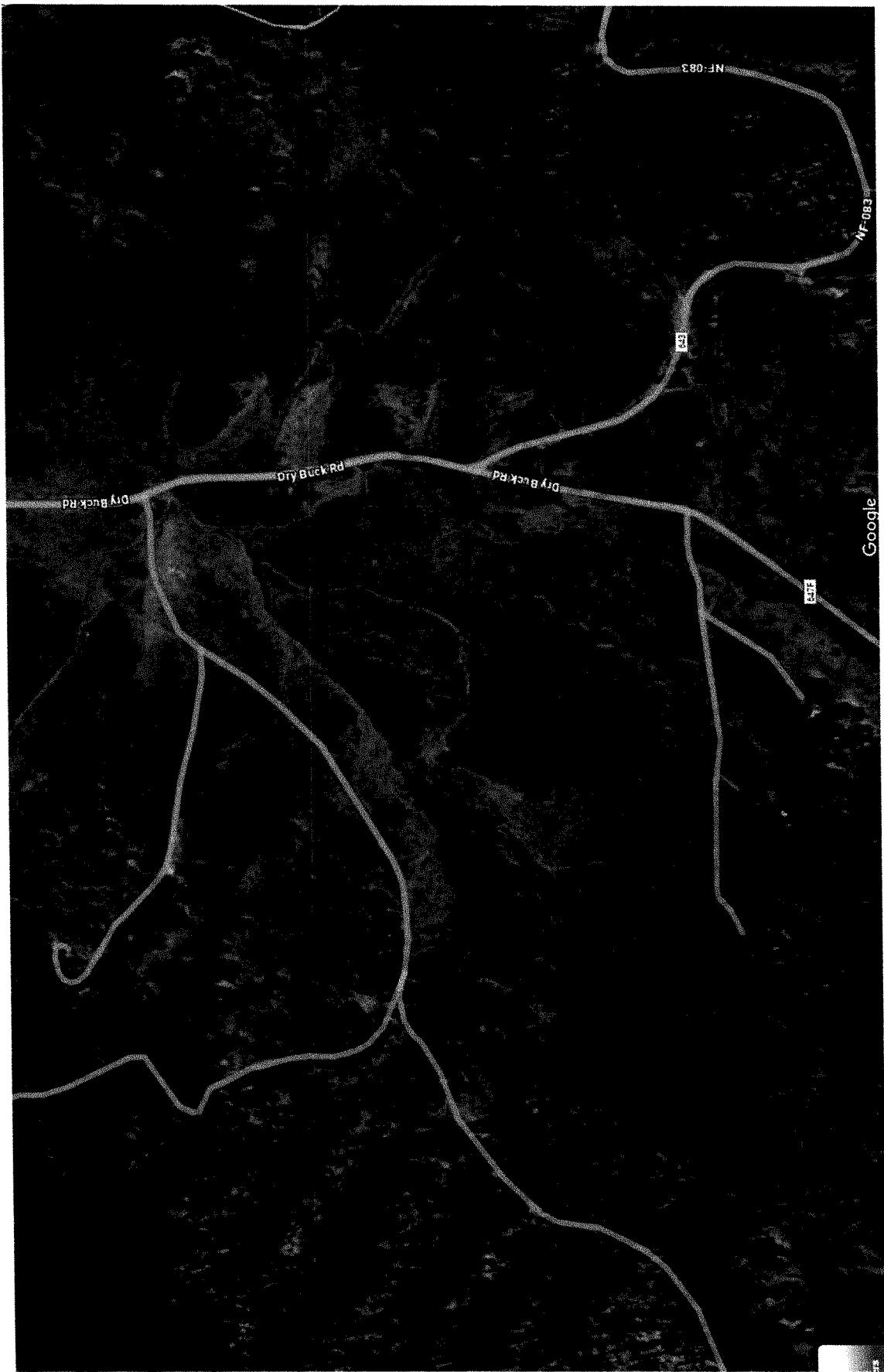
■ Marsh, Swamp, Bog, Prairie

■ River

Maxar

Created by Valley County

Google Maps – Aerial View - 2025



Intersection of Dry Buck RD & Old Dry Buck Road, Looking Southwesterly

(Source Google Maps – Street View, July 2024)

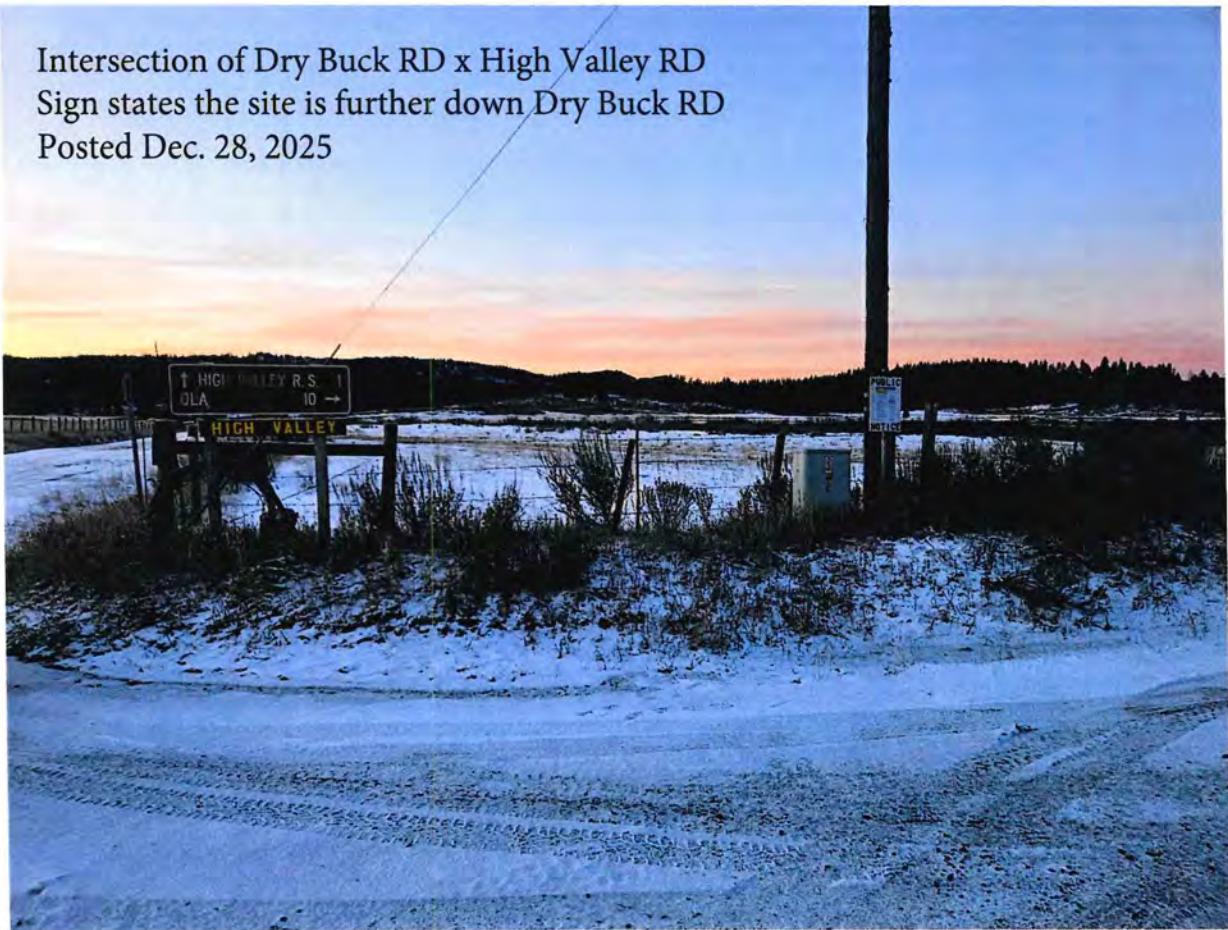




At entrance to property - Posted Dec. 28, 2025



Intersection of Dry Buck RD x High Valley RD
Sign states the site is further down Dry Buck RD
Posted Dec. 28, 2025

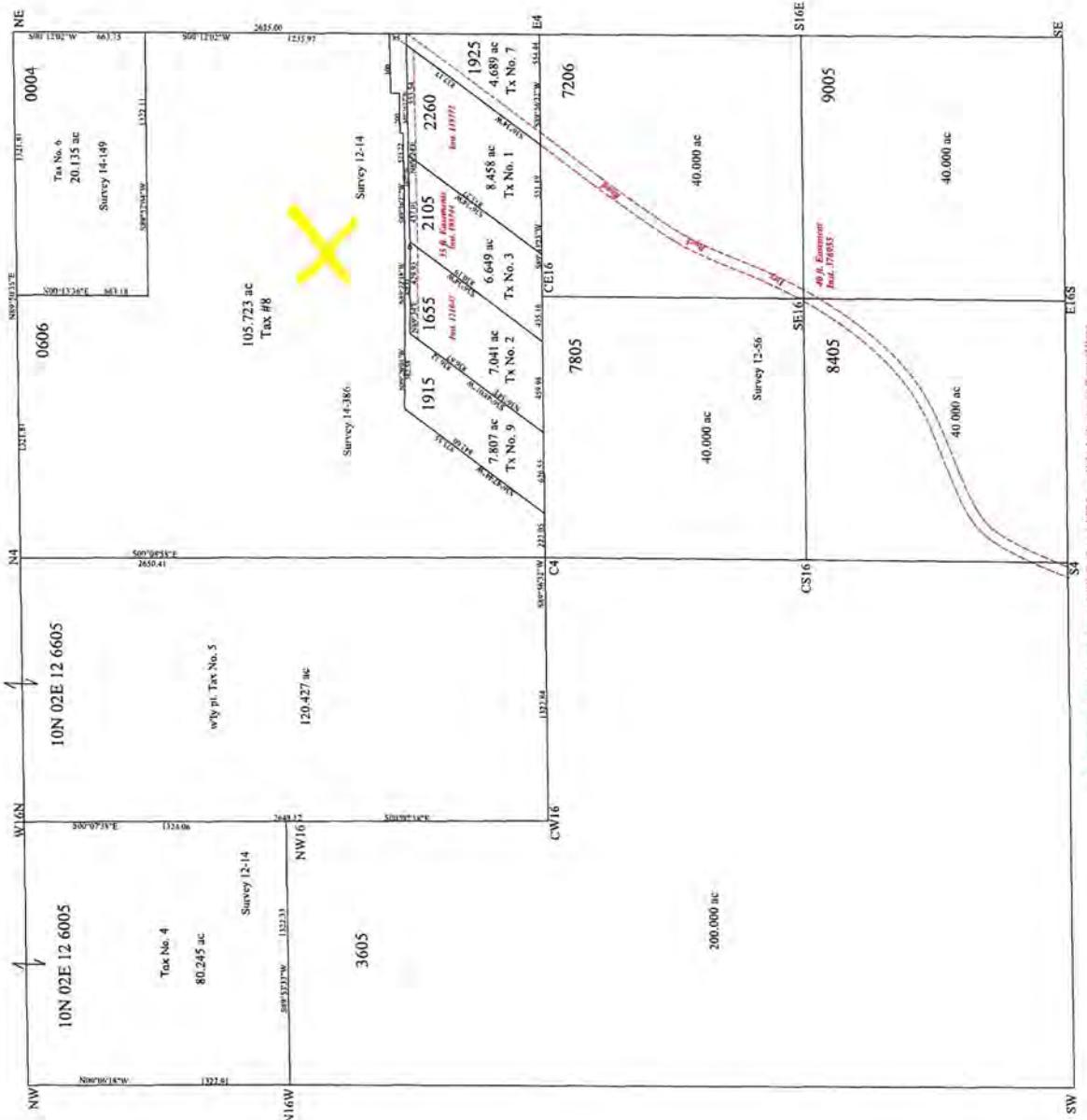


PLAT TITLE

TWP. 10N R02E SEC. 13

VALLEY COUNTY
Cartography Dept.
Assessor's Office
Cascade, ID 83611

Filename: Valley County Base Map
Scale: 1:600,000
Date: 2/19/2025
Drawn by: L. Frederick





Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

**TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING**

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.

(2) Where the commission hears an application, the commission shall have a reasonable time fixed by the governing board to examine the application before the commission makes its decision on the application or makes its recommendation to the governing board. Each commission or governing board shall establish by rule a time period within which a recommendation or decision must be made. Provided however, any application that relates to a public school facility shall receive priority consideration and shall be reviewed for approval, denial or recommendation by the commission or the governing board at the earliest reasonable time, regardless of the timing of its submission relative to other applications which are not related to public school facilities.

(3) When considering an application that relates to a public school facility, the commission shall specifically review the application for the effect it will have on increased vehicle, bicycle and pedestrian volumes on adjacent roads and highways. To ensure that the state highway system or the local highway system can satisfactorily accommodate the proposed school project, the commission shall request the assistance of the Idaho transportation department if state highways are affected, or the local highway district with jurisdiction if the affected roads are not state highways. The Idaho transportation department, the appropriate local highway jurisdiction, or both as determined by the commission, shall review the application and shall report to the commission on the following issues as appropriate: the land use master plan; school bus plan; access safety; pedestrian plan; crossing guard plan; barriers between highways and school; location of school zone; need for flashing beacon; need for traffic control signal; anticipated future improvements; speed on adjacent highways; traffic volumes on adjacent highways; effect upon the highway's level of service; need for acceleration or deceleration lanes; internal traffic circulation; anticipated development on surrounding undeveloped parcels; zoning in the vicinity; access control on adjacent highways; required striping and signing modifications; funding of highway improvements to accommodate development; proposed highway projects in the vicinity; and any other issues as may be considered appropriate to the particular application.

(4) Whenever a county or city considers a proposed subdivision or any other site-specific land development application authorized by this

chapter, it shall provide written notice concerning the development proposal by mail, or electronically by mutual agreement, to all irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested, in writing, to receive notice. Any irrigation districts, ground water districts, Carey act operating companies, nonprofit irrigation entities, lateral ditch associations and drainage districts requesting notice shall continue to provide updated and current contact information to the county or city in order to receive notice. Notice shall also be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Any notice provided under this subsection shall be provided no less than fifteen (15) days prior to the public hearing date concerning the development proposal as required by this chapter or local ordinance. Any notice provided under this subsection shall not affect or eliminate any other statutory requirements concerning delivery of water, including those under sections 31-3805 and 67-6537, Idaho Code.

(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.

(6) Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code.

History:

[67-6519, added 1975, ch. 188, sec. 2, p. 515; am. 1993, ch. 216, sec. 111, p. 678; am. 2000, ch. 431, sec. 1, p. 1388; am. 2003, ch. 123, sec. 1, p. 373; am. 2010, ch. 175, sec. 1, p. 359; am. 2011, ch. 279, sec. 1, p. 759; am. 2018, ch. 246, sec. 1, p. 572; am. 2023, ch. 140, sec. 4, p. 388.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6537. USE OF SURFACE AND GROUND WATER. (1) All applicants proposing to make land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation. Surface water shall be deemed reasonably available if:

- (a) A surface water right is, or reasonably can be made, appurtenant to the land;
- (b) The land is entitled to distribution of surface water from an irrigation district, canal company, ditch users association, or other irrigation delivery entity, and the entity's distribution system is capable of delivering the water to the land; or
- (c) An irrigation district, canal company, or other irrigation delivery entity has sufficient available surface water rights to apportion or allocate to the land and has a distribution system capable of delivering the water to the land.

(2) Consistent with sections 42-108 and 42-222, Idaho Code, any change in the nature of use of surface water provided by an irrigation delivery entity must be authorized by the entity holding the water right(s) for the available surface water. Nothing in this section shall alter the authority and discretion of irrigation delivery entities to apportion, allocate and distribute surface water, or for municipalities, counties, or water and sewer districts to pass ordinances or regulations to promote the use of surface water for irrigation.

(3) Nothing in this section shall be construed to override or amend any provision of title 42 or 43, Idaho Code, or impair any rights acquired thereunder.

(4) When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

History:

[67-6537, added 1989, ch. 421, sec. 3, p. 1033; am. 2005, ch. 338, sec. 1, p. 1056; am. 2025, ch. 129, sec. 11, p. 671.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 38
ZONING REGULATIONS

31-3805. DELIVERY OF WATER WITHIN SUBDIVISIONS. (1) The provisions of this section shall apply to any proposed subdivision, as defined in chapter 13, title 50, Idaho Code, within the state of Idaho or to a subdivision subject to a more restrictive county or city zoning ordinance.

(2) For any subdivision that lies within the service area or area of city impact of a municipal provider, the following requirements apply:

- (a) If a shared well or public water system is installed, it shall be designed to meet requirements of that municipal provider and be planned to integrate with and connect to the municipal provider's system when appropriate. The requirements of this paragraph shall not apply if an agreement is reached with the municipal provider;
- (b) The municipal provider shall be consulted in the design of the shared well or public water system to ensure proper integration; and
- (c) Upon connection to the municipal provider's system, the water rights associated with the subdivision's shared well or public water system shall be conveyed to the municipal provider.

(3) If surface water for irrigation is reasonably available to all or any part of a subdivision, as provided in section 67-6537, Idaho Code, then no subdivision plat, amendment to a subdivision plat, or any other plat or map recognized by the city or county for the division of land will be accepted, approved, and recorded unless the owner or entity has provided for the irrigation of lots within the subdivision using the available surface water.

(4) For subdivisions using water provided by an irrigation entity, as required by section 67-6537, Idaho Code, the subdivision plat or with the plat mat as an exhibit shall include a description of the system used to deliver irrigation water from the irrigation entity's point of delivery to the individual lots. In such cases:

- (a) For proposed subdivisions within the incorporated limits of a city, the irrigation system must be approved by the city zoning authority or the city council, as provided by city ordinance, with the advice of the irrigation entity charged with the delivery of water to such lands; and
- (b) For proposed subdivisions located outside an incorporated city, the irrigation system must be approved by the board of county commissioners, with the advice of the irrigation entity charged with the delivery of water to such lands.

(5) For subdivisions receiving water from an irrigation entity, the subdivision plat or amendment to a subdivision plat shall contain notes stating the following:

- (a) That the subdivision or a portion of it is located within the service area of the irrigation entity and the name and contact

information for the irrigation entity;

(b) That a system for the delivery of irrigation water to lots within the subdivision has been provided;

(c) That the system has been approved as required by subsection (4) of this section;

(d) That the purchaser of each lot shall remain subject to all assessments levied by the irrigation entity; and

(e) That unpaid irrigation entity assessments are a lien on the land within the irrigation entity.

History:

[31-3805, added 2025, ch. 129, sec. 7, p. 667.]

How current is this law?

**MEMORANDUM OF UNDERSTANDING BETWEEN GEM COUNTY AND
VALLEY COUNTY REGARDING SNOW REMOVAL ON HIGH VALLEY
ROAD**

THIS MEMORANDUM OF UNDERSTANDING is entered into between the Gem County Board of Commissioners and the Valley County Board of Commissioners (Hereinafter, "Gem County" or "Valley County") to establish an understanding to regarding snow removal on High Valley Road, portions of which are located in both Gem County and Valley County.

W I T N E S S E T H:

WHEREAS, High Valley Road is a gravel road that begins in Gem County, Idaho, and extends in a northeasterly direction into Valley County, and

WHEREAS, Gem County and Valley County seek to provide to the greatest extent possible, one unimpeded, continuous passage for motorized vehicles travelling on High Valley Road between counties during inclement winter weather, and

WHEREAS, the parties share a goal of unimpeded, continuous passage on these roads across county lines that is diminished when snow removal efforts must stop at the county line and the other county is unable to simultaneously clear its portion of the road due to priorities at other locations, and

WHEREAS, Gem County Road and Bridge has been clearing snow along High Valley Road in both counties, as directed by Valley County Road & Bridge for some time and invoicing Valley County for payment, and

WHEREAS, Gem County and Valley County intend to memorialize their agreement for snow removal along High Valley Road,

THEREFORE, the parties state:

1. Gem County Road and Bridge shall be responsible for providing snow removal along High Valley Road, from the Gem County Line approximately 5 miles into Valley County, and
2. Valley County will allow Gem County Road and Bridge to enter Valley County for the purpose of removing snow along High Valley Road, and
3. Gem County will charge to Valley County an hourly rate of \$80 for the grader and labor used in the snow removal, and
4. Gem County will provide Valley County with timesheets verifying hours worked as well as an invoice for payment, and
5. The term, "Snow Removal", as utilized herein, shall consist of the reasonable and customary measures of Idaho county road crews to remove or contain large accumulations of snow and ice on county gravel roads through the usage

**MEMORANDUM OF UNDERSTANDING BETWEEN GEM COUNTY AND VALLEY COUNTY
REGARDING SNOW REMOVAL ON HIGH VALLEY ROAD**

of snow plows and/or sanding trucks to divert snow and ice accumulations onto the side of the road and to allow for more reasonable traction of motor vehicles on the above roads than existed prior to receiving this winter service.

6. This Memorandum of Understanding applies to generalized, routine snow removal as defined above and is not applicable to any major project of construction, repair or maintenance.
7. The Road Departments of each county shall advise the other of any known road defects, hazards or roadway encumbrances on or adjacent to its roadway, including but not limited to cattle guards, ditches, culverts, large rocks, earth piles, landscaping berms, mailboxes, fences and fence posts, and such other objects that could constitute a danger to persons operating snow removal equipment.
8. Neither county agrees to indemnify or hold harmless the other county for actions of the other county that may violate state or federal laws.
9. This Memorandum of Understanding shall be in effect until amended or terminated. Either party may terminate this Memorandum of Understanding upon thirty (30) days written notice to the other party.
10. IN WITNESS WHEREOF, the parties hereto have caused their officials to execute this Agreement.

DATED this 8th day of April, 2019.

Board of County Commissioners of Gem County:

N. Bryan Elliott
Chair

M. D. Miller
Commissioner

Bill Bullock
Commissioner

ATTEST:

Board of County Commissioners for Valley County:

London L. Brueckner
Chair

D. B.
Commissioner

Ethring H. Hasbrook
Commissioner

ATTEST:

W. A. Miller
County Clerk

Suey Titow
Clerk of Gem County

4-15-19

Date

Debra Hill
Clerk of Valley County

April 8, 2019

Date

SUB 25-018 – List of Exhibits

Exhibits Received During Public Hearing on October 16, 2025

- Exhibit 1 – Wildland Urban Interface Protection Plan (Oct. 12, 2025)

Exhibits Received During Public Hearing on November 13, 2025

- Exhibit 1 – Neal Capps, Gem County Road and Bridge Department Director, would like to be notified if approved by PZ Commission. He also wishes to be notified of any proposed development application in the High Valley area. (Nov. 12, 2025)
- Exhibit 2 – Kim Minter, owner of cabin in Marster's Subdivision, is opposed due to negative impacts to traffic, road conditions, and quality of life in High Valley. (Nov. 12, 2025)
- Exhibit 3 – Barbara McNeil and Harold Miller are opposed due to concerns of adverse impacts to High Valley residents' health and safety, the availability of public services, and wildfire. (Nov. 11, 2025)
- Exhibit 4 – Art Lee, 2 Lem Court, is opposed due to the road condition and dust from traffic. (Nov. 12, 2025)
- Exhibit 5 – E. Brian Allen, 175 Wilderness Lake RD, asked for clarification regarding a road closed sign. Much of High Valley Road to Smiths Ferry is closed for approximately six months annually. Who will improve High Valley Road and add additional gravel to handle increased traffic? Will Valley County share funds with Gem County to compensate for the additional maintenance? (Nov. 13, 2025)
- Exhibit 6 – Jennifer Hunn, Boise, stated surface and potable water is scarce and fire risk is high. Concerns include year-round access, response times for emergency services, wildlife, and the impact of additional septic systems, traffic, and noise. Development should be located where infrastructure is in place.
- Exhibit 7 – John Kinney, Boise, submitted well data, including well location, depth, soil type, and production. (Nov. 13, 2025)
- Exhibit 8 – John Green, 137 Dry Buck Road, submitted a map of topography, watersheds, and streams at the proposed site and adjacent parcels. (Nov. 13, 2025)
- Exhibit 9 – Susan Brown, Boise and 137 Dry Buck Road, submitted a letter written by Connie Baker, the previous property owner of the proposed subdivision site. She was upset that the new owner would create a subdivision Access easement to the adjacent properties and fencing were mentioned. (Nov. 13, 2025)
- Exhibit 10 – Second email from Neal Capps, Gem County Road and Bridge Department Director. Mr. Capps is concerned that additional phases may be planned. The High Valley Road is steep, narrow, and winding road with limited site distances. Additional traffic volumes would increase the wear and maintenance on a road that is already difficult due to terrain and weather conditions. Should the County approve this subdivision, the applicant should be responsible for roadway improvements to include but not limited to tree removal, improved site distances, potential widening, and/or addition of surface material on High Valley Road. (Nov. 13, 2025)



**CASCADE RURAL FIRE PROTECTION DISTRICT
P.O. Box 825
CASCADE, ID 83611-0825
109 EAST PINE STREET**

September 26, 2025

To: Cynda Herrick
Valley County Planning and Zoning

RE: CUP 25-018
Tripod View Preliminary Plat

I have reviewed C.U.P. 25-018 for the Preliminary Plat for Tripod View. This development is outside The Cascade Rural Fire Protection District (CRFPD) boundary. However, this type of development still has an impact on CRFPD since we provide EMS response to this area. This proposed development is 27 miles away from Cascade with a drive time of 50 minutes in good weather. Also, another item to note is that this area is not accessible from the Valley County side via High Valley Road during the winter months.

The 3 Fire Districts in Valley County have worked closely together to make sure our requirements for access and water are consistent with our recommendations to the Planning and Zoning Commission. This is the first of many applications we are going to receive for developments outside Fire Districts. CRFPD's opinion is that these future developments need to meet the same requirements that developments within a Fire District meet. This would be the best for the safety of the public.

CRFPD is reviewing this plat in partnership with Valley Countywide EMS District and recommends the following:

- The roads within Tripod View Subdivision shall be built to Valley County Road Department Standards.
- Driveways within Tripod View Subdivision shall be built to International Fire Code Standards 2018. Section 503 Fire Apparatus Access Roads explains the standard to which the driveways shall be built to.
 - **503.2.3 Surface.** Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.
 - **503.2.5 Dead Ends.** Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around

fire apparatus. Appendix D, Fire Apparatus Access Roads, is attached that shows approved turnarounds for dead end access roads.

- **503.7 Driveways.** Driveways will provide a minimum 12 feet wide and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length need to be provided with an approved turnaround. Driveways in excess of 200 feet in length and less than 20 feet in width may require turnouts in addition to turnarounds.
 - Shared driveways shall be 20 feet wide and approved by CRFPD prior to final plat approval.
- **503.7.6 Grade.** The gradient for driveways cannot exceed 10 percent grade.
- A fire protection water supply is required by CRFPD.
 - One 30,000-gallon underground water tank is required for Tripod View Subdivision.
 - Water tank shall be designed to accommodate Fire Apparatus drafting using a 6" connection, contact CRFPD for details.
 - The refilling of the water tank shall be supplied by a well that is plumbed into the tank to ensure the water level is always full.
 - Tank shall be maintained to provide year-round access
 - The required maintenance of the underground water tank shall be the responsibility of the property owner.

It's worth noting that existing homes in this area are unable to get homeowners insurance due to the lack of structure fire protection.

With the information provided, CRFPD does not recommend approval of Tripod View Subdivision due to location and access.

If you have any questions, please contact me directly,

Steve Hull

Thanks
Steven Hull
Fire Chief
Cascade Rural Fire District
steve@cascaderruralfire.com

December 29, 2025

To: Valley County Commissioners

RE: CUP 25-018 – Tripod View Preliminary Plat

I am writing to provide clarification regarding the comment letter I previously submitted to the Planning and Zoning Commission on September 26, 2025. For your reference, I have also attached a copy of my original comment letter.

My review of this development was conducted to ensure consistency with the requirements followed by all three Fire Districts, specifically with respect to compliance with International Fire Code standards. In my recommendations, I included the requirement for an underground water tank. This recommendation was one of the factors that led to the denial of this development by the Planning and Zoning Commission.

However, I acknowledge that this development is neither within the Cascade Rural Fire Protection District (CRFPD) nor within any other fire district. As a result, the requirement for a water tank may not be relevant from the perspective of the developer, as it would not be utilized by any responding fire district.

The safety of homes within the proposed Tripod View Subdivision against wildfire threats can be addressed by following guidelines outlined in the Wildland Urban Interface Fire Protection Plan. Additionally, the choice of building materials plays a crucial role in wildfire defense. Currently, the use of class B roofing material is mandated.

This situation presents an opportunity for the county to consider implementing enhanced Firewise building material standards, particularly in areas located outside of established fire districts or in regions identified as having a high wildfire danger.

In evaluating fire protection strategies for the Tripod View Subdivision. One practical option would be to have the developer propose options within the Tripod View Subdivision's CC&R's. These options could include residential sprinkler systems in single family dwellings and utilizing Firewise building materials.

Residential sprinkler systems are specifically designed to suppress room and content fires, providing a critical layer of protection in homes that are outside the boundaries of established Fire Districts.

Respectfully,
Steven Hull
Cascade Rural Fire District



Valley County Transmittal
Division of Community and Environmental Health

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat Tri-pond View Sub 25-018

Return to:
 Cascade
 Donnelly
 McCall
 McCall Impact
 Valley County

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
 - high seasonal ground water
 - bedrock from original grade
 - waste flow characteristics
 - other _____
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
 - central sewage
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community water
- 10. Run-off is not to create a mosquito breeding problem
- 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 13. We will require plans be submitted for a plan review for any:
 - food establishment
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center
- 14. CDH has no objection to the Preliminary Plat. GW data and engineering report are required to complete CDH's land development process.

Reviewed By: Reed W. Cope

Date: 9/30/25



Valley County Transmittal
Division of Community and Environmental Health

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat _____

Appeal of PZ Denial of SUB 25-018 Triplot View

Return to:

Cascade
 Donnelly
 McCall
 McCall Impact
 Valley County

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
 - high seasonal ground water
 - bedrock from original grade
 - waste flow characteristics
 - other _____
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
 - central sewage
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community water
- 10. Run-off is not to create a mosquito breeding problem
- 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 13. We will require plans be submitted for a plan review for any:
 - food establishment
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center
- 14. CDH has no objection to the appeal.

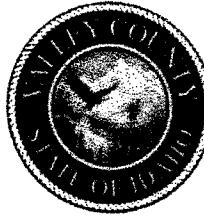
Reviewed By: Brett J. Cooper

Date: 12/10/25

Valley County Road and Bridge

PO Box 672 • 520 South Front Street
Cascade, ID 83611-1350

Phone (208) 382-7195
roaddept@co.valley.id.us



Tuesday, September 23, 2025

C.U.P. 25-018 Tripod View

The Valley County Road Dept. was asked to review this CUP and provide comments related to the anticipated impact on the local roads that will be utilized for accessing the proposed subdivision. CUP 25-018 is a preliminary plat submitted by Steven Emerson seeking approval of 12 lot single-family residential subdivision on 46 acres.

County maintained roads that will see increased traffic by the addition of the proposed development if the plat is approved include High Valley Road and Dry Buck Road. It is expected that transportation services including all season road maintenance, road resurfacing, road rebuilds provided by Valley County Road Dept. will be impacted by the increased traffic.

- Recommendation (1): Dedication of 35' right-of-way to the public for property owned by the owner immediately adjacent to Dry Buck Road, respectfully. Prior to final plat, the developer agrees to provide an appraisal for the value of the ROW along with a legal description and warranty deed to be recorded with the Valley County clerk.
- Recommendation (2): Mitigate impacts to transportation services on those roads identified above by negotiating with developer payment of road improvement costs attributable to traffic generated by proposed development. The value of the developer's proportionate share may be determined by several methods: (1) reference 2023 Improvement Program cost comparisons for the Smith's Ferry CIP with a predetermined cost per lot contribution by developer; (2) engage a qualified engineering firm to conduct a traffic study based on proposed development to provide recommendation for proportionate share to be attributed to the developer; (3) negotiate in-kind construction credits for immediate road improvements needs that can be mitigated by developer.

Any or all the above recommendations that are agreeable to the developer should be memorialized in a future voluntary development agreement negotiated between the Valley County Board of County Commissioners, Valley County Road Dept. and development owner identifying the value of road improvement costs contributed.

Valley County Road Superintendent

The signature of Jeff McFadden, written in cursive black ink.
Jeff McFadden
jmcfadden@valleycountyid.gov
(208)382-7195

 Outlook

Re: Proposed Road and Subdivision Names

From Lori Hunter <lhunter@valleycountyid.gov>

Date Mon 7/14/2025 10:35 AM

To Megan Myers <mmyers@valleycountyid.gov>; Laurie Frederick <lfrederick@valleycountyid.gov>; Kathy Riffie <kriffie@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>

FYI

- MOS Way - originally was Mo's Way before we removed punctuation from street names- different pronunciation, but I can see people pronouncing it both ways now with the apostrophe gone.
- **proposed Haven Place - was platted as Timber Haven Place (I hadn't deleted the originally proposed name from my list.....)**

Lori

From: Megan Myers <mmyers@valleycountyid.gov>

Sent: Sunday, July 13, 2025 7:55 AM

To: Laurie Frederick <lfrederick@valleycountyid.gov>; Lori Hunter <lhunter@valleycountyid.gov>; Kathy Riffie <kriffie@valleycountyid.gov>

Subject: Re: Proposed Road and Subdivision Names

I'm not a fan of Booyah, but also for no specific reason.

Agreed that we could have issues with Moss Ln when we already have a Mos Way.

I'm ok with Haven Ranch Rd. I'm not actually locating the current Haven Pl in our system.

Megan Myers
Communications Supervisor
Valley County Sheriff's Office

From: Laurie Frederick <lfrederick@valleycountyid.gov>

Sent: Friday, July 11, 2025 11:05 AM

To: Lori Hunter <lhunter@valleycountyid.gov>; Kathy Riffie <kriffie@valleycountyid.gov>; Megan Myers <mmyers@valleycountyid.gov>

Subject: Re: Proposed Road and Subdivision Names

Here are our notes.

Not so crazy about Booyah, but no reason to deny.

I found a Mos Way in McCall.

There is a Tripod Court in Tamarack and a Tripod View Drive in Murry Creek.
Then as stated, Haven Place in Round Valley Haven.

Please be aware that our county email format has changed to @valleycountyid.gov
see below

Laurie Frederick
Cadastral Specialist III
Valley County Cartography Dept.
lfrederick@valleycountyid.gov
208-382-7127
Service
Transparent
Accountable
Responsive

From: Lori Hunter <lhunter@valleycountyid.gov>
Sent: Wednesday, July 9, 2025 4:59 PM
To: Laurie Frederick <lfrederick@valleycountyid.gov>; Kathy Riffie <kriffie@valleycountyid.gov>; Megan Myers <mmyers@valleycountyid.gov>
Subject: Proposed Road and Subdivision Names

Proposed Road and Subdivision Names - Your thoughts?

Devil's View Subdivision - no roads

South Ranch Subdivision
Booyah Drive (going east and south off West Mountain Road)
Booyah Court

Moss Landing Subdivision
Moss Lane (going east off Highway 55)

Tripod View Subdivision
Haven Ranch Road (going west off of Dry Buck Road)
This is not attached to the existing Haven Place in Round Valley

Lori Hunter
Valley County Planning & Zoning Planner II
208-382-7115
219 N. Main Street • P.O. Box 1350
Cascade, ID 83611

Service **T**ransparent **A**ccountable **R**esponsive

Subdivision Recommendations

From: Flack, Brandon <brandon.flack@idfg.idaho.gov>

To: Lori Hunter

Cc: Berkley, Regan; Messner, Jordan; Royse, Josh

Thu 11/21/2024 10:00 AM

Hi Lori,

I got your voicemail. Hopefully this is what you were looking for. All of these won't apply to every residential development, e.g., not every subdivision will have a private pond where they need a water right from IDWR or a private pond permit from IDFG.

In general, IDFG recommends the following practices for residential subdivisions/developments:

- Residents should control pets, including cats, at all times (fenced yard, keep indoors, kennelled, leashed, etc.). Pets, at-large, dramatically increase a residential subdivision's negative effects on wildlife.
- Avoiding or minimizing the potential for wildlife depredations in a subdivision is the responsibility of the individual property owner.
 - Prohibit the feeding of wildlife and require that potential wildlife attractants (pet food, trash cans, gardens, hay stacks, bird feeders, etc.) be maintained in a way to reduce attraction of wildlife species (skunks, foxes, raccoons, magpies, big game, etc.).
 - For example, leaving livestock feed outside will attract big game animals. Make sure any feed is stored in a closed barn or shed.
 - The developer and individual homeowners should be made aware that ornamental plants can attract big game animals and they will eat those plants. Therefore, protecting ornamental plants is the responsibility of the individual property owner.
 - Yew species are highly toxic to wildlife, pets, and humans and should not be used as landscaping plants.
- Native vegetation should be retained to the extent possible during project implementation to support native birds, small mammals, and pollinator species.
- Retain buffers of riparian vegetation that surround any wetland resources on the project property.
- If ponds exist or are developed on the project property, legal water rights issued by the Idaho Department of Water Resources are required for the appropriate beneficial use (storage, irrigation, recreation, etc.). If the ponds will be used for fishing, a private pond permit from IDFG is required to stock the ponds with fish, and a live fish transport permit from IDFG may also be required.
- All fencing within and around the subdivision should be wildlife friendly. IDFG can provide additional details upon request.

Please let me know if you have additional questions.

Brandon Flack

Regional Technical Assistance Manager

Idaho Dept. of Fish and Game

Southwest Region

15950 N. Gate Blvd.

Nampa, ID 83687

Ph: (208) 854-8947



From: Cynda Herrick <cherrick@valleycountyid.gov>
Sent: Thursday, November 13, 2025 8:28 AM
To: Neal Capps <ncapps@co.gem.id.us>; Jennifer Kharrl <jkharrl@co.gem.id.us>
Cc: Steven Emerson [REDACTED]
Subject: Re: Subdivision 25-018 Tripod View

Okay...you can find our appeal process as Valley County Code 9-5H-12.

9-5H-12: APPEALS:

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
(208)382-7116

“Live simply, love generously, care deeply, speak kindly, and leave the rest....”

Service **T**ransparent **A**ccountable **R**esponsive

From: Neal Capps <ncapps@co.gem.id.us>
Sent: Wednesday, November 12, 2025 6:50 PM
To: Cynda Herrick <cherrick@valleycountyid.gov>; Jennifer Kharrl <jkharrl@co.gem.id.us>
Subject: RE: Subdivision 25-018 Tripod View

Okay. Little different process than ours. I have been contacted by several residents, and an attorney regarding this proposed subdivision. My guess it will get appealed. I will have an email of our comment in the morning.

Best Regards,

*Neal Capps, Director
Gem County Road & Bridge Department
208-365-3305 O
208-963-2083 C*

From: Cynda Herrick <cherrick@valleycountyid.gov>
Sent: Wednesday, November 12, 2025 5:00 PM
To: Neal Capps <ncapps@co.gem.id.us>; Jennifer Kharrl <jkharrl@co.gem.id.us>
Cc: Steven Emerson [REDACTED]
Subject: Re: Subdivision 25-018 Tripod View

Hello,

The P&Z Commission decision is a final decision unless it is appealed to the Board of County Commissioners. I would ask that you reach out to the applicant to discuss the matter and make comments before tomorrow at noon.

I cc'd Steve Emerson on this email.

Thanks, Cynda

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
(208)382-7116

From: Neal Capps <ncapps@co.gem.id.us>
Sent: Wednesday, November 12, 2025 4:52 PM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Cc: Valley County Commissioners <commissioners@valleycountyid.gov>; Jennifer Kharrl <jkharrl@co.gem.id.us>; Commissioners <commissioners@co.gem.id.us>
Subject: Subdivision 25-018 Tripod View

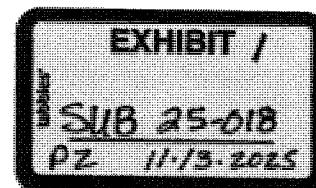
Cynda,

Thank you for the discussion regarding the proposed 12 lot subdivision in High Valley. I understand the staff report for tomorrow night's meeting has been sent out, and the period for comment has passed. I would request notification, if this subdivision is recommended for approval by Planning & Zoning, and proceeds to the Valley County Commissioners for review. I would want an opportunity to provide comments. I would also request Gem County Road & Bridge be notified of any future proposed development application in the High Valley area be send to us for review, and be able to submit comments. Our email address is gcrb@co.gem.id.us. Again thank you for your time.

Regards,

Neal Capps, Director
Gem County Road & Bridge Dept.
O 208-365-3305
C 208-963-2083
ncapps@co.gem.id.us

GEM COUNTY CONFIDENTIALITY DISCLAIMER: *This message (including any attachments) may be privileged, confidential and/or protected from disclosure under applicable law. It is intended only for the use of the individual or entity above-named. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the intended recipient please notify the sender by reply email and immediately delete this email.*



From: Neal Capps <ncapps@co.gem.id.us>
Sent: Thursday, November 13, 2025 7:13 AM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Cc: Valley County Commissioners <commissioners@valleycountyid.gov>; Commissioners <commissioners@co.gem.id.us>; Valley County Road Department <roaddept@valleycountyid.gov>
Subject: Tripod View Preliminary Subdivision 25-018 Letter of Concern

Hello,

Review of Tripod View Preliminary Sub 25-018,

Gem County Road and Bridge has completed a review of the proposed preliminary subdivision 25-018, located in the High Valley area. The applicant proposes the development of 12 residential lots on approximately 46 acres out of an existing 105-acre parent parcel. It appears additional phases may be proposed in the future to further subdivide the remaining acreage.

High Valley Road is a steep, narrow, and winding access route that currently serves a number of year-round residents. The proposed subdivision would generate additional traffic volumes that will directly affect this roadway. Given the existing roadway geometry, and limited sight distances, the increased traffic poses safety concerns for the traveling public. Furthermore, the additional traffic will increase wear and maintenance requirements on a roadway that already requires significant upkeep due to the terrain and weather conditions.

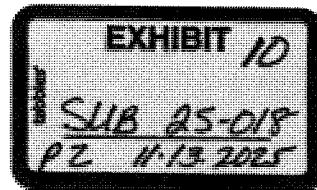
Based on these considerations, GCRB strongly opposes approval of the Tripod View Subdivision as proposed, citing the following concerns:

1. Increased traffic impacts on High Valley Road.
2. Safety concerns related to roadway geometry, and conditions.
3. Anticipated increase in demand on the road system.

Should the county approve this subdivision, the applicant shall be responsible for roadway improvements to include, but not limited to tree removal, improve sight distances, potential widening, and/or surface material on High Valley Road.

Regards,

Neal Capps, Director
Gem County Road & Bridge Dept.
O 208-365-3305
C 208-963-2083
ncapps@co.gem.id.us



GEM COUNTY CONFIDENTIALITY DISCLAIMER: This message (including any attachments) may be privileged, confidential and/or protected from disclosure under applicable law. It is intended only for the use of the individual or entity above-named. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the intended recipient please notify the sender by reply email and immediately delete this email.

From: Neal Capps <ncapps@co.gem.id.us>
Sent: Sunday, January 4, 2026 10:18 AM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Cc: Jason Brown <jbrown@co.gem.id.us>; Valley County Commissioners <commissioners@valleycountyid.gov>
Subject: SUP 25-018 Tripod View Appeal

Hello,

Review of Tri pod View Preliminary Sub 25-018 Appeal,

Gem County Road and Bridge (GCRB) has reviewed the proposed preliminary subdivision 25-018 appeal, located in the High Valley area. The applicant proposes a development of 12 residential lot on approximately 46 acres out of an existing 105-acre parent parcel. It appears additional phases may be proposed in the future to further subdivide the remaining acreage.

GCRB concerns haven't changed from our email letter dated 11/13/205. High Valley Road is a steep, narrow, and winding access route that currently serves a number of year-round residents. The proposed subdivision would generate additional traffic volumes that will directly impact this roadway.

GCRB strongly opposes approval of the Tripod View Subdivision as proposed, citing the following concerns:

1. Increased traffic impacts on High Valley Road.
2. Safety concerns related to roadway geometry, and conditions.
3. Anticipated increase demand on the road system.

GRCB recommends the following conditions be added if approved.

1. Applicant shall install narrow road signs (36-inch X 36 inch in size) on High Valley Road in Gem County. Signs shall meet the Manual Uniform Traffic Control Devises latest edition and be mounted on break away post.
2. Applicant shall remove vegetation to help improve sight distance on High Valley Road. This removal of vegetation is from the County Line of Valley County to the National Forest Service boundary in Gem County.

Regards,

Neal Capps, Director
Gem County Road & Bridge Dept.
O 208-365-3305
C 208-963-2083
ncapps@co.gem.id.us

GEM COUNTY CONFIDENTIALITY DISCLAIMER: *This message (including any attachments) may be privileged, confidential and/or protected from disclosure under applicable law. It is intended only for the use of the individual or entity above-named. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the intended recipient please notify the sender by reply email and immediately delete this email.*

From: [REDACTED]

Sent: Wednesday, October 29, 2025 1:53 PM

To: Cynda Herrick <cherrick@valleycountyid.gov>

Cc: Valley County Commissioners <commissioners@valleycountyid.gov>

Subject: Proposed Subdivision for High Valley

Dear Ms. Herrick,

My name is Rich Summers, and I've been a full-time, year-round resident of High Valley for the past 5 years. I own property in the Wilderness Lake Ranch subdivision.

I am concerned about the proposed 12 home subdivision that is to be located off Dry Buck Rd and developed by Steve Emerson. I am opposed to this subdivision and hope that you and the other Planning and Zoning Commissioners deny this request.

I watched the video of the meeting with Mr. Emerson and his supporters. If we have a dry summer in High Valley, that small pond they reference is not full of water year-round. They'd be lucky to put out a campfire at times.

High Valley is a high-risk wildfire area, and if they are going to put in a subdivision, what are they going to do to help fight or prevent fires in the event one breaks out in their new subdivision? A dry hydrant in a pond that at times is less than 1/3 full. Please...

What are they going to do for waste and refuse removal? As it is now, we have to take our garbage to a transfer trailer in Ola on Saturday mornings. That means even more traffic on High Valley Road. As it stands now, High Valley Road is not maintained well by Valley County. It is full of washboards, large rocks coming through the surface, and at times is more like off-roading than driving on a country road. The increase in traffic from building contractors, new residents, utility companies and their equipment, and people who will be coming to view the potential lots, is going to put even more stress and wear on High Valley Road. Their own landfill is NOT an option. That will do nothing more than attract bears, coyotes, and other scavengers to the valley. We already have plenty of issues with bears and coyotes without providing a buffet for them.

I am also concerned about the water table in High Valley being drawn down, affecting those of us who currently have wells that do not produce a good rate of return. For example, the lady who said her well only produces 1 gallon a minute. The gentleman that commented that it doesn't take that much water to run a residence, has obviously never opened his tap to see silt and particulate coming out when the well has been drawn down.

I could go on with several other concerns, but I'll save those for the next meeting on November 13. Which, as I understand it, is going to be VERY well attended by residents of High Valley now that they are aware of the situation.

The placement of the public notice sign was, in my opinion, an attempt by Mr. Emerson (while within the law for such postings), was done so strategically in hopes that none of the current residents of High Valley would see it or be made aware of the recent meeting. And he apparently was correct. In my opinion, if Mr. Emerson can afford to purchase 650 acres for a cattle ranch, he does not need a 12-home subdivision to subsidize his ranching operation. In my opinion, this is

nothing more than the beginning of a land and money grab, and an attempt to turn High Valley into another Stanley or McCall, where developers come in and drive-up property taxes and make it impossible for people like me to be able to afford to continue to live here.

I would ask that each of you and each of the county commissioners make the trip to High Valley. Look at where he's proposing this subdivision and talk with residents up here about their feelings and concerns BEFORE November 13. The Smith's Ferry side of Dry Buck/HV Road is still passable as of today. I'm certain that some of the local residents with large shops or barns would be willing to hold a public forum before November 13.

I would also ask that you share my email with the P&Z Commissioners, so all five can be made aware prior to the 11/13 meeting of the concerns of not only me, but a large majority of the people who live up here now and own property up here now.

If Mr. Emerson wants to live up here full time and run a cattle ranch that's fine. In my opinion, he does NOT need to develop a subdivision to sustain the ranching operation.

I'd be more than happy to entertain phone calls, answer question, or even show you around if you decide to come see this firsthand.

Respectfully,
Rich Summers
Wilderness Lake Ranch
High Valley
[REDACTED]

RECEIVED
NOV 05 2025
BY: _____

Bill Gardiner
High Valley Resident
7 Arrows Edge Pl
Cascade, ID 83611

October 30, 2025

Valley County Planning and Zoning Commission
219 N. Main Street
Cascade, ID 83611

Dear Members of the Valley County Planning and Zoning Commission,

I am writing in support of Mr. Steven Emerson. I have known Steve for several years and have always found him to be an honest, sincere, and upstanding individual.

Steve is a God-fearing man who consistently demonstrates integrity in both his personal and professional life. He coached my children in basketball for several seasons, and through that experience, I witnessed firsthand his patience, fairness, and genuine care for the young people he worked with. He has always treated others with kindness and respect, earning the trust and admiration of those around him.

In every interaction I've had with Steve, he has conducted himself with honesty and a strong moral compass. Regardless of your decision involving his property in High Valley, please know that you are dealing with an honest and good man.

Respectfully,



Bill Gardiner

Valley County Planning & Zoning Commission
Public Hearing — November 13th, 2025

SUB 25-018 Tripod View — Preliminary Plat

Print Name & Place of Residence

Undecided

Brian Allen 175 Wilderness Lake Rd High Valley
Mary Kim Allen " " " " "

Proponents

Darren Bedell
Isaiah Properties

Opponents

Tom & Holly Wester
Emily Wilson
Jeanette Hottell

Robin & Sam Penrod

Mike Lansen

Susan Brown

John Deen

Tom Love

Marie Love

Greg
Sam Madia

From: Kim Minter [REDACTED]
Sent: Wednesday, November 12, 2025 10:15 AM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Proposed Subdivision High Valley

Hi Cynda,

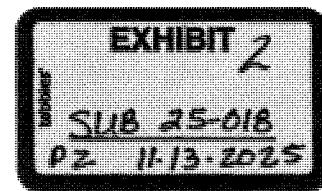
I'm writing to you regarding the proposed subdivision in High Valley.

My husband and I own a cabin in the Marster's subdivision and we've noticed a significant increase in traffic and dust from the road over the past few years. Driving has been more difficult and dangerous due to more cars and trucks on High Valley Road. We enjoy walking and hiking in the area and the increase in vehicles and population made this more difficult.

I do understand that there is growth throughout the state, however, I believe it's important to consider what this area means to the current residents and ways in which the quality of life in High Valley will be negatively impacted by this proposed development.

Thank you for taking this into consideration.

Kim Minter



From: Barbara McNeil, RN, & Harold Miller, Marsters' Subdivision, High Valley

To: Valley County Planning & Zoning (P&Z) Commission

Re: Concerns About CUP for Tripod View Subdivision

Date 11/11/25

Dear P&Z Commissioners:

My husband and I have owned and utilized a cabin in the High Valley Corporation subdivision (19 cabins along High Valley Road) since the mid 70's. **We oppose approval of the Tripod View subdivision based upon concerns about the adverse impacts on HV use, residents' health and safety, and availability of public services.**

We have major concerns about the conditional use permit (CUP) for the proposed Tripod View subdivision. Concerns arise from our experience of living in High Valley (HV) and from reviewing the P&Z's October 16 minutes and reports from Valley County Roads and the Wildland Urban Interface Fire Protection Plan (WUIFPP). We request re-evaluation of compatibility questions.

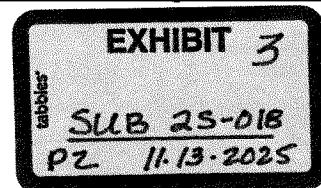
First, we are concerned about the current high and increased risk of wildfire, compounded by limited water supply for mitigation, and limited public services for wildfires. Three sides of the proposed subdivision contain "continuous fuel". Human- and lightning-caused ignitions will increase with greater population use and climate change. Dipping into private ponds by aircraft will not be sufficient for fire control as our subdivision also has limited water supply. Drawing down the HV water table will affect our water supply and others. Inability to access healthcare and other public services in a timely, efficient, and cost-effective manner will increase the risk for potential litigation and poor safety/health outcomes for residents. Compatibility Question #8 needs re-evaluation.

Second, this proposed subdivision requires the use of High Valley Road for "year-round access." But HV Road already needs major work since becoming *the alternative access route for HW 55* with increased traffic and use. The traffic use and road condition are already adversely impacting the quality of living and health (via breathing fugitive dust) for High Valley residents and wildlife. By approving this subdivision, increased HV road use and traffic volume by home construction companies, utilities with equipment, logging trucks, and those seeking subdivision sites will only dramatically add to the burden and deterioration of HV Road and adversely impact HV residents.

Over the years, despite our subdivision requests, we have not been able to obtain mitigation for road deterioration or dust control because of unavailable Valley County funds and our limited subdivision budget. We have been told that our taxes do not pay for road improvements. We already need mitigation for the undue adverse effects from current traffic use and volume. How will Valley County deal with the additional required funding for HV Road upkeep, dust abatement, and access to needed public services? Continuous and ongoing mitigation actions are needed. Compatibility Question #6 needs re-evaluation.

Thank you for consideration. Barbara McNeil email [REDACTED]

and Harold Miller email [REDACTED]



From: Art Lee [REDACTED]

Sent: Wednesday, November 12, 2025 9:22 PM

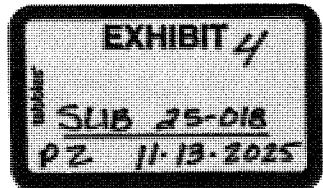
To: Cynda Herrick <cherrick@valleycountyid.gov>

Subject: NEW SUBDIVISION IN HIGH VALLEY

My family purchased a house at #2 Lem Court, Cascade twenty five years ago. It is located as you come down the hill from Ola. At that time the road starting in Valley County was a narrow dirt road from Gem County.

Twenty five years later the road is just as narrow and in worse shape since the amount of traffic on this road has increased tremendously. This new subdivision will make matters even worse. Our house is right next to the road. Currently the dust is so bad in the summer that I avoid spending time there until winter comes when the road is covered with snow..

I strongly oppose this new subdivision. High Valley can not handle the added houses and people!!!!



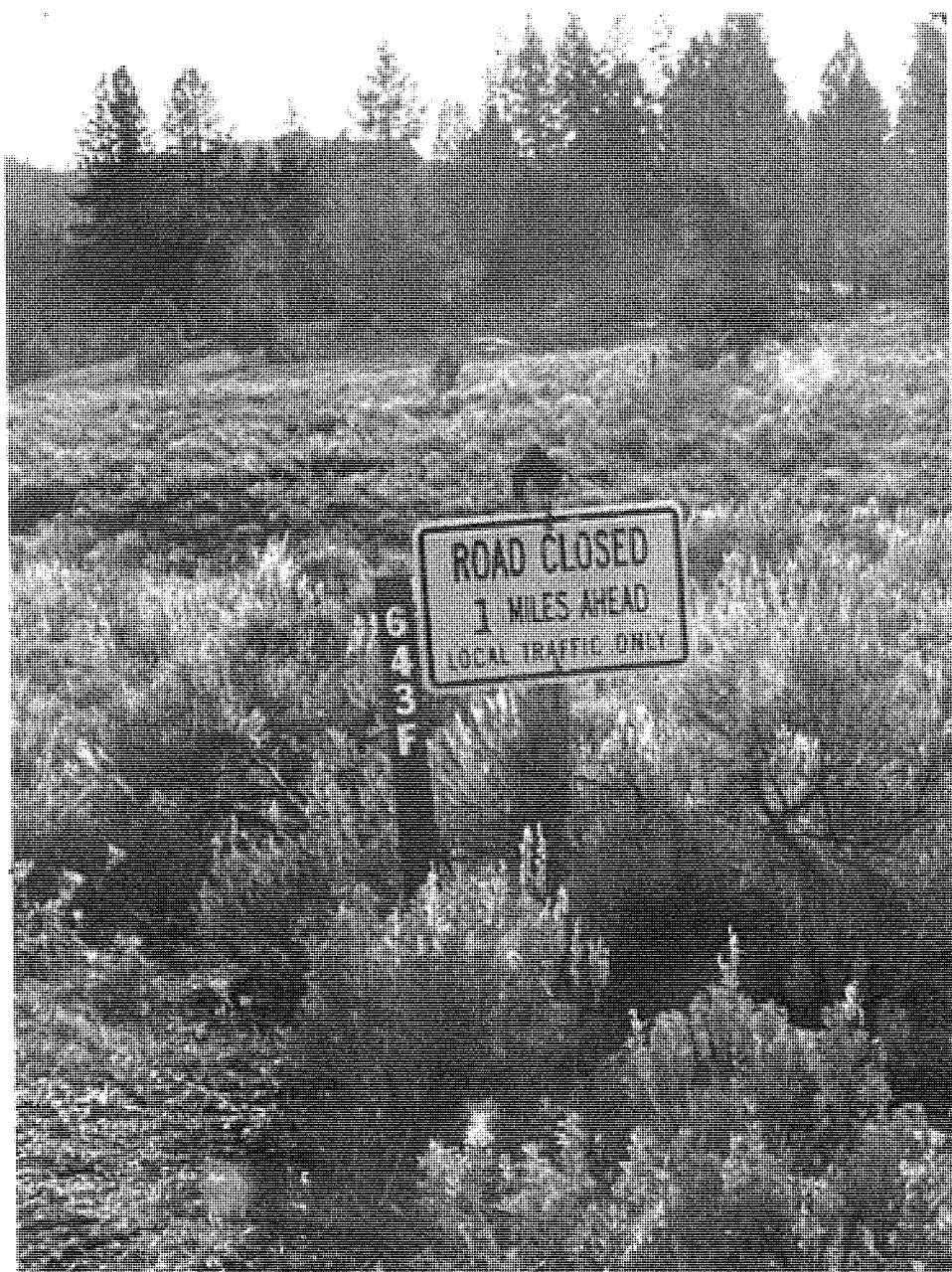
Re: Tripod View – Questions pertaining to the proposed new High Valley Subdivision

E. Brian Allen – Concerned Fulltime High Valley Resident
175 Wilderness Lake Rd – High Valley
(Wilderness Lake Ranch Subdivision)
PO Box 39
Ola, ID 83657
[REDACTED]

The Following are several questions / concerns relating to the proposed High Valley Subdivision:

1. Please refer to the attached photo – It appears that Valley County installed the illustrated sign at the Y where Dry Buck RD heads up into the Boise National Forest and Old Dry Buck continues south. It can be seen the county has instructed that Old Dry Buck is only to be used by local Old Dry Buck residents. The public notice is approximately 100 yards behind this sign and a concern is, did the Valley County action (installation of the Road Closed sign) convert Old Dry Buck to a private road and negate its' status as a public road? If Old Dry Buck is no longer to be used by the public, then the meeting notice does not meet state requirements.
2. Does Mr. Emerson understand that High Valley Rd from Smiths Ferry to Almost the junction of High Valley Rd and Dry Buck Rd is closed for approximately 6 months each year – forcing all owners to use the Gem County side of High Valley Rd? This impacts the Gem County Road & Bridge Department, the ongoing maintenance of the Gem County side of High Valley Rd and their overall budget. Has he, or Valley County, notified the Gem County Commissioners that there will be added expenses that they will incur if this subdivision is authorized.
3. High Valley Rd becomes extremely rough and sometimes almost impassable. If this subdivision is authorized does Valley County commit to grade the Valley County side of High Valley 3 times per year (spring, mid-summer, fall) and add additional surface gravel to maintain its' ability to handle the greater traffic load?
4. Will Valley County commit to share county road tax funds with Gem County to compensate them for the added High Valley Rd maintenance as a result of this new subdivision?





Public Comment Submission

Valley County Planning & Zoning Commission

Date of Hearing: November 13, 2025

Project / Application Name: SUB 25-018 Tripod View - Preliminary Plat

Submitted by:

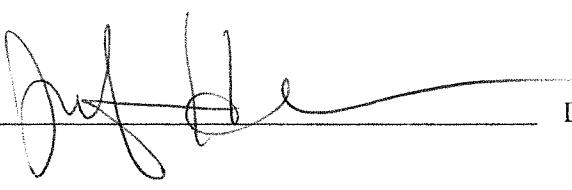
Name: JENNIFER HUNN

Address: 2011 W. TENDAY DR BOISE ID 83705

Email: [REDACTED]

Phone (optional): _____

Type of Submission: Written Statement Supporting Documentation (data, maps, photos) Both

Signature: 

Date: November 13, 2025



We all know surface and potable water is scarce, fire risk is high, and cattle help maintain the fuel load on and around the existing structures and offer the economic benefit of an agriculture exemption to bordering land owners. Here are some other concerns the neighbors bordering the southern boundary of the proposed neighborhood have:

- **Staff Report inaccuracies:** Lots sizes actually range from 1.8 acres to 6.2 acres (not 1.8 - 4.2 acres). The area is surrounded by acres of Rural Land and Dry Grazing Land. If they truly are deemed Single family lots, they are 20+ acres of undeveloped lots.
- **For 5-6 months of the year** residents of High Valley are essentially cut off from the rest of Valley County between November and May which **limits access to Valley County services** such as schools, libraries, medical centers, grocery and hardware stores. High Valley does not have mail or garbage service at any time of the year, and the children are either homeschooled or go to school in Gem County.
- The **average response time for EMS** in the last year is **67 minutes**. The same average can be assumed for the Valley County Sheriff and any fire response.
- The **last neighborhood developed** in High Valley was Wilderness Creek Ranch in the **late 1990s**. Approving this new neighborhood **will set a precedent for developers and the thousands of acres of undeveloped land** in an area already strapped for resources.
- Residents are **concerned with preservation and protection of migratory and non migratory wildlife** such as birds, elk, deer, moose, bear, cougars, beaver, fox, coyote, etc. that are routinely heard, seen in person, on trail cameras, and by evidence they leave behind.
- Residents are concerned with **12 new septic tanks in the wetlands draining to Squaw Creek on the proposed eastern boundary**. One of us is unable to use our septic tank due to the proximity of said creek. **We ask for a disinterested party to perform a wetland delineation during the snow melt in 2026.**
- **We implore** the Commissioners to honor their statutory requirements of the health and safety of the land and their residents. Fire, polluted water, and disappearing wildlife anywhere in Valley County has an impact on all of us. **Development should be located where Valley County has infrastructure in place for the safety of the public.**
- This neighborhood **will not create affordable long term housing** for the local population **nor add positive economic impact** for Valley County, think about the added fire potential.
- Cascade Fire Chief **does not recommend** this neighborhood. Valley Soil and Water expressed **concern about the septic tanks to me**, Valley County Road Dept will be **impacted by the traffic**. Due to the government shutdown I've been unable to speak with anyone from the Forest Service or Fish and Wildlife about their concerns, or Corps of Engineering to **ensure the septic plans fall under the Federal Clean Water Act.**
- There are **currently ~3,500 square feet of buildings on the 30 acres** bordering the south of this proposed neighborhood. This proposal is asking to **add a minimum of ~31,000 sq ft to a maximum of 75,500 square feet worth of buildings on 46 acres**. This does not match with the harmony of High Valley.
- The application states *no significant long-term noise impacts are expected to result*. **Adding 12 more homes will absolutely negatively impact the noise level for existing residents. These 12 homes on 46 acres will more than triple the number of habitable homes within a 50ish acre area.**

Public Comment Submission

Valley County Planning & Zoning Commission

Date of Hearing: November 13, 2025

Project / Application Name: SUB 25-018 Tripod View - Preliminary Plat

Submitted by:

Name: Jonathan Kinney

Address: 2011 W Tendor Dr. Boise, ID 83705

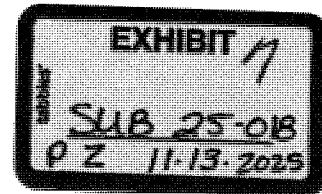
Email: [REDACTED]

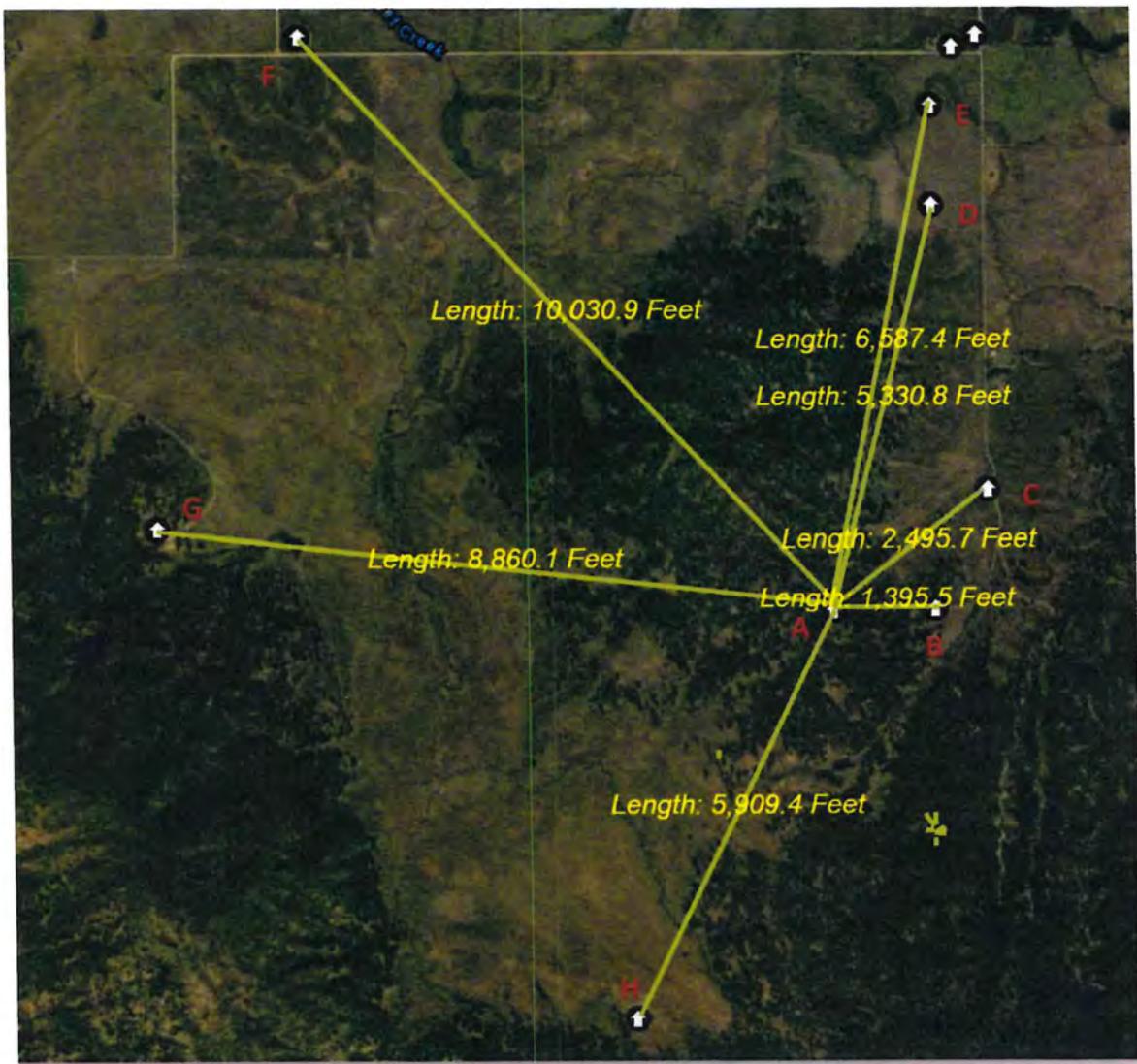
Phone (optional): [REDACTED]

Type of Submission: Written Statement Supporting Documentation (data, maps, photos) Both

Signature: [Signature]

Date: November 13, 2025





Well	Name	Distance from well A	Depth	GMP	Substrate	Depth of first water encl	S.W.L.	Pumping Level
A	141 Dry Buck	0'	280'	1	DG,SG,MG,HG	125'	8'	280'
B	Susan Brown	1395'	280'	1	DG,20' clay,DG		28'	140'
C	Tony Manuel	2495'	260'	3	DG,OG,BG	63'	14'	240'
D	Roger Beal	5330'	240'	2	HG,SG,HG		15'	180'
E	Dorothy Beal	6587'	98'	10	HG		14'	70'
F	Warren Budell	10030'	116'	55	SC,BC,DG,HG	8'	1'	45'
G	Mark Andelin	8860'	388'	12	CB,G,FG,FCG	110'	50'	360'
H	Allen Sutton	5909'	410'	5	BR,R,FR		30'	NA

DG - Decomposed Granite, SG - Soft Granite, MG - Medium Granite, HG - Hard Granite, OG - Orange Granite, BG - Blue Granite, FG - Fractured Granite, FCG - Fracture Crumbling Granite, R - Rock, BR - Broken Rock, FR Fractured Rock, BC - Blue Clay, SC - Silty Clay, CB - Clay & Boulders

WATERSHED & STREAMS

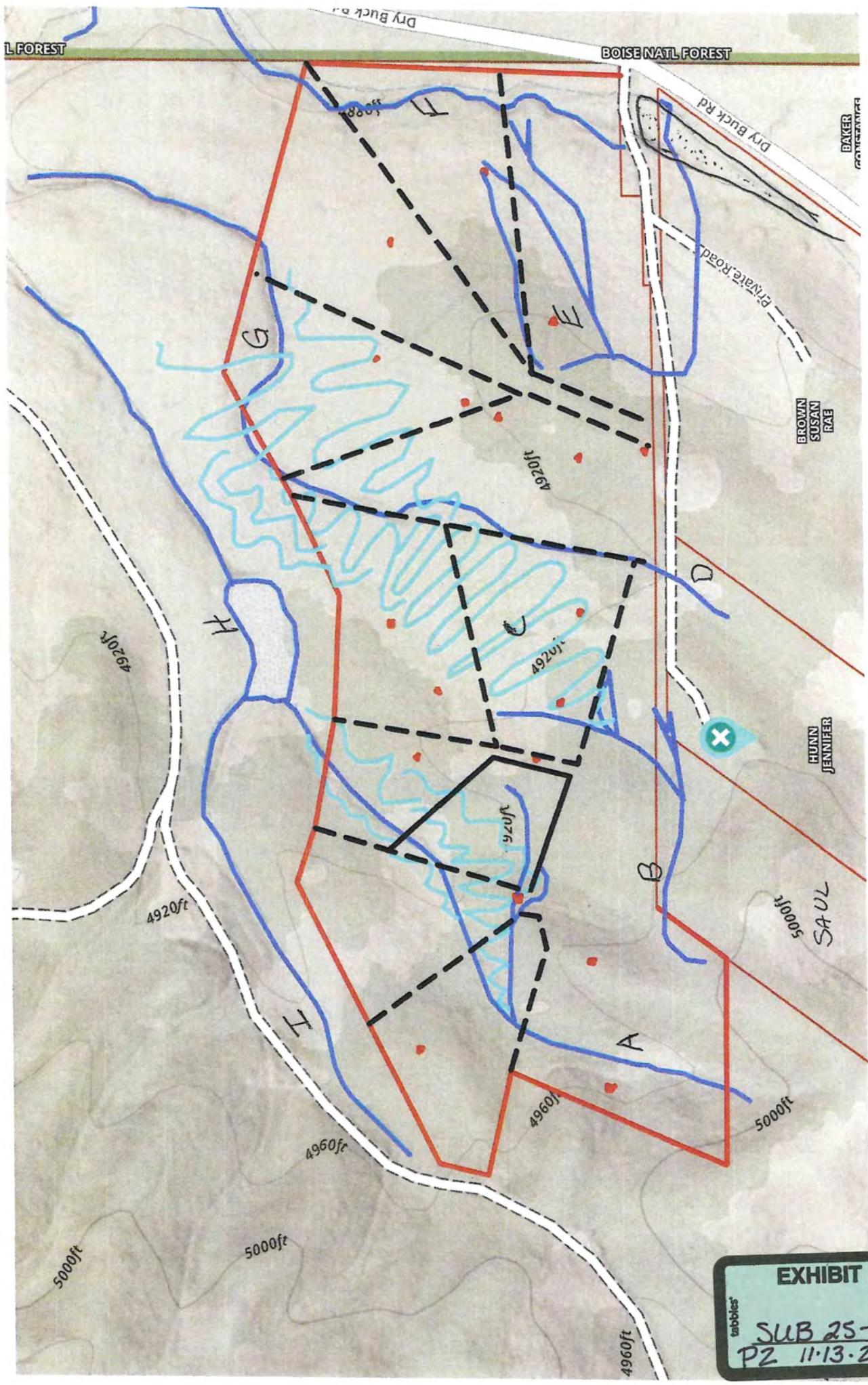


EXHIBIT 8

tables®
SUB 25-018
P2 11/13/2025

3-19-24

EXHIBIT 9

Sub 25-218
02 11/13/2025

Dixon,

Things are finally getting settled on the sale of the ranch, I hope it has not been a good winter.

1st, I thought we had picked a good land owner in Steve Emerson, he wanted to ranch and farm. Was raised in Poncah on a ranch, owned both the property, horses and mine together, great! We were at my lawyers office Nov. 4, 1988, and he dropped the bomb - he intended to do a sub-division on past Sandy. I was sick - he spent the winter throwing up my meals.

I tried to deny him a right of way and he threatened to sue me. Legal soap I might not win and it could drag on for 2 yrs or more.

I had no clue that your gate was on my property as you can see on the aerial and survey. I did not want you disturbed so, he gets an easement of 300' x 85' wide then he has to build his own road from there.

In the mean time, he's called Valley City P&Z and turned the kids in for their cabins. Apparently Valley City passed an ordinance against living in a dry cabin, so had to come in and re-survey property. So, we'll see how it all plays out. He has come up with one soon after another. No place to run or cattle, no we will.

I have to leave.

Only good thing is, if he does sub-serve and people should John would know a job market close by.

Things have been so unsettled, I wanted to wait to talk to you.

Baby Colleen has been in Seattle, Wa. Children's Hospital all winter w/ problems, now, Sam has 2 ruptured disks in his back and is dragging his r. leg and Black & Blue from falling down.

Birthdays are almost here. Wish I had better news.

Love, Roxie

From: Toni Roberts [REDACTED]

Sent: Friday, December 26, 2025 10:33 AM

To: Commissions@valleycountyid.gov <Commissions@valleycountyid.gov>; Brian Oakey <boakey@valleycountyid.gov>; Valley County Clerk <ValleyClerk@valleycountyid.gov>;

Cynda Herrick <cherrick@valleycountyid.gov>; Lori Hunter <lhunter@valleycountyid.gov>

Subject: Comments for Tripod View Public Hearing

I am Susan Brown (Beal). I have been a landowner in High Valley for thirty-six years.

Please do not approve the application of the Tripod View subdivision. This subdivision will tear up the land that is currently home to elk, deer, moose, sand hill cranes, great gray owls, and other smaller animals. There are ninety plus vacant parcels in the other three existing subdivisions that have power, septic, and **water already available**.

Susan Brown (Beal)
[REDACTED]

I do not have an email address; please respond to my sister-in-law's email
[REDACTED]

From:

Tom Love

PO Box 51

Ola, Idaho 83658

[REDACTED]

208-781-0030

12/16/2025

To:

Valley County Commissioners

219 North Main Street

PO Box 1350

Cascade, ID 83611

commissioners@valleycountyid.gov

boakey@valleycountyid.gov

valleyclerk@valleycountyid.gov

cherrick@valleycountyid.gov

lhunter@valleycountyid.gov

Subject: ***Opposition to SUB 25-18/CUP 25-23 Tripod View – Preliminary Plat Steve Emerson/James Fronk Consulting LLC***

Subject: *Opposition to SUB 25-18/CUP 25-23 Tripod View – Preliminary Plat Steve Emerson/James Fronk Consulting LLC*

Dear Commissioners,

I am writing to express my strong opposition to the proposed development in High Valley. It is important to note that Steven Emerson, the current owner of the property, purchased it from Connie Baker, a lifelong generational rancher, with a verbal agreement that the land would not be subdivided. Unfortunately, Mr. Emerson in my opinion has misled the community about his intentions, causing significant concern and mistrust. While he may not have broken any laws, his actions have undermined the integrity of the agreement. It's important to note that there have been statements from residents in High Valley regarding their personal experiences with Mr. Emerson. Initially, some residents had positive interactions and believed in his assurances. However, over time, and after further observation and personal interactions, they have come to believe that Mr. Emerson has not been fully transparent about his true intentions for the property. I have never met Mr. Emerson; however, I had heard firsthand interactions and have been told that they believe he has been deceitful and on one occasion "lied to my face at my home."

During the last planning and zoning meeting, it was brought to our attention by a family member of Connie Baker that Connie had written a personal letter to the Planning and Zoning Commission. In that letter, Connie stated that Steven Emerson had assured her that the property would remain intact. However, during the escrow process, she learned that Emerson intended to subdivide the land. When Connie raised this concern, Steven Emerson reportedly threatened her with a lawsuit. This was extremely disturbing to the community, particularly as Connie is an elderly woman in a convalescent home.

As a retired law enforcement officer and a resident of High Valley for the past 10 years, I bring over 33 years of public service experience, spanning

both military and law enforcement. During this time, I have personally responded to numerous EMS critical incidents, including medevacing my father in 2017 and responding to emergencies involving severe injuries. In 2025, my fiancée and I responded to a forest fire caused by a lightning strike, where it took over five hours for fire services to arrive. This incident further underscores the critical public safety concerns we face due to prolonged response times and limited access for emergency services.

Additionally, it is crucial to highlight that High Valley Road, from Smith Ferry to the valley, is not maintained for snow removal during the winter months. This situation forces all traffic onto the Ola side, leading to significant road maintenance challenges. With the introduction of a new subdivision, the increased traffic will further deteriorate the road, especially in winter, causing even more strain on an already vulnerable infrastructure. As it stands with the current logging operations that have been on going for the last several years, the Ola side of the road has numerous accidents, some significant due to increased traffic on the road.

Moreover, the proposed subdivision will have significant negative environmental impacts on this mountainous region. The construction and increased human activity can disrupt local wildlife habitats and lead to soil erosion, deforestation, and other ecological disturbances. Additionally, the subdivision will have a detrimental effect on the current water tables, potentially compromising the quality and availability of well water for existing residents. I encourage you to listen to the examples of current residents and their well issues from the last P&Z meeting. I also encourage a state expert to conduct a report on the potential effect on the current wells in the valley if this subdivision is approved. Look what happened in many homes in Boise when the population increased. Many older homes were rendered without water.

After reading the lengthy and somewhat insulting letter his attorneys wrote to the County Commissioner's, I feel like the burden of proof should be on Mr. Emerson. If he believes the water tables won't be affected, the roads with all

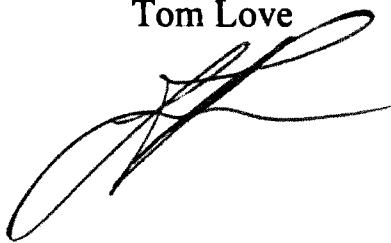
the builders won't be affected, and the stress on Fire/EMS won't be affected, then I say let him get a third party unaffiliated report on all the issues and present it to the community in which his proposal will affect.

In conclusion, I urge the Valley County Commissioners to carefully consider the profound impact that this proposed development would have on our community. The safety, well-being, and trust of the residents must remain a priority. I appreciate your attention to these concerns and trust that you will act in the best interest of High Valley.

Thank you for your time and consideration.

Sincerely,

Tom Love

A handwritten signature in black ink, appearing to read "Tom Love". The signature is fluid and cursive, with a large, sweeping flourish on the left side.

From: Blain Wheatley [REDACTED]

Sent: Friday, December 19, 2025 12:21 PM

To: Valley County Commissioners <commissioners@valleycountyid.gov>

Subject: Opposition to SUB 25-018 Tripod View Subdivision

To: Valley County Planning and Zoning Commission

Subject: Opposition to SUB 25-018 Tripod View Subdivision

Dear Commissioners,

I am writing to formally express my opposition to the proposed Tripod View Subdivision (SUB 25-018). After reviewing the Planning and Zoning Commission's findings and conclusions, I believe this subdivision poses serious risks to the health, safety, and welfare of current and future residents, as well as to the natural resources and infrastructure of Valley County.

First and foremost, the proposed subdivision is not in harmony with the Valley County Comprehensive Plan or the general purpose of the County's mixed-use zoning ordinance. The area in question is remote, with limited access for much of the year. During winter months, it can only be reached by snowmobile or from Gem County, severely restricting the ability of emergency services to respond in a timely manner. This alone represents a significant threat to public safety.

Equally concerning is the lack of available water for domestic and fire suppression use. The Commission's findings note that both the domestic wells and potential water tanks would be insufficient to meet basic needs. Without adequate water pressure or pumping infrastructure, firefighting capabilities would be virtually nonexistent, placing not only the proposed homes but also surrounding properties at risk.

The High Valley area is not within a fire district, meaning that any new development would increase demands on neighboring jurisdictions and potentially endanger lives and property. Additionally, building new wells could deplete or interfere with existing adjacent wells, impacting the quality and availability of drinking water for nearby property owners.

Furthermore, there is no clear mitigation plan for the environmental and infrastructural impacts of this project. The subdivision would add strain to local roads and create cumulative impacts that are not yet fully understood or addressed. These deficiencies run counter to Valley County's stated goal of ensuring balanced and sustainable development.

Given the lack of year-round access, insufficient fire suppression capability, questionable water supply, and absence of mitigation planning, it is evident that the Tripod View Subdivision would be detrimental to public health, safety, and welfare. I strongly urge the Commission to uphold its denial of this application and to prioritize the long-term integrity and safety of our community over short-term development interests.

Thank you for your attention and for your continued service to the residents of Valley County.

Respectfully submitted,

Blain Wheatley

From: [REDACTED]

Sent: Monday, December 29, 2025 11:44:45 AM

To: Katlin Caldwell <kcaldwell@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Valley County Commissioners <commissioners@valleycountyid.gov>

Subject: Opposition to the Proposed Tripod Subdivision in High Valley

December 29, 2025

Dear Valley County Commissioners,

I am writing to you to express sincere concern regarding infrastructure challenges in High Valley that would be exacerbated by the proposed 12-lot Tripod Subdivision. It is critical that vulnerabilities in our infrastructure be taken seriously before approving new developments that could have a lasting negative impact to an already burdened system. Below, you will find a list of topics of concern and my thoughts on their impact on High Valley and its residents.

1. Road Maintenance and Travel Conditions: I'm sure that it will come as no surprise that residents of High Valley are very concerned about our already damaged and very poorly maintained road, particularly on the Valley County side of the Valley/Gem border at the summit.

I watched the streaming of both the October and November Planning and Zoning meetings (I was unable to attend in person due to medical reasons) and I was, frankly, appalled at the flippant attitude given by some on the committee regarding the road conditions. I also sensed genuine concern by some committee members. But for a committee member to say that we, High Valley residents, "chose to live there" gave an air that because we chose to live here, Valley County is off the hook regarding its responsibility towards existing residents and has a free ticket to approve further development with disregard to public safety. Is there an official number of High Valley residents required for our road situation to be taken seriously by our County? Or can you simply say "Oh well, you chose to live there" until something bad happens on this road? I've seen some very close calls over the years on High Valley Road. I implore you, as our leaders, to take this matter to heart and not view it as "our problem" because we chose to live here. Yes, we chose to live here, and we have never asked for, nor would we even want, a highway-like road in and out of the valley, but we *are* asking for a level of concern and maintenance appropriate for safety and "reasonable" travel conditions and that you not add to the problem and the burden on existing residents by adding a new subdivision and even more stress to the system. Vehicle wear and tear, flat tires, etc. are one thing...risk to human safety is another.

I listened as a letter from Gem County officials was read out loud at the last meeting. The letter contained an official statement disapproving of adding another subdivision to High Valley. I sincerely hope that this letter is being taken seriously. At the end of the last meeting, I listened to the committee suggest that Gem County be asked to do more to help maintain the road. For us that live here and see how much work Gem County already does on the road, this suggestion sounded ridiculous. Having lived full-time in High Valley for nearly six years, I have watched throughout the year the conditions of High Valley Road fluctuate from its best to its very worst. With no exaggeration intended, I have seen Gem County give 80-90% more maintenance to our road than Valley County. Even at that, it is a huge challenge for Gem County to keep up with the traffic and weather-related conditions that damage our road. It was suggested at the last meeting that the log trucks are responsible for the condition of the road. Again, as a full-time resident, I know that log trucks can damage and do damage the roads especially during muddy road conditions, but on the other hand we go through whole seasons with no logging in operation and still we see horrendous road conditions brought on by local traffic, weekenders, and a very heavy amount of construction traffic (contractors, dump trucks, heavy equipment, etc.) all of which add to the wear and tear.

Please do not allow another subdivision which would severely add to this type of traffic. As you consider approving another subdivision, imagine the contractor traffic, material delivery traffic, heavy equipment traffic, etc. that is required to build a single home and balance that effect on the road with the log truck traffic. The logging companies cannot be fully blamed for High Valley Road conditions.

2. Potable/Well Water Concerns: As I watched the first Planning and Zoning meeting my heart went out to Jennifer Hunn (situated in the heart of the newly proposed Tripod Subdivision) as she desperately implored the committee to take her well water concerns seriously. Her well has a flow rate of only 1 gallon per minute, a situation common in High Valley. We personally, have a 384' deep well with descent flow, but our nearest neighbors to the east (approximately 400' away) get only 3 gallons per minute and run out of water if they have guests adding to the water demand. I do hope that the impact on people like Jennifer Hunn will be taken seriously. Please put yourself in her shoes and imagine if this was your water source in jeopardy. Impacts on her well, and others around her, could not only potentially limit potable water supply, but create a situation where a resident would not have water in a crisis moment to fight a fire (whether residential or wildfire). It is true that those of us who live here "chose it," but it is the County's responsibility to realize the impacts on existing infrastructure when adding more demand to it. Each existing property owner matters. Please seriously consider the impacts that new drilling could have on the ground water levels in and around the newly proposed subdivision.

3. Trash/Household Garbage Removal Services: When we moved to High Valley, we knew we were giving up the convenience of trash pickup at the curb. Each Saturday we load up and drive our household trash to Ola, where Wally and Kenny Sutton operate a transfer trailer and take our trash to Gem County for disposal. In recent conversations with Wally and Kenny, they have expressed that they are just about at capacity with the amount of trash they remove on Saturdays. Adding more to it could require that trash removal service increase from one day to two days per week. Currently, High Valley residents are not required to pay for the service that Wally and Kenny and Gem County provide. This could and would likely change if the trash removal service is strained any further. Has the committee discussed and created a plan to address the additional services it would require to remove household trash from High Valley? Has Gem County been considered in this discussion and plan? It is very possible that Gem County could stop accepting household garbage from residents that don't live in Gem County. How does Valley County plan to accept trash from its High Valley residents located in Valley County when the population over-burdens Gem County?

4. IN CLOSING I would IMPOLE that the big picture of High Valley be taken very seriously: By this, I'm referring to its actual proximity to and accessibility to Valley County services (emergency services, EMT/Fire, road, mail, trash, etc.). It is a rare situation for a section of a county NOT be accessible by its own roads for nearly 6 months of the year the way that High Valley is. This unique situation creates an extra load on High Valley residents and neighboring Gem County. Until it has been demonstrated that Valley County has a plan in place to increase support and infrastructure in and to High Valley for its existing residents, I am fully against adding a new subdivision.

Thank you for your time and dedication to our community.

Sincerely,

Amber Summers

9 Canteen Court
Cascade, Idaho 83611

From: Emily Alexis Wilson [REDACTED]

Sent: Wednesday, November 26, 2025 10:54 AM

To: Katlin Caldwell <kcaldwell@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>

Subject: Strong Opposition to Tripod View Subdivision (SUB 25-018)

Dear Valley County Commissioners,

I am writing to strongly oppose approval of the Tripod View subdivision (SUB 25-018).

1. High Valley Road is largely unmaintained by Valley County. Adding dozens of new residents and construction traffic will severely degrade an already poor road.
2. Increased population will directly burden Gem County, which maintains the Gem County side of High Valley Road, operates the already-at-capacity Ola Transfer Station, and provides the only accessible post office for High Valley residents six months of the year.
3. The local water table cannot reliably support 12 additional residences without risking drawdown that will harm existing wells, including mine.
4. As a volunteer firefighter (along with my husband and son) with Gem County Fire District 2 – the only department that can realistically respond – I can confirm we lack the manpower, equipment, and on-site water sources to effectively fight fires in this remote, dead-end location.

For these reasons, I urge you to deny SUB 25-018.

Thank you,

Emily Wilson

106 Hatchet Ln Cascade, ID 83611

[REDACTED]

From: [REDACTED]

Sent: Monday, December 29, 2025 1:04 PM

To: Cynda Herrick <cherrick@valleycountyid.gov>

Subject: Proposed Tripod Subdivision Development in High Valley

Hello Cynda,

Please see the email below regarding the proposed Tripod Subdivision in High Valley. I am sending this to you as directed in the most recent public notice letter I received in the mail. As you can see, I also sent this letter to the Valley County Commissioners.

Regards,

Rich Summers

High Valley

From: [REDACTED]

Sent: Monday, December 29, 2025 10:24 AM

To: kcaldwell@co.valley.id.us; nthompson@co.valley.id.us; smaupin@co.valley.id.us

Subject: Proposed Tripod Subdivision Development in High Valley

Rich Summers

9 Canteen Court, Wilderness Lake Ranch, High Valley

Cascade, ID 83611

[REDACTED]

December 29, 2025

Katlin Caldwell

Commissioner, District 1

Sherry Maupin

Commissioner Chairman, District 2

Neal Thompson

Commissioner, District 3

Valley County Commissioners

PO Box 1350

Cascade, ID 83611

Dear Commissioners Caldwell, Maupin, and Thompson:

As a full-time, year-round resident of High Valley, I am writing to express serious concerns regarding the proposed 12-lot Tripod Subdivision in High Valley proposed by Mr. Steve Emerson, and to bring to your attention the significant impacts it would have on our rural community. High Valley has limited infrastructure, and additional development would worsen existing challenges in several critical areas.

High Valley Road Concerns

High Valley Road, the sole access route serving both Gem and Valley County residents, already suffers from severe damage and poor maintenance, especially on the Valley County side. I would respectfully ask each of you when was the last time you drove High Valley Road from Dry Buck to the summit at the Valley County/Gem County line? There are times when that road is more like an off-roading trail than a county road. One of your Planning and Zoning Board members said in the public hearing on November 13 that the log trucks are to blame. I disagree. While the log trucks do have an impact, they don't run all the time, and the road is used by builders, service vehicles, weekend campers, UTV's, ATV's, Jeep Clubs and others who drive way too fast, causing the surface gravel to be pushed to the outside of the corners, creating horrible wash boarding. We're lucky if we see Valley County Road crews up here once a year.

There are currently five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these lots are developed into full-time residences and seasonal cabins, traffic volumes are expected to increase substantially—potentially doubling—particularly with recent announcements that state and federal forests plan to double timber harvests in the area. The proposed Tripod Subdivision would add further traffic and accelerate the deterioration of the road.

Potable Water Concerns

Valley County well logs show that the area proposed for the subdivision is largely a “water desert” with insufficient groundwater to reliably support individual wells on each lot. Nearby wells are typically 300 feet deep with flow rates as low as 1 gallon per minute, and some run dry after only about 30 minutes of pumping. New drilling in this area risks adversely impacting the wells currently relied upon by existing residents.

Emergency Services Concerns

Valley County designates High Valley as a No-Response Fire Zone. We depend on the Sweet/Ola Volunteer Fire Department (Gem County Station #2), with response times typically ranging from 45 minutes to one hour. Sheriff and EMT response times are similarly lengthy. During the approximately five months of winter when the east side of Tripod Summit (Highway 55) is closed due to snow, access is further restricted and response times are even longer. I can’t tell you the last time I’ve seen a Valley County Sheriff vehicle in High Valley.

Adding new residents through this subdivision would place additional demands on these already strained services and heighten safety risks for both new and existing residents.

Wildfire Risk Management Concerns

The combination of poor road conditions, limited water availability, and extended emergency response times creates a high-risk environment for wildfires in High Valley. Human-caused ignitions pose a serious ongoing threat, and new development would increase the potential for wildfire events in an area where these underlying vulnerabilities remain unaddressed.

Trash Removal Concerns

As it stands currently, High Valley residents must take their trash to a transfer station in Ola every Saturday. Currently, there is no charge to those of us that utilize the service. Ken and Wally Dutton, who take the waste to a sanctioned landfill, told me that if more homes are built in High Valley, they may be forced to start making two runs a week, and that they will have to start charging Valley County residents to use the service. Another example of how the infrastructure up here is not ready for another development.

We ask that you carefully consider these concerns as you review the proposed Tripod Subdivision. High Valley residents value the rural character of our community and rely on your leadership to protect public safety and infrastructure. I would be happy to discuss these issues further if needed.

Thank you for your attention to this matter. I hope you will not allow this development to proceed.

Sincerely,

Rich Summers
9 Canteen Court
Wilderness Lake Ranch - High Valley
Cascade, ID 83611

From: [REDACTED]

Sent: Wednesday, December 31, 2025 8:03:41 AM

To: Katlin Caldwell <kcaldwell@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>
Subject: High Valley Development

Allen Mardian
1628 S. Michigan Ave.
Boise, ID 83706
[REDACTED]

December 31, 2025

Katlin Caldwell
Commissioner, District 1

Sherry Maupin
Commissioner Chairman, District 2

Neal Thompson
Commissioner, District 3

Valley County Commissioners
PO Box 1350
Cascade, ID 83611

Dear Commissioners Caldwell, Maupin, and Thompson:

I am writing to express serious concerns regarding the proposed 12-lot Tripod Subdivision in High Valley and to bring to your attention the significant impacts it would have on our rural community. High Valley has limited infrastructure, and additional development would worsen existing challenges in several critical areas.

High Valley Road Concerns

High Valley Road, the sole access route serving both Gem and Valley County residents, already suffers from severe damage and poor maintenance, especially on the Valley County side.

There are currently five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these lots are developed into full-time residences and seasonal cabins, traffic volumes are expected to increase substantially—potentially doubling—particularly with recent announcements that state and federal forests plan to double timber harvests in the area. The proposed Tripod Subdivision would add further traffic and accelerate the deterioration of the road.

Solid Waste Disposal Concerns

Currently, full-time residents of High Valley transport their household garbage to the facility in Ola, placing the burden on Gem County's infrastructure. The Ola transfer station is already strained

under existing loads. Additional full-time residents from the proposed subdivision would increase this volume significantly. It is unclear if Valley County has short- and long-term plans for garbage disposal in High Valley, particularly if Gem County were to restrict or stop accepting waste from non-Gem County residents.

Wildfire Risk Management Concerns

The combination of poor road conditions, limited water availability, and extended emergency response times creates a high-risk environment for wildfires in High Valley. Human-caused ignitions pose a serious ongoing threat, and new development would increase the potential for wildfire events in an area where these underlying vulnerabilities remain unaddressed.

We ask that you carefully consider these concerns as you review the proposed Tripod Subdivision. High Valley residents value the rural character of our community and rely on your leadership to protect public safety and infrastructure. I would be happy to discuss these issues further if needed.

Thank you for your attention to this matter.

Sincerely,

Allen Mardian

From: Mike and Jeanne O'Hara [REDACTED]

Sent: Thursday, January 1, 2026 11:24 AM

To: Valley County Commissioners <commissioners@valleycountyid.gov>; Brian Oakey <boakey@valleycountyid.gov>; Valley County Clerk <ValleyClerk@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>; Lori Hunter <lhunter@valleycountyid.gov>; Mike Jeanne OHara [REDACTED]

Subject: Tripod view proposal hearing

December 30, 2025

To:
Valley County Commissioners
219 North Main Street
PO Box 1350
Cascade, ID 83611

Commissioners@valleycountyid.gov
boakey@valleycountyid.gov
valleyclerk@valleycountyid.gov
cherrick@valleycountyid.gov
lhunter@valleycountyid.gov

From:
Mike and Jeanne O'Hara [REDACTED]

10 Highway 95
Payette, ID 83661

99 and 95 Ranch Circle
Cascade ID 83611

Re: Tripod View Subdivision

We are property owners in a long established subdivision in High Valley. Our well is approximately 260 feet deep and produces less than one gallon per minute.

Our comments on Elam and Burke's document are as follows:

Pg 7. "No evidence was produced showing the project would have any impact on existing wells". In fact, no evidence was produced showing the project would NOT have any impact on existing wells.

To deliberately expose existing wells to the "first in time, first in use" scenario is self serving. Only attorneys benefit from the crisis of a dry well. To then require a junior water user to curtail their use while the senior water user is left high and dry benefits only those who engage in adversity. Will you truck in water for your constituents? Will you provide financial help for drilling expenses? We know the answer already. It's best to avoid the problem altogether.

Further down the page “CC&Rs Mandate future owners join any volunteer fire district” is an incredible statement trying to dismiss fire danger; while obligating future owners to potentially hazardous activity.

As to the condition of the High Valley Road (Forest Service Road 644), blaming logging and heavy equipment for it's pathetic condition is both simplistic and a cop out. The road has been neglected over the course of 23 years since our arrival. If logging traffic and heavy equipment are so damaging in Valley County, why is the Gem County side consistently in superior condition? Or, to view the problem in a different light, if heavy equipment is the offender, how much more heavy equipment and traffic will the subdivision generate?

How about a transfer site for trash? Here's a can that has been kicked down the road for at least the 23 years we have seen.

Your constituents and property owners are overwhelmingly opposed to this project. Mr. Emerson and his legal counsel would have you believe they will bring only good to the area.

The very things that make High Valley and Valley County attractive are on the chopping block. Valley County is being carved up and sold off. Would you dismiss the concerns of your constituents and land owners, domestic well viability being the most alarming, for the financial interests of one man?

It's up to you, commissioners, to protect High Valley and its residents. If not you, then who?

We respectfully ask you to deny this application.

Sincerely,

Michael O'Hara
Jeanne O'Hara

Electronically signed

From: Mark Andelin [REDACTED]
Sent: Saturday, January 3, 2026 7:35 PM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Fwd: Tripod view subdivision

Dear Cynda Herrick,

Good morning. I am the owner of over 2000 acres in High Valley. I border the subject property parcel by a section corner.

I would like to register my **opposition** to the Tripod View subdivision. Even though some might argue that a precedent has been set, the last subdivision, Wilderness Ranch Estates was approved many years ago. Since then, parcels have exchanged hands and there has not been a small lot subdivision approved for over two decades. There is no precedent now. Public appetite for new subdivisions is null, zero and nonexistent. Public opinion should be heard, considered and respected.

Should this small lot subdivision be approved, it would open the door to other property owners to follow suit.

The roads are not maintained sufficiently to support more residents. If this is approved, how many small lots will be allowed in the future, - 50, 100, or 1,000? What would prohibit the owner from applying for another 20, 30, or 50 lots?

The only year-round access, High Valley Road, is dangerous and has had fatalities. Just this summer, four that I know of have fallen off the road, some totaled, due to the dangerous curves and relative danger associated with this mountain access. I was ran off the road and had to be towed because a driver was going too fast. If approved these homeowners would be traveling down every Saturday to empty their garbage, which service is near full capacity now. More traffic on this road is not needed.

These small lots change the nature of this beautiful valley. Please limit small lots to the 2 currently existing subdivisions and I recommend setting a minimum lot size of 40 acres for the balance.

Thank you very much for your consideration.

Sincerely,

Mark Andelin

Sent from my iPhone

To: Valley County Commissioners
RE: Appeal of Denial for SUB 25-018 Tripod View CUP

Date: 1/5/2026

Dear Commissioners:

As 40+ years residing in our cabin in the High Valley Corporation subdivision, we attended via video the P and Z Commission's Nov. 13th meeting where the project was denied a conditional use permit (CUP). **We concur with this decision and ask for additional information and actions by the Commissioners.**

First, the meeting was conducted well by Chairman Roberts. Public input was accepted and discussed. Concerns about health and safety were identified re: water, High Valley Road, use of county services, and fire. One of the commissioners who voted in favor of this conditional use permit concluded, "It's a *buyer beware* situation." He did not discuss other public comments.

Second, the applicant reported, "surrounding roads will remain stable or see a minimal increase" (Impact Report p. 8). **However, the HV Road concerns and impacts were not satisfactorily addressed by the applicant (Policy 9-5-2C).**

With this proposed development, the use of HV Road will be increasingly utilized and bring in greater numbers of construction and logging (project-related) equipment as houses are built and the terrain is modified. It is expected that this type of traffic and use will utilize not just the northern part of the road from the proposed project to Highway 55 but will also utilize the western section from Ola that is maintained by Gem County and Valley County. The northern section of the HV Road is closed during winter. At the Nov. hearing, we learned that Gem County, which maintains the western section of the road from Ola to the HV Road summit, does not support this permit.

Already, residents in subdivisions such as ours along the western section of the road have reported increased use of the HV road for existing construction/logging traffic and as the alternate route for traffic diverted from HW 55. We have reported ongoing deterioration of the HV Road and increased particulate emissions from dust as a health hazard. At times, we see existing use of the road by construction/logging trucks that do not use a water truck to mitigate particulate emissions. Compounding the existing road condition and future use of HV Road, Valley County has reported there is no available funding or tax appropriations for current maintenance and particulate emissions along rural roads. How will this be addressed with the increased use and traffic from this project? The applicant has not addressed this.

As Valley County Commissioners, please further address the impacts of this project on the existing HV Road and on residents along the western section of HV Road. Clear and specific "appropriate construction management" must be identified and guaranteed to minimize the impacts of the proposed project on existing HV residents and the volume, character, and use patterns of this road. Thank you.

Sincerely,

Barbara McNeil and Harold Miller

Cabin at 4 Lem Court, High Valley Corp Subdivision

From: Gillis Kinney [REDACTED]
Sent: Sunday, January 4, 2026 1:43 PM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Fwd:

----- Forwarded message -----

From: Gillis Kinney [REDACTED]
Date: Sun, Jan 4, 2026, 8:07 AM
Subject:
To: <kcaldwell@co.valley.id.us>

Gillis Kinney
2596 Christine St
Boise, ID 83704
[REDACTED]

January 4, 2026

Katlin Caldwell
Commissioner, District 1

Sherry Maupin
Commissioner Chairman, District 2

Neal Thompson
Commissioner, District 3

Valley County Commissioners
PO Box 1350
Cascade, ID 83611

Dear Commissioners Caldwell, Maupin, and Thompson:

I write today to raise awareness of longstanding infrastructure challenges in High Valley that would be exacerbated by the proposed 12-lot Tripod Subdivision. As growth pressures mount, it is critical to address these vulnerabilities before approving new developments that could have lasting negative consequences.

Potable Water Concerns

Valley County well logs show that the area proposed for the subdivision is largely a “water desert” with insufficient groundwater to reliably support individual wells on each lot. Nearby wells are typically 300 feet deep with flow rates as low as 1 gallon per minute, and some run dry after only about 30 minutes of pumping. New drilling in this area risks adversely impacting the wells currently relied upon by existing residents.

Solid Waste Disposal Concerns

Currently, full-time residents of High Valley transport their household garbage to the facility in Ola, placing the burden on Gem County's infrastructure. The Ola transfer station is already strained under existing loads. Additional full-time residents from the proposed subdivision would increase this volume significantly. It is unclear if Valley County has short- and long-term plans for garbage disposal in High Valley, particularly if Gem County were to restrict or stop accepting waste from non-Gem County residents.

Emergency Services Concerns

Valley County designates High Valley as a No-Response Fire Zone. We depend on the Sweet/Ola Volunteer Fire Department (Gem County Station #2), with response times typically ranging from 45 minutes to one hour. Sheriff and EMT response times are similarly lengthy. During the approximately five months of winter when the east side of Tripod Summit (Highway 55) is closed due to snow, access is further restricted and response times are even longer.

Adding new residents through this subdivision would place additional demands on these already strained services and heighten safety risks for both new and existing residents.

Wildfire Risk Management Concerns

The combination of poor road conditions, limited water availability, and extended emergency response times creates a high-risk environment for wildfires in High Valley. Human-caused ignitions pose a serious ongoing threat, and new development would increase the potential for wildfire events in an area where these underlying vulnerabilities remain unaddressed.

Your thoughtful review of these issues in relation to the Tripod Subdivision is greatly appreciated. High Valley residents trust in your stewardship to ensure sustainable decisions for the future. I welcome the opportunity to speak with you about this matter.

Thank you for your time and dedication.

Sincerely,

Gillis Kinney

From: Jeff Currier [REDACTED]

Sent: Sunday, January 4, 2026 3:38 PM

To: Valley County Commissioners <commissioners@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>

Subject: proposed new subdivision in High Valley

Dear Commissioners Caldwell, Maupin, and Thompson, concerned County parties

I am writing to express serious concerns regarding the proposed 12-lot Tripod Subdivision in High Valley and to bring to your attention the significant impacts it would have on our rural community. High Valley has limited infrastructure, and additional development would worsen existing challenges in several critical areas.

High Valley Road Concerns

High Valley Road, the sole access route serving both Gem and Valley County residents, already suffers from severe damage and poor maintenance, especially on the Valley County side.

There are currently five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these lots are developed into full-time residences and seasonal cabins, traffic volumes are expected to increase substantially—potentially doubling—particularly with recent announcements that state and federal forests plan to double timber harvests in the area. The proposed Tripod Subdivision would add further traffic and accelerate the deterioration of the road.

Emergency Services Concerns

Valley County designates High Valley as a No-Response Fire Zone. We depend on the Sweet/Ola Volunteer Fire Department (Gem County Station #2), with response times typically ranging from 45 minutes to one hour. Sheriff and EMT response times are similarly lengthy. During the approximately five months of winter when the east side of Tripod Summit (Highway 55) is closed due to snow, access is further restricted and response times are even longer.

Adding new residents through this subdivision would place additional demands on these already strained services and heighten safety risks for both new and existing residents.

We ask that you carefully consider these concerns as you review the proposed Tripod Subdivision. High Valley residents value the rural character of our community and rely on your leadership to protect public safety and infrastructure. I would be happy to discuss these issues further if needed.

Thank you for your attention to this matter.

Sincerely,

Jeff Currier

Jeff Currier [REDACTED]

From: Robin Penrod [REDACTED]
Sent: Sunday, January 4, 2026 6:49 PM
To: commissioners@valleycountyid.gov <commissioners@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>
Cc: Robin Penrod [REDACTED]
Subject: Fwd: Tripod Development in High Valley

We are not in favor of this development.

First of all, I must say a “cattle rancher” and “land developer ”are contradictory. A cattle rancher invokes environmental stewardship, they are usually deeply committed to their communities and are dedicated to regional heritage. One seeks to preserve a way of life, the other to develop it in ways as to take away . This has nothing to do with the ability for more people to enjoy our lifestyle, there are many lots already available in this valley. It has everything to do with personal monetary gain with no regard to our community. As a new “cattle rancher” moving into the valley he certainly hasn’t earned or gained our trust.

We are full-time residents of this special valley. We searched far and wide to find a place to retire where we thought we would be safe from the farmers and ranchers selling their property to developers. All the qualities were here: an abundance of wildlife, a place to enjoy a ranchers lifestyle with summer grazing, a place to care for my own animals and heavenly peace and quiet.

We are under the impression that this development has been already approved and none of the water issues, roads maintenance, fire and rescue needs and the additional sanitation needs has had any bearing on a decision to decline it. Imagine a new home owner drilling a well and compromising an existing well. Under the law he must refer to the senior well owner, and there are laws to protect senior well owners but will there be enough water for both, this has not been proven.

There will be additional wear and tear to the roads due to the many construction vehicles that will ultimately be needed. Does this mean Valley County road maintenance crews will be a frequent and scheduled event to maintain our roads? In my experience, getting construction work completed on my property in High Valley has been difficult due to road conditions. I argue that the frequency of the maintenance by Valley County should meet the current needs, before adding any more.

Is it possible to contemplate, that this valley remain in its mostly pristine state of cattle ranchers and landowners seeking this lifestyle, that we could prevent FURTHER development? And how do we prevent this from happening?

Thank you for your time and this venue to be able to express our concerns.

Sincerely,

Robin & Sam Penrod

From: [REDACTED]
Sent: Monday, January 5, 2026 7:48 AM
To: Katlin Caldwell <kcaldwell@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>; Valley County Commissioners <commissioners@valleycountyid.gov>
Cc: Jacob Westrick [REDACTED]
Subject: Formal Comment Opposing the Tripod Subdivision – High Valley, Idaho

Jacob and Irene Westrick
3216 South Ithaca Ave.
Boise, Idaho 83709

74 Park Drive
High Valley, Idaho 83611
[REDACTED]

January 5, 2026

Valley County Planning and Zoning Commission
700 South Main Street
PO Box 1350
Cascade, Idaho 83611

Re: Formal Comment Opposing the Tripod Subdivision – High Valley, Idaho

Dear Members of the Valley County Commissioners,

We are writing to formally oppose the proposed Tripod Subdivision in High Valley, Idaho. As property owners and stakeholders in this area, we have serious concerns regarding the environmental, infrastructure, financial, and long-term sustainability impacts of this development. High Valley is a fragile mountain environment with limited infrastructure and public services, and the proposed subdivision presents risks that extend well beyond the project boundaries.

Environmental and Natural Resource Impacts

The proposed subdivision would significantly disrupt existing wildlife habitat, including migration corridors and nesting areas, resulting in a loss of biodiversity. Development of this scale would require deforestation and vegetation removal, increasing erosion and sedimentation. Runoff from construction and long-term use, as well as reliance on septic systems, poses a clear risk to water quality. The project would place additional strain on already limited springs, wells, and aquifers. Increased lighting would result in the loss of dark skies that currently define the area. Furthermore, additional roads, utilities, and human activity would elevate wildfire risk, while ongoing noise pollution would disrupt wildlife and the natural quiet that characterizes High Valley.

Infrastructure and Public Safety Concerns

High Valley's existing road network is inadequate to support increased traffic associated with a subdivision of this size. Emergency access for fire, EMS, and evacuation is limited, and response times are already long. There is insufficient water supply available for effective fire suppression. Snow removal on mountain roads presents ongoing safety and maintenance challenges. Utility expansion, including power lines, substations, and potential cell towers, would further fragment the landscape and introduce additional visual and environmental impacts.

Property Rights and Financial Impacts

The subdivision threatens to decrease surrounding property values due to increased congestion and the loss of privacy and seclusion that property owners relied upon when investing in this area. Development often leads to increased property taxes and special assessments for roads, utilities, and fire protection services. Additionally, wildfire-related insurance costs are likely to rise, placing a financial burden on existing residents who did not create this increased risk.

Quality of Life and Community Character

High Valley's rural, mountain character would be fundamentally altered by this subdivision. Homes, roads, and grading would be visible across long distances, permanently impacting scenic views. Increased traffic, construction activity, and recreational pressure would introduce persistent noise and pollution. During holiday weekends, this is already the case and adding additional homes would exacerbate the situation. Trails, public lands, and scenic areas would experience crowding, and light pollution would degrade night skies and stargazing opportunities that residents currently value.

Planning, Zoning, and Growth Management Issues

Approval of the Tripod Subdivision would set a precedent for further development and contribute to incremental urbanization in an area not suited for it. The proposal fails to adequately address cumulative impacts of growth. Environmental review appears insufficient for a project of this scale in a sensitive mountain environment. Rezoning or development approvals that conflict with long-standing land-use expectations raise serious concerns, including potential spot zoning.

Public Services and Community Costs

High Valley has limited access to healthcare and relies heavily on volunteer fire and emergency systems that are already operating at capacity. Approval of the proposed subdivision would significantly increase demand for law enforcement and place additional strain on public services. It would also result in higher public maintenance costs associated with road upkeep, drainage infrastructure, and snow removal.

The area lacks nearby essential services, including grocery stores, gas stations, and medical facilities, to support the proposed increase in population. Additionally, during the winter

months, High Valley is inaccessible via Smith Ferry from the Valley County side. As a result, all winter access is routed through Gem County, where roads are plowed. This seasonal limitation would place an added burden on Gem County infrastructure. The existing roadways are already hazardous in winter conditions, and increased traffic from the subdivision would further exacerbate safety risks and deteriorate road conditions.

Legal and Liability Risks

The development increases wildfire liability and heightens the risk of flooding or drainage impacts on neighboring properties. Increased population density also raises the likelihood of trespassing and boundary disputes.

Cultural, Recreational, and Aesthetic Impacts

The project would result in the loss of scenic viewsheds and reduce opportunities for quiet recreation. It would also contribute to the commercialization of a previously undeveloped area, fundamentally changing its character.

Long-Term Sustainability

Finally, the Tripod Subdivision represents unsustainable growth in a fragile ecosystem. High Valley faces increasing climate resilience challenges, including wildfire, drought, and extreme weather. This development exceeds the area's long-term carrying capacity and places future residents and existing property owners at unnecessary risk.

For these reasons, we respectfully urge the Planning Commission to deny approval of the Tripod Subdivision. Preserving High Valley's environmental integrity, safety, and rural character is in the best interest of current residents, future generations, and the county as a whole.

Thank you for considering our comments.

Sincerely,
Jacob and Irene Westrick

CC:
kcaldwell@co.valley.id.us
smaupin@co.valley.id.us
nthompson@co.valley.id.us
commissioners@valleycountyid.gov
cherrick@valleycountyid.gov

From: Maxine Jeffs [REDACTED]

Sent: Monday, January 5, 2026 12:09 PM

To: Katlin Caldwell <kcaldwell@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>
Subject: Concerns about Tripod Development plan for High Valley, Idaho

Maxine R Jeffs
660 High Valley Rd
Cascade, ID 83611
[REDACTED]

January 5, 2026

Katlin Caldwell
Commissioner, District 1

Sherry Maupin
Commissioner Chairman, District 2

Neal Thompson
Commissioner, District 3

Valley County Commissioners
PO Box 1350
Cascade, ID 83611

Dear Commissioners Caldwell, Maupin, and Thompson:

I am writing to express serious concerns regarding the proposed 12-lot Tripod Subdivision in High Valley and to bring to your attention the significant impacts it would have on our rural community. High Valley has limited infrastructure, and additional development would worsen existing challenges in several critical areas.

High Valley Road Concerns

High Valley Road, the sole access route serving both Gem and Valley County residents, already suffers from severe damage and poor maintenance, especially on the Valley County side.

There are currently five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these lots are developed into full-time residences and seasonal cabins, traffic volumes are expected to increase substantially—potentially doubling—particularly with recent announcements that state and federal forests plan to double timber harvests in the area. The proposed Tripod Subdivision would add further traffic and accelerate the deterioration of the road.

Potable Water Concerns

Valley County well logs show that the area proposed for the subdivision is largely a “water desert” with insufficient groundwater to reliably support individual wells on each lot. Nearby wells are typically 300 feet deep with flow rates as low as 1 gallon per minute, and some run dry after only

about 30 minutes of pumping. New drilling in this area risks adversely impacting the wells currently relied upon by existing residents.

Solid Waste Disposal Concerns

Currently, full-time residents of High Valley transport their household garbage to the facility in Ola, placing the burden on Gem County's infrastructure. The Ola transfer station is already strained under existing loads. Additional full-time residents from the proposed subdivision would increase this volume significantly. It is unclear if Valley County has short- and long-term plans for garbage disposal in High Valley, particularly if Gem County were to restrict or stop accepting waste from non-Gem County residents.

Emergency Services Concerns

Valley County designates High Valley as a No-Response Fire Zone. We depend on the Sweet/Ola Volunteer Fire Department (Gem County Station #2), with response times typically ranging from 45 minutes to one hour. Sheriff and EMT response times are similarly lengthy. During the approximately five months of winter when the east side of Tripod Summit (Highway 55) is closed due to snow, access is further restricted and response times are even longer.

Adding new residents through this subdivision would place additional demands on these already strained services and heighten safety risks for both new and existing residents.

Wildfire Risk Management Concerns

The combination of poor road conditions, limited water availability, and extended emergency response times creates a high-risk environment for wildfires in High Valley. Human-caused ignitions pose a serious ongoing threat, and new development would increase the potential for wildfire events in an area where these underlying vulnerabilities remain unaddressed.

We ask that you carefully consider these concerns as you review the proposed Tripod Subdivision. High Valley residents value the rural character of our community and rely on your leadership to protect public safety and infrastructure. I would be happy to discuss these issues further if needed.

Thank you for your attention to this matter.

Sincerely,

Maxine R Jeffs

From: Richard Flory [REDACTED]

Sent: Monday, January 5, 2026 1:09 PM

To: Cynda Herrick <cherrick@valleycountyid.gov>; Katlin Caldwell <kcaldwell@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>; Valley County Commissioners <commissioners@valleycountyid.gov>

Subject: Tripod Subdivision

Richard Flory
661 High Valley Road
Cascade, ID 83611

[REDACTED]

December 31, 2025

Katlin Caldwell
Commissioner, District 1

Sherry Maupin
Commissioner Chairman, District 2

Neal Thompson
Commissioner, District 3

Valley County Commissioners
PO Box 1350
Cascade, ID 83611

Dear Commissioners Caldwell, Maupin, and Thompson:

I am writing to express serious concerns regarding the proposed 12-lot Tripod Subdivision in High Valley and to bring to your attention the significant impacts it would have on our rural community. High Valley has limited infrastructure, and additional development would worsen existing challenges in several critical areas.

High Valley Road Concerns

High Valley Road, the sole access route serving both Gem and Valley County residents, already suffers from severe damage and poor maintenance, especially on the Valley County side.

There are currently five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these lots are developed into full-time residences and seasonal cabins, traffic volumes are expected to increase substantially—potentially doubling—particularly with recent announcements that state and federal forests plan to double timber harvests in the area. The proposed Tripod Subdivision would add further traffic and accelerate the deterioration of the road.

Potable Water Concerns

Valley County well logs show that the area proposed for the subdivision is largely a “water desert”

with insufficient groundwater to reliably support individual wells on each lot. Nearby wells are typically 300 feet deep with flow rates as low as 1 gallon per minute, and some run dry after only about 30 minutes of pumping. New drilling in this area risks adversely impacting the wells currently relied upon by existing residents.

Solid Waste Disposal Concerns

Currently, full-time residents of High Valley transport their household garbage to the facility in Ola, placing the burden on Gem County's infrastructure. The Ola transfer station is already strained under existing loads. Additional full-time residents from the proposed subdivision would increase this volume significantly. It is unclear if Valley County has short- and long-term plans for garbage disposal in High Valley, particularly if Gem County were to restrict or stop accepting waste from non-Gem County residents.

Emergency Services Concerns

Valley County designates High Valley as a No-Response Fire Zone. We depend on the Sweet/Ola Volunteer Fire Department (Gem County Station #2), with response times typically ranging from 45 minutes to one hour. Sheriff and EMT response times are similarly lengthy. During the approximately five months of winter when the east side of Tripod Summit (Highway 55) is closed due to snow, access is further restricted and response times are even longer.

Adding new residents through this subdivision would place additional demands on these already strained services and heighten safety risks for both new and existing residents.

Wildfire Risk Management Concerns

The combination of poor road conditions, limited water availability, and extended emergency response times creates a high-risk environment for wildfires in High Valley. Human-caused ignitions pose a serious ongoing threat, and new development would increase the potential for wildfire events in an area where these underlying vulnerabilities remain unaddressed.

We ask that you carefully consider these concerns as you review the proposed Tripod Subdivision. High Valley residents value the rural character of our community and rely on your leadership to protect public safety and infrastructure. I would be happy to discuss these issues further if needed.

Thank you for your attention to this matter.

Sincerely,

Richard Flory
Sent from my iPhone



Brian R. Sheets
Licensed in Idaho and Oregon

PO Box 987 • Ontario, OR 97914 • Phone: (503) 830-1448
E-Mail: brian@brs-legal.com

January 5, 2026

VIA EMAIL ONLY

Cynda Herrick, AICP, CFM
Planning and Zoning Director
PO Box 1350
Cascade, ID 83611
Email: cherrick@valleycountyid.gov

RE: Opposition to SUB 25-018 Tripod View Subdivision Appeal

Dear Valley County Board of County Commissioners:

This office represents Ms. Jennifer Hunn and Mr. Jonathan Kinney, property owners in High Valley in Valley County Idaho. Ms. Hunn participated in the Planning & Zoning Commission ("P&Z") hearings for Conditional Use Application SUB 25-018, the Tripod View Subdivision ("the Application") in October and November of 2025, and respectfully submits this opposition letter to the appeal for the Application and requests that P&Z's order of denial be upheld.

P&Z's decision to deny the Application should be upheld for several reasons:

- P&Z's decision is compliant with Idaho Code, Valley County Code, and Idaho case law;
- Numerable important conflicts in this part of Valley County are not, and cannot be mitigated based on the information in the application;
- A reversal would set a precedent in the area to allow overwhelming development of this type in an unsuitable portion of the county.

This letter will detail the above issues to explain why P&Z's denial decision was appropriate for this Application in this part of Valley County.

1. P&Z's decision is compliant with Idaho Code, Valley County Code, and Idaho case law.

Applicant's appeal found premature fault when discussing Idaho Code § 67-6535(2), as the December 11, 2025 written decision had not been published when the November 24th appeal letter had been submitted. Under Idaho Code § 67-6535(2),

"The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards

considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.”

Idaho land use laws “not only requires the city or county to establish express approval standards for CUPs, but also requires the governing board to issue a written decision that states the relevant facts, explains the rationale for the decision, and identifies the nature of compliance or noncompliance of the use with the express approval standards.” *Veterans Park Neighborhood Ass’n, Inc. v. City of Boise*, 564 P.3d 350 (Idaho 2025). VCC 9-5H-11(O)(8) states that the in reaching a decision, P&Z is required to produce 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, should be part of the motion to approve or deny, or should be developed with staff assistance for action at a subsequent meeting.”

Valley County Code’s CUP standards in VCC 9-5-3 contain numerous considerations required in an impact report to address several important considerations including:

“VCC 9-5-3(D)(2)(a) Traffic: Traffic volume, character, and patterns including adequacy of existing or proposed street width, surfacing, alignment, gradient, and traffic control features or devices, and maintenance. Contrast existing with the changes the proposal will bring during construction and after completion, build-out, or full occupancy of the proposed development. Include pedestrian, bicycle, auto, and truck traffic.”

“VCC 9-5-3(D)(2)(f) Water: Water demand, discharge, supply source, and disposal method for potable uses, domestic uses, and fire protection. Identify existing surface water drainage, wetlands, flood prone areas and potential changes. Identify existing groundwater and surface water quality and potential changes due to this proposal.”

“VCC 9-5-3(D)(2)(g) Fire, Explosion And Other Hazards: Fire, explosion, and other hazards existing and proposed. Identify how activities on neighboring property may affect the proposed use.”

“VCC 9-5-3(D)(2)(m) Reasons For Selecting Particular Location: Reasons for selecting the particular location including topographic, geographic and similar features, historic, adjoining land ownership or use, access to public lands, recreation, utilities, streets, etc., in order to illustrate compatibility with and opportunities presented by existing land uses or character.”

P&Z's rationale for denying the Application, as approved in its December 11, 2025 Findings of Fact and Conclusions of Law is contained as:

“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.
2. Valley County has opted to substitute traditional zoning with a multiple use zone in which there is no separation of land uses.
3. Valley County has one mixed use zone that is a performance-based ordinance which promotes mitigation of impacts.
4. That the proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will potentially be otherwise detrimental to the public health, safety, and welfare.
5. Access to the area is limited seasonally. During the winter season, the area is accessed from Gem County or by snowmobiles. Therefore, the ability for emergency services to respond is limited seasonally.
6. The High Valley area is not within a fire district. There are not adequate water sources available within the proposed subdivision for fire suppression.
7. Availability of water for domestic uses and fire suppression is limited; building additional homes would be detrimental to the public health, safety, and welfare of both existing property owners and future lot owners.
8. Valley County has one mixed use zone that promotes mitigation of potential impacts. There was a lack of information concerning how impacts of this specific use on domestic drinking water, adjacent wells, and road conditions would be mitigated.”

Applicant's appeal conflates CUP *policy* in VCC 9-5-2, with *standards* contained in VCC 9-5-3. Standards are the measure to which to review a CUP application, rather than guiding policy to generally address CUP evaluation and goals. Specific relevant standards contained in VCC 9-5-3 are outlined above, and P&Z's findings reference and support finding against the Application by referencing standards addressing and minimizing impacts to traffic, fire, water, and location. In the P&Z Findings of Fact, Commissioners are noted having discussed issues with fire suppression ability, EMS response, water supply, and a lack of information in the application in justifying their reasons for their decisions. These are specifically referencing VCC CUP standards, making the Findings of Fact sufficient for upholding the denial of the CUP.



2. Numerable important conflicts in this part of Valley County are not, and cannot be mitigated based on the information in the application.

As discussed at the P&Z hearing, the High Valley area is inaccessible to Valley County services for large portions of the year due to snow blocking off access to the area. This impacts EMS response, fire response, and road maintenance during the winter months. *See November 11, 2025 P&Z Hearing Minutes at 7.* The High Valley area also lacks mail and garbage service. The proposed development of twelve residential lots has the potential of 24 residences because accessory dwelling units are permitted under VCC 9-4-7. In reviewing the appropriateness of the application and the proposed development, up to 24 residences should be considered in the density in the proposal.

The application does not address significant impacts to vehicle use of High Valley Road. Valley County can only access High Valley Road through certain portions of the year, with access during the winter months relying on access through Gem County on a steep winding road. *See November 11, 2025 P&Z Hearing Minutes at 5-6.* The application does not “contrast existing with the changes the proposal will bring during construction and after completion, build-out, or full occupancy of the proposed development” as required under VCC 9-5-3(D)(2)(a). Specifically, the application does not address construction traffic including construction material delivery trucks, heavy machinery for road construction, well drilling rigs, septic excavation equipment, or any other similar intensive uses on the already identified poor road conditions. Many of these intense uses would further degrade High Valley Road without additional County resources to repair the road. A suggested condition that the Applicant work with Gem County for road maintenance on High Valley Road from the west would be an unenforceable condition because it is neither within Valley County or the applicant’s control as to what Gem County does for any proposed road maintenance mitigation. Moreover, Gem County representatives were “strongly opposed” to the application. *November 11, 2025 P&Z Hearing Minutes at 5.* P&Z recognized these road and traffic issues in its decision to deny the application.

Fire response was also not mitigated. Although there are proposed mitigation measures for wildfire issues during the fire season, common structure fires could happen on up to 24 residences on the development with response times for structure fires being non-existent. Cascade Fire District, the closest fire district, would not respond to a structure fire. *October 10, 2025 P&Z Hearing Minutes at 11.* The residents would be on their own in the event of a structure fire, and it is possible that the residents would be uninsured. *October 10, 2025 P&Z Hearing Minutes at 11.*

Additionally, emergency services to High Valley are at a great distance. EMS response times to the High Valley area averaged 67 minutes. *See Exhibit 1: Nov. 11, 2025 Email from Keri Sayers to Jennifer Hunn.* This time is just for the ambulance to arrive and does not include any transport time to a trauma center or hospital. In an area where residents engage in higher-risk activities such as using wood burning stoves, processing firewood, burning campfires, having wildlife interactions, hunting, and using off-road vehicles, in the event of a serious trauma accident, having up to 24 residences relying on ambulance service that can take over an hour to

arrive is simply irresponsible. The high Valley area is not a suitable location for a residential development of this size and density, and the P&Z correctly recognized that this important threat to health and safety cannot be mitigated based on the information in the application.¹

3. A reversal granting the CUP would set a precedent in the area to allow overwhelming development of this type in an unsuitable portion of the county.

The Applicant states that there is no intent to further develop the remaining 600+ acres of his adjacent property. While we have no reason to doubt the Applicant's representations, they are representations at present. It is entirely possible that the adjacent land can change hands to another party that wants to develop, or the proposed ranching operations require additional funding and additional development could be proposed. The Application did not propose any land use restrictions on the adjoining properties preventing residential development, and no development agreement was proposed or discussed. Circumstances change and the County should recognize that this is a land use decision that will affect the area in terms of precedence. If this were to be approved, another applicant in the area could have an Equal Protection claim if their similar residential development proposal was denied.

As far as our information indicates, the last development in the area was in the 1990s with Wilderness Lake Ranch development on High Valley Road. Since that time, road conditions have worsened, and there are little to no additional services from Valley County, mail, fire, or garbage service available to the area. This is not the area to place up to 24 residences on an area with already strained infrastructure, and lacking adequate services. Approving this application would send a signal to the development community that there is a desire by Valley County to have additional residential development in the area. We do not believe that this is what Valley County has in mind for the High Valley area, so we request that the Board of County Commissioners uphold the P&Z decision to deny the Tripod View CUP and Preliminary Plat Application.

To the extent the Board of County Commissioners agrees with the *laissez-faire* remarks from one P&Z Commissioner stating that “[p]eople buying property in this area tend to be more self-reliant individualists,” we would caution against these kind of generalizations and reasonings. Large-scale disaster events such as fires or floods that take lives and cost insurers, the State, and federal government large sums generates substantial legislative overreach in reaction. In Oregon, wildfires that destroyed hundreds of homes prompted the legislature to implement risk-based mapping for the entire state, impacting individual landowners and their insurance rates.² Allowing developers to build within flood zones created widespread flood damage, and in response, Congress instituted associated Floodplain Management and FEMA Floodplain mapping under the

¹ See also *Renaissance Project Dev. LLC v. Twin Falls Cty. (In re An Application for A Preliminary Plat Filed by Dan Birch for the Renaissance Project Dev., LLC)*, 173 Idaho 572, 545 P.3d 12 (2024) where the Supreme Court upheld Planning and Zoning denial of an application for health and safety reasons.

² See Oregon Department of Forestry re Senate Bill 762 (2001), available at <https://www.oregon.gov/odf/pages/sb762.aspx>.

Valley County Board of County Commissioners
Re: Appeal: SUB 25-018 Tripod View
January 5, 2026
Page 6 of 6

National Flood Insurance Act of 1968 and the Flood Disaster Protection act of 1973.³ We do not want an event in Valley County to be the impetus for additional overreach on the state or federal level. Allowing developments like this in inappropriate areas can allow for disasters to generate additional burdens for all of our County residents, when it could have been avoided through responsible land use decisions. We respectfully ask that the County look prospectively for potential future adverse events based on the matters before you.

4. Conclusion.

High Valley is an area unsuitable for the type of development proposed. Up to 24 residences on 12 lots would introduce conflicts that cannot be mitigated based on the information in the Application. The lack of services for the area in terms of road access, road maintenance, fire service, and emergency medical response services demonstrate that the density proposed cannot be safely supported. The P&Z Commission made the correct decision to deny the Application based on the information before them. P&Z's written decision was compliant with Idaho Code and it addressed specific standards in VCC. We respectfully request that P&Z's decision be upheld and the Board of County Commissioners deny the appeal as presented.

Sincerely,



Brian R. Sheets
BRS Legal, LLC

cc: Client
Valley County Board of County Commissioners at commissioners@valleycountyid.gov
Brian Oakey, Chief Deputy Prosecutor at boakey@valleycountyid.gov

³ 42 U.S.C. § 4001 *et seq.*

Fwd: average response time

Jennifer Hunn [REDACTED]
To: Brian Sheets <brian@brs-legal.com>

Mon, Dec 15, 2025 at 9:49 AM

Average response time for ambulances to High Valley in the last year.

Jennifer

----- Forwarded message -----

From: Keri Sayers <keri@cascaderuralfire.com>
Date: Thu, Nov 13, 2025 at 4:53 PM
Subject: Re: average response time
To: Jennifer Hunn [REDACTED]

Jennifer,

Sorry for the late response, we are in the middle of changing our reporting software and I had some difficulty pulling the past 3 years. I would go with the 1 year as we had a change and reporting and I feel it would be a miss representation if I give you the previous two years.

On Thu, Nov 13, 2025 at 9:13 AM Keri Sayers <keri@cascaderuralfire.com> wrote:

I think it's a fair representation. Let me just pull a 3 year quick and see how it compares.

On Thu, Nov 13, 2025 at 9:07 AM Jennifer Hunn [REDACTED] wrote:

Do you think the sample size from a year is enough to get a fairly good representation? I'm mainly wanting to make sure I tell the truth when I talk about this average and what it covers.

Thanks!

Jennifer

On Thu, Nov 13, 2025, 08:39 Keri Sayers <keri@cascaderuralfire.com> wrote:

I just pulled a year's worth of calls. I can go back longer if you would like?

On Wed, Nov 12, 2025 at 5:45 PM Jennifer Hunn [REDACTED] wrote:

So many thanks for this! Is the timeframe for this in about the last two years?

Jennifer

On Wed, Nov 12, 2025, 14:53 Keri Sayers <keri@cascaderuralfire.com> wrote:

Jennifer,

It looks like our average response time to High Valley is 67 minutes. This is for the ambulance only.

Thank you

--

--



Keri Sayers

*Deputy Chief
FF/PARAMEDIC*

Work (208)382-3200
Cell (208)271-6451
Keri@cascaderuralfire.com
109 E Pine St. Cascade, ID 83611



Keri Sayers

*Deputy Chief
FF/PARAMEDIC*

Work (208)382-3200
Cell (208)271-6451
Keri@cascaderuralfire.com
109 E Pine St. Cascade, ID 83611

From: Patricia Currier [REDACTED]
Sent: Monday, January 5, 2026 3:02 PM
To: Katlin Caldwell <kcaldwell@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>; Valley County Commissioners <commissioners@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Proposed Tripod Subdivision

January 5, 2026

Katlin Caldwell
Commissioner, District 1

Sherry Maupin
Commissioner Chairman, District 2

Neal Thompson
Commissioner, District 3

Valley County Commissioners
PO Box 1350
Cascade, ID 83611

Dear Commissioners Caldwell, Maupin, and Thompson:

As a property owner in High Valley, I am deeply concerned about the proposed 12-lot Tripod Subdivision and its potential effects on our close-knit community. Our area already faces infrastructure limitations, and new development risks straining resources that serve all of us.

High Valley Road Concerns

High Valley Road, the sole access route serving both Gem and Valley County residents, already suffers from severe damage and poor maintenance, especially on the Valley County side.

There are currently five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these lots are developed into full-time residences and seasonal cabins, traffic volumes are expected to increase substantially—potentially doubling—particularly with recent announcements that state and federal forests plan to double timber harvests in the area. The proposed Tripod Subdivision would add further traffic and accelerate the deterioration of the road.

Emergency Services Concerns

Valley County designates High Valley as a No-Response Fire Zone. We depend on the Sweet/Ola Volunteer Fire Department (Gem County Station #2), with response times typically ranging from 45 minutes to one hour. Sheriff and EMT response times are similarly lengthy. During the

approximately five months of winter when the east side of Tripod Summit (Highway 55) is closed due to snow, access is further restricted and response times are even longer.

Adding new residents through this subdivision would place additional demands on these already strained services and heighten safety risks for both new and existing residents.

Wildfire Risk Management Concerns

The combination of poor road conditions, limited water availability, and extended emergency response times creates a high-risk environment for wildfires in High Valley. Human-caused ignitions pose a serious ongoing threat, and new development would increase the potential for wildfire events in an area where these underlying vulnerabilities remain unaddressed.

Please take these community concerns into account during your review of the Tripod Subdivision proposal. We appreciate your commitment to balancing growth with the needs of existing residents. I am available to discuss this further at your convenience.

Sincerely appreciative of your service,

Sincerely,

Patricia Currier

January 5, 2026

**BEFORE THE VALLEY COUNTY BOARD OF COUNTY COMMISSIONERS
VALLEY COUNTY, IDAHO**

APPEAL BRIEF IN SUPPORT OF THE PLANNING AND ZONING COMMISSION'S DENIAL

SUB 25-018 Tripod View Subdivision – Conditional Use Permit Application

Appellant: Stephen Emerson/James Fronk LLC

Respondent: Valley County Planning and Zoning Commission

Interested Party: Jon Kinney

I. INTRODUCTION

This appeal brief is submitted in support of the Planning and Zoning Commission's denial of the Conditional Use Permit (CUP) application for the proposed Tripod View Subdivision (CUP 25-23\SUB 25-18). The Commission's decision was reasonable, supported by substantial evidence in the record, refusal to follow P and Z requests and fully consistent with Valley County Code (VCC) Title 9 and the Valley County Comprehensive Plan.

The applicant and James Fronk LLC have failed to demonstrate that the proposed development meets the required standards for conditional approval, including but not limited to protection of adjoining properties, environmental resources, water availability, fire safety, infrastructure adequacy, and consistency with County land-use policy. The impacts identified by staff, neighbors, and commissioners have not been mitigated; rather, they have been minimized, deflected, or dismissed.

II. STANDARD OF REVIEW

Under Valley County Code § 9-5-2 and Idaho land-use law, a conditional use permit may only be approved when the applicant demonstrates compliance with applicable standards and shows that adverse impacts can be effectively mitigated. Where substantial evidence supports denial, the decision must be upheld. A conditional use is **not** presumed to be approvable.

III. FACTUAL BACKGROUND

The proposed Tripod View Subdivision consists of up to twenty-four residential structures, as permitted under VCC 9-4-7, and twelve outbuildings each up to approximately 3,000 square feet, clustered within approximately forty-three acres in a remote rural valley. The immediate surrounding area consists of four existing landowners occupying approximately twenty-four acres collectively, with less than 3,000 square feet of total existing structures.

The proposal represents an approximate **1,200% increase in population density** and a **minimum 1,800% increase in structural density** immediately adjacent to existing residences and will have adverse effects on the harmony of the immediate area.

IV. ARGUMENT

A. The Proposal Violates Valley County Code § 9-5-2 (Conditional Use Standards)

Valley County Code § 9-5-2 requires that a conditional use:

1. Increase the value of privately owned property **without undue adverse impact** on:
 - the environment,
 - adjoining properties, or
 - governmental services; and
2. Be consistent with the Comprehensive Plan.

The same policy explicitly states that **higher density development is more appropriate near existing infrastructure and/or developed areas.**

1. Undue Adverse Impacts to Adjoining Properties

The scale and proximity of this development impose unavoidable impacts, including:

- Significant increases in noise, traffic, and light pollution
- Elevated wildfire risk
- Increased demand on already limited groundwater resources
- Loss of rural character and quiet enjoyment of adjacent property owners

These impacts are not speculative; they are direct and unavoidable consequences of the proposed density and location.

2. Inconsistency with Infrastructure Policy

High Valley lacks basic infrastructure, including but not limited to:

- Fire protection services

- Police services
- Schools
- Medical facilities
- Grocery or commercial services
- Adequate year-round road maintenance with zero road maintenance on the forest service road for the last 1.5 miles before the proposed subdivision entrance
- Garbage collection

Approving an “Eagle, Idaho style” high-density residential development in this setting directly contradicts the intent of § 9-5-2, which favors such density only where infrastructure exists to support it.

B. The Applicant and James Fronk LLC Failed to Demonstrate Water Availability or Mitigate Well Impacts

Water availability was a central concern raised by staff, commissioners, and neighboring property owners.

At the October 16 Planning and Zoning meeting (3:13 mark), the developer James Fronk LLC, agreed to conduct a **test well** to address groundwater concerns. This test well has not been completed. No new groundwater data was presented at the November meeting or in the applicant’s appeal.

Instead, James Fronk LLC relied on selectively presented well data that omits or minimizes wells closest to the proposed site. For example:

- My well produces approximately **1 GPM at 280 feet** and is within 1,000 feet of the proposed development and much closer to most proposed sites, contradicting claims that deeper wells reliably produce better water.
- My well has been conveniently and repeatedly left off their well report and is located on the property next to our neighbor’s. Theirs was a **280 foot well producing 1 GPM** before it collapsed to its current 84 foot depth.
- Wells cited as “higher producing” are generally located **miles away**, across a large valley with different hydrologic characteristics.
- The next closest well is across the street from the Ranger station. This well is 2000 feet from our well and hit 3 GPM at 70 feet and only gained an additional .5 gallon of flow drilling down an additional 190 feet.
- James Fronk LLC’s own data shows that average yields between shallow and deep wells differ by less than 3 GPM, undermining claims that deeper drilling reliably produces substantially better water flow.

This selective presentation fails to meet the applicant’s burden of proof under VCC § 9-5-2 and § 9-5C-1.

C. Environmental Impacts Have Not Been Adequately Studied or Mitigated

The proposal would disturb **seasonal wetlands, intermittent streams, and runoff corridors** that drain into Squaw Creek.

James Fronk LLC's drainage analysis appears to rely heavily on generalized mapping tools rather than site-specific hydrologic study. When overlaid, the applicant's runoff data is nearly identical to publicly available OnX mapping, indicating a lack of independent field analysis.

This approach fails to adequately evaluate impacts to:

- Wildlife habitat
- Seasonal water storage
- Downstream water quality in Squaw Creek

D. Fire Mitigation Measures Are Unsupported by Available Water Resources

Although the applicant submitted a fire mitigation plan, the plan relies on water volumes that are not credibly available on site.

For example, the twenty to thirty foot wide proposed shaded fuel break along Haven Ranch Road would require approximately **100,000 square feet of deciduous vegetation**, which would require an estimated **60,000 gallons of water per watering cycle** to establish and maintain. No reliable water source has been identified to support this requirement.

Without sufficient water, these plantings would add to the already existing fuel load, increasing fire risk rather than mitigating it.

Additionally:

- The plan relies on continued cattle grazing, which would cease once lots are fenced and sold, resulting in potential waist high grasses further adding to the fire load.
- High Valley is not included in the Cascade Fire District or Ola Fire Station service areas.
- The Cascade Fire Chief has expressed opposition to approval of the subdivision.

E. Road Conditions and Traffic Impacts Were Improperly Minimized

Assertions that road deterioration is primarily due to logging traffic are unsupported by evidence. On January 2, 2026 Dry Buck Road from the intersection with High Valley Road to the proposed neighborhood entrance was nearly impassable due to mud and poor conditions, despite the absence of logging or heavy equipment traffic during this season. Dry Buck Road from the Ranger Station to the proposed neighborhood entrance is owned by the Forest Service and not maintained by Valley County Roads.

Increased residential traffic will exacerbate already dangerous road conditions, further impacting public safety and County maintenance obligations.

F. Reliance on CC&Rs and HOA Enforcement Is Improper

The applicant and James Fronk LLC repeatedly assert that CC&Rs and County enforcement will ensure compliance with mitigation measures. However, during the November meeting (1:33 mark), Commissioner Ken Roberts stated clearly that enforcement of such matters falls on the developer and HOA—not the County.

This contradiction further undermines the credibility of the applicant's and developer's mitigation assurances.

CC&Rs are mutable and should not be used to mitigate impacts and risks that this development will bring to the valley.

V. CONCLUSION

A conditional use permit should be approved only when impacts can be effectively mitigated. In this case, impacts have not been mitigated—they have been minimized, deflected, or ignored.

The Planning and Zoning Commission's decision to deny the Tripod View Subdivision application was:

- Supported by substantial evidence
- Consistent with Valley County Code § 9-5-2 and § 9-5C-1
- Aligned with the Comprehensive Plan
- Necessary to protect neighboring properties, environmental resources, and public safety

For these reasons, the denial should be **upheld**.

Respectfully submitted,

Jon Kinney
141 Dry Buck Rd, High Valley 83611
2011 W Tendoy Dr, Boise 83705

From: Tom and Holly Weston [REDACTED]

Sent: Monday, January 5, 2026 2:57 PM

To: Valley County Commissioners <commissioners@valleycountyid.gov>

Cc: Katlin Caldwell <kcaldwell@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>;

Neal Thompson <nthompson@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>

Subject: Tripod View Subdivision

Dear Valley County Commissioners and Ms Herrick,

My main concern with the proposed development, Tripod View in High Valley, is the current road maintenance and damaging road conditions. Gem County has had to provide much more road maintenance due to the current construction loads, resident and recreational traffic. The road from the Gem/Valley County line gets very little maintenance and with increased development will continue to degrade. We currently drive 10 miles each way to get our mail and dispose of our garbage. As a taxpayer in Valley County, I do not get many services for my tax dollars. I have owned property in High Valley for nearly 27 years and have lived full time for 10 years and am deeply concerned about the development.

Please take my concerns into consideration when making decisions on more development in High Valley.

Thank you,

Tom Weston

From: Mary Sheets [REDACTED]

Sent: Monday, January 5, 2026 5:00 PM

To: Valley County Commissioners <commissioners@valleycountyid.gov>

Cc: kcaldwell@co.valley.id <kcaldwell@co.valley.id>; Sherry Maupin <smaupin@valleycountyid.gov>; nthomoson@co.valley.id.us <nthomoson@co.valley.id.us>; Cynda Herrick

<cherrick@valleycountyid.gov>

Subject: Trypod subdivision

Dear Commissioners,

I am writing to express my concern with the possibility of a new subdivision being planned in High Valley, a mountain community in the Boise Forest, with a Cascade address. As you may know, our community borders Valley and Gem County and relies on an unpaved road shared by both counties. Those of us who reside and own properties in this area depend heavily on this road for access to and from the mountain. Current traffic is already causing wear and tear on the road making the road pitted, rutty, and dangerous. I am concerned that the addition of another subdivision under construction, with the heavy equipment, trucks, and construction worker trucks will put additional wear and tear on the road.

This is a quiet neighborhood where the deer and antelope play. I don't blame people for wanting to recreate, vacation, and live here...it is absolutely beautiful. I However, it is important to highlight that we DO NOT receive any assistance from Valley County aside from road care and improvements. We heavily rely on our neighbors for emergencies and road clearing.

I am asking that you restrict the number of new homes built in the area, and have an environmental impact study of the effect of additional homes on the traffic ,water, and wildlife, and ranching in the area.

Thank Yo for your Attention to this matter,

Mary Sheets

140 Wildrnness Ranch Road

Cascade Idaho

From: Dylan Roberts [REDACTED]
Sent: Monday, January 5, 2026 5:17 PM
To: Katlin Caldwell <kcaldwell@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>
Cc: Cynda Herrick <cherrick@valleycountyid.gov>
Subject:

Dylan L Roberts
90 Ranch Circle
Cascade, ID 83611
[REDACTED]

January 5, 2026

Katlin Caldwell
Commissioner, District 1

Sherry Maupin
Commissioner Chairman, District 2

Neal Thompson
Commissioner, District 3

Valley County Commissioners
PO Box 1350
Cascade, ID 83611

Dear Commissioners Caldwell, Maupin, and Thompson:

I am writing to express serious concerns regarding the proposed 12-lot Tripod Subdivision in High Valley and to bring to your attention the significant impacts it would have on our rural community. High Valley has limited infrastructure, and additional development would worsen existing challenges in several critical areas.

High Valley Road Concerns

High Valley Road, the sole access route serving both Gem and Valley County residents, already suffers from severe damage and poor maintenance, especially on the Valley County side.

There are currently five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these lots are developed into full-time residences and seasonal cabins, traffic volumes are expected to increase substantially—potentially doubling—particularly with recent announcements that state and federal forests plan to double

timber harvests in the area. The proposed Tripod Subdivision would add further traffic and accelerate the deterioration of the road.

Solid Waste Disposal Concerns

Currently, full-time residents of High Valley transport their household garbage to the facility in Ola, placing the burden on Gem County's infrastructure. The Ola transfer station is already strained under existing loads. Additional full-time residents from the proposed subdivision would increase this volume significantly. It is unclear if Valley County has short- and long-term plans for garbage disposal in High Valley, particularly if Gem County were to restrict or stop accepting waste from non-Gem County residents.

Emergency Services Concerns

Valley County designates High Valley as a No-Response Fire Zone. We depend on the Sweet/Ola Volunteer Fire Department (Gem County Station #2), with response times typically ranging from 45 minutes to one hour. Sheriff and EMT response times are similarly lengthy. During the approximately five months of winter when the east side of Tripod Summit (Highway 55) is closed due to snow, access is further restricted and response times are even longer.

Adding new residents through this subdivision would place additional demands on these already strained services and heighten safety risks for both new and existing residents.

Wildfire Risk Management Concerns

The combination of poor road conditions, limited water availability, and extended emergency response times creates a high-risk environment for wildfires in High Valley. Human-caused ignitions pose a serious ongoing threat, and new development would increase the potential for wildfire events in an area where these underlying vulnerabilities remain unaddressed.

We ask that you carefully consider these concerns as you review the proposed Tripod Subdivision. High Valley residents value the rural character of our community and rely on your leadership to protect public safety and infrastructure. I would be happy to discuss these issues further if needed.

Thank you for your attention to this matter.

Sincerely,

Dylan L Roberts

From: Patricia Roberts [REDACTED]
Sent: Monday, January 5, 2026 5:22 PM
To: Katlin Caldwell <kcaldwell@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>
Cc: Cynda Herrick <cherrick@valleycountyid.gov>
Subject: Tripod View Subdivision

Patty Roberts
90 Ranch Circle
Cascade, ID 83611
[REDACTED]

January 5, 2026

Katlin Caldwell
Commissioner, District 1

Sherry Maupin
Commissioner Chairman, District 2

Neal Thompson
Commissioner, District 3

Valley County Commissioners
PO Box 1350
Cascade, ID 83611

Dear Commissioners Caldwell, Maupin, and Thompson:

I am writing to express serious concerns regarding the proposed 12-lot Tripod Subdivision in High Valley and to bring to your attention the significant impacts it would have on our rural community. High Valley has limited infrastructure, and additional development would worsen existing challenges in several critical areas.

High Valley Road Concerns

High Valley Road, the sole access route serving both Gem and Valley County residents, already suffers from severe damage and poor maintenance, especially on the Valley County side.

There are currently five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these lots are developed into full-time residences and seasonal cabins, traffic volumes are expected to increase substantially—potentially doubling—particularly with recent announcements that state and federal forests plan to double timber harvests in the area. The proposed Tripod Subdivision would add further traffic and accelerate the deterioration of the road.

Potable Water Concerns

Valley County well logs show that the area proposed for the subdivision is largely a “water desert” with insufficient groundwater to reliably support individual wells on each lot. Nearby wells are typically 300 feet deep with flow rates as low as 1 gallon per minute, and some run dry after only about 30 minutes of pumping. New drilling in this area risks adversely impacting the wells currently relied upon by existing residents.

Solid Waste Disposal Concerns

Currently, full-time residents of High Valley transport their household garbage to the facility in Ola, placing the burden on Gem County's infrastructure. The Ola transfer station is already strained under existing loads. Additional full-time residents from the proposed subdivision would increase this volume significantly. It is unclear if Valley County has short- and long-term plans for garbage disposal in High Valley, particularly if Gem County were to restrict or stop accepting waste from non-Gem County residents.

Emergency Services Concerns

Valley County designates High Valley as a No-Response Fire Zone. We depend on the Sweet/Ola Volunteer Fire Department (Gem County Station #2), with response times typically ranging from 45 minutes to one hour. Sheriff and EMT response times are similarly lengthy. During the approximately five months of winter when the east side of Tripod Summit (Highway 55) is closed due to snow, access is further restricted and response times are even longer.

Adding new residents through this subdivision would place additional demands on these already strained services and heighten safety risks for both new and existing residents.

Wildfire Risk Management Concerns

The combination of poor road conditions, limited water availability, and extended emergency response times creates a high-risk environment for wildfires in High Valley. Human-caused ignitions pose a serious ongoing threat, and new development would increase the potential for wildfire events in an area where these underlying vulnerabilities remain unaddressed.

We ask that you carefully consider these concerns as you review the proposed Tripod Subdivision. High Valley residents value the rural character of our community and rely on your leadership to protect public safety and infrastructure. I would be happy to discuss these issues further if needed.

Thank you for your attention to this matter.

Sincerely,

Patty Roberts

From: Brian Allen [REDACTED]
Sent: Monday, January 5, 2026 6:53 PM
To: kccaldwell@co.valley.id.us <kccaldwell@co.valley.id.us>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>; Valley County Commissioners <commissioners@valleycountyid.gov>
Subject: High Valley/Tripod Subdivision Authorization Concerns

E. Brian Allen
175 Wilderness Lake Road
Cascade, ID 83611
[REDACTED]

PLEASE NOTE: I AM A FULL-TIME RESIDENT OF HIGH VALLEY, AND AS YOU ARE AWARE, USPS LAW REQUIRES THE ABOVE CASCADE ADDRESS. PLEASE SEE SIGNATURE LINE FOR MY MAILING ADDRESS, IF YOU WISH TO COMMUNICATE WITH ME VIA USPS.

January 5, 2026

Katlin Caldwell
Commissioner, District 1

Sherry Maupin
Commissioner Chairman, District 2

Neal Thompson
Commissioner, District 3

Valley County Commissioners
PO Box 1350
Cascade, ID 83611

Dear Commissioners Caldwell, Maupin, and Thompson:

I write today to raise awareness of longstanding infrastructure challenges in High Valley that would be exacerbated by the proposed 12-lot Tripod Subdivision. As growth pressures mount, it is critical to address these vulnerabilities before approving new developments that could have lasting negative consequences.

High Valley Road Concerns

High Valley Road, the sole access route serving both Gem and Valley County residents, already suffers from severe damage and poor maintenance, especially on the Valley County side.

There are currently five existing subdivisions in High Valley with approximately 100 undeveloped lots. As these lots are developed into full-time residences and seasonal cabins, traffic volumes are expected to increase substantially—potentially doubling—particularly with recent announcements that state and federal forests plan to double timber harvests in the area. The proposed Tripod Subdivision would add further traffic and accelerate the deterioration of the

road.

Potable Water Concerns

Valley County well logs show that the area proposed for the subdivision is largely a “water desert” with insufficient groundwater to reliably support individual wells on each lot. Nearby wells are typically 300 feet deep with flow rates as low as 1 gallon per minute, and some run dry after only about 30 minutes of pumping. New drilling in this area risks adversely impacting the wells currently relied upon by existing residents.

Solid Waste Disposal Concerns

Currently, full-time residents of High Valley transport their household garbage to the facility in Ola, placing the burden on Gem County's infrastructure. The Ola transfer station is already strained under existing loads. Additional full-time residents from the proposed subdivision would increase this volume significantly. It is unclear if Valley County has short- and long-term plans for garbage disposal in High Valley, particularly if Gem County were to restrict or stop accepting waste from non-Gem County residents.

Emergency Services Concerns

Valley County designates High Valley as a No-Response Fire Zone. We depend on the Sweet/Ola Volunteer Fire Department (Gem County Station #2), with response times typically ranging from 45 minutes to one hour. Sheriff and EMT response times are similarly lengthy. During the approximately five months of winter when the east side of Tripod Summit (Highway 55) is closed due to snow, access is further restricted and response times are even longer.

Adding new residents through this subdivision would place additional demands on these already strained services and heighten safety risks for both new and existing residents.

Wildfire Risk Management Concerns

The combination of poor road conditions, limited water availability, and extended emergency response times creates a high-risk environment for wildfires in High Valley. Human-caused ignitions pose a serious ongoing threat, and new development would increase the potential for wildfire events in an area where these underlying vulnerabilities remain unaddressed.

Your thoughtful review of these issues in relation to the Tripod Subdivision is greatly appreciated. High Valley residents trust in your stewardship to ensure sustainable decisions for the future. I welcome the opportunity to speak with you about this matter.

Thank you for your time and dedication.

Sincerely,

E. Brian Allen
PO Box 39
Ola, ID 83657

Jennifer Hunn
141 Dry Buck Rd, Cascade
2011 W Tendoy Dr, Boise
[REDACTED]

January 5, 2026

To:
Valley County Board of County Commissioners
Brian Oakey
Cynda Herrick

Re: Request to Uphold P&Z Denial of SUB 25-018 Tripod View Subdivision

Dear Commissioners,

I am writing as an immediately adjacent property owner of the proposed neighborhood to urge the Board to **uphold the Valley County Planning and Zoning Commission's denial** of the Tripod View Subdivision (SUB 25-018) and Conditional Use Permit (CUP 25-23). I have reviewed the Applicant's appeal submitted November 24, 2025, and respectfully request the Board give full weight to the P&Z Findings of Fact and Conclusions of Law, which identified serious, unresolved threats to public health, safety, and welfare.

1. Water Supply for Domestic Use and Fire Suppression

The P&Z Commission concluded that "**availability of water for domestic uses and fire suppression is limited; building additional homes would be detrimental to the public health, safety, and welfare of both existing property owners and future lot owners**". My well (conveniently and repeatedly left off the application's well report) produces only **1 gallon per minute at 280 feet**, far below the minimum required for domestic use or fire protection.

Neighboring wells also yield extremely limited volumes at significant depths. The Applicant's appeal assumes adequate water exists, but it **fails to account for the low yields of wells in the immediate area**. There is no evidence that up to 24 additional homes can be reliably supplied without jeopardizing neighboring water rights, which is precisely why the P&Z Commission raised this as a concern.

2. Fire Risk and Emergency Access

The Fire Protection Plan relies on keeping grasses, shrubs, and trees in a "green" state throughout the hot, dry summer months, and **favors deciduous trees over existing conifers** to reduce fire risk. Given the documented scarcity of groundwater in High Valley, **irrigation sufficient to maintain this green vegetation is unrealistic**. Consequently, the recommended vegetation treatments cannot be reliably implemented, and the **risk of wildfire remains significant**.

The Commission also noted that "**the High Valley area is not within a fire district. There are not adequate water sources available within the proposed subdivision for fire suppression**" and "**access to the area is limited seasonally...emergency services to**

respond is limited seasonally". While the Applicant cites fuel breaks, CC&Rs, and a Firewise plan, **these measures do not replace the lack of hydrants, pressurized water, or rapid emergency response.** The Cascade Fire Chief has advised against this subdivision for precisely these reasons. The P&Z Commission properly recognized that **fire risk cannot be safely mitigated in this remote location**, and the Applicant's assertions to the contrary are speculative.

3. Infrastructure Limitations and Seasonal Isolation

High Valley is inaccessible by standard roads for 5–6 months of the year. The P&Z Findings note that **"during the winter season, the area is accessed from Gem County or by snowmobiles"**. Limited emergency, medical, and governmental services make development in this location inherently hazardous. While the Developer suggests road impacts are minor, they **ignore the fact that seasonal inaccessibility itself prevents timely emergency response**, a key public safety concern identified by the P&Z Commission.

4. Environmental and Community Impacts

The P&Z Commission concluded that **"the proposed use is not in harmony with the general purpose of Valley County ordinances and policies and will potentially be otherwise detrimental to the public health, safety, and welfare"**. Adding up to 24 homes on 46 acres **more than triples the number of habitable homes in this immediate area**, threatens the watershed along Squaw Creek, and would disrupt wildlife corridors. These impacts are **real, observable, and unmitigable** by developer promises.

5. Procedural and Evidentiary Concerns

The Applicant's appeal claims that missing narrative pages or general assurances justify reversal. The P&Z Findings, however, were based on **all evidence properly submitted and presented at the hearings**, including public testimony, staff reports, and professional agency input. The appeal provides **no new empirical evidence addressing water scarcity, fire suppression, or emergency response limitations**, only generalized assertions.

For these reasons, the P&Z Commission **properly exercised its statutory duty to deny the application due to health, safety, and welfare concerns**. Approving the subdivision despite these unresolved risks would endanger residents, set a dangerous precedent to developers, and contradict Valley County's comprehensive planning standards.

I respectfully urge the Board to **uphold the P&Z denial** of SUB 25-018/CUP 25-23 Tripod View. The denial reflects careful consideration of public safety, resource limitations, and community welfare, and should not be overturned based on unverified claims.

Thank you for your time and for your dedication to the safety and well-being of Valley County residents.

Sincerely,
Jennifer Hunn

From: Mike Larsen [REDACTED]

Sent: Tuesday, January 6, 2026 8:27 AM

To: Valley County Commissioners <commissioners@valleycountyid.gov>; Sherry Maupin <smaupin@valleycountyid.gov>; Neal Thompson <nthompson@valleycountyid.gov>; Katlin Caldwell <kcaldwell@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>

Subject: Opposition to the Proposed Tripod Subdivision in High Valley

Dear Valley County Commissioners,

I agree with all of the opposition with the new proposed subdivision (Tripod View proposed subdivision on Dry Buck Road in High Valley).

I live in Gem County, work in Valley County and I have a cabin in High Valley. I use the roads daily. The road is 95% terrible. I saw Valley County Road grader up there 1 time in the late summer. It seems like it is the last on the list. Not that most of Valley County roads are horrible but I know that High Valley Road is. Gem County takes the brunt of the traffic and that side of the road is not that great either, but they at least work it over every couple of weeks. Why is Gem County not included in this disposition?

Valley County receives all of the tax revenue, but Gem County takes care of the road in and out and plows the snow in the winter so people can access High Valley. There is already a lack of garbage services, Fire Protection, EMS, and there is a water shortage. You can't take care of the people that are already up there. Why would you allow more? It seems as if the tax revenue is the main thing you are interested in.

Sincerely,

Mike Larsen

8 Creel Ct

High Valley

[REDACTED]

From: John Green [REDACTED]

Sent: Tuesday, January 6, 2026 12:06 PM

To: commissioner@valleycontyid.gov; Sherry Maupin <smaupin@valleycountyid.gov>

Subject: Re: appeal sub 25-18/.cup 25-23 tripod view subdivision

On Mon, Jan 5, 2026, 11:07 AM John Green [REDACTED] wrote:

Dear commission,

My name is John Green I am writing to express my extreme concern with the proposed subdivision. My first and primary concern is simply; " who is liable for drilling a new well when the 12 house subdivision pulls my well dry"?

Currently planning and zoning have denied this request twice.

The two charts i have been shown regarding well depth are inaccurate, one chart shows my depth as 280ft the other shows 89ft, the actual depth is 130ft.

We attempted to go 300 but the decomposed granite caved in.our driller nearly lost his equipment getting back out and was finally able to get water at 150'. The charts say I get 1 gallon per minute, in actuality my well runs 20 to 25 minutes on a good day I get approximately 250 gallons total of usable water. I pull a lot of sand.

Given that the standard rating of a 3000sft home with four people uses 300 gallons per day (information from Google) not only will the water not support this development but i fully believe it will pull my well dry.

My second question and concern is septic, after going thirty six years with only gray water rating due to our proximity to a part time creek, how is it that twelve 3000sft homes are suddenly approved on the drainage system that feeds the creek holding my septic up.

Again there were discrepancy between information provided to planning and zoning on where spring flows are. The chart provided differs greatly from what I believe them to be.

To clarify, My knowledge of this ground comes from a lifetime of walking and working this ground, as it's a was my family's homestead.

As stated previously planning and zoning have denied this request twice. The valley county fire chief has said this should not be approved. Personally that is definitely someone I would listen to. Response time is 45 minutes away in event of fire. Ambulance the same unless it's winter then it comes from gem County. My personal trip on life flight was a 25-30 minute wait.

As a full time resident and someone who will be most adversely affected by this development i must again state my strongest opposition to this request.

Sincerely, John Green

Compatibility Questions and Evaluation

Matrix Line # / Use: _____

Prepared by: _____

YES/NO	X	Response Value
--------	---	----------------

Use Matrix Values:

(+2/-2) _____ X 4 _____

1. Is the proposed use compatible with the dominant adjacent land use?

(+2/-2) _____ X 2 _____

2. Is the proposed use compatible with the other adjacent land uses (total and average)?

(+2/-2) _____ X 1 _____

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

(+2/-2) _____ X 3 _____

Site Specific Evaluation (Impacts and Proposed Mitigation)

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses?

(+2/-2) _____ X 1 _____

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones?

(+2/-2) _____ X 2 _____

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads?

(+2/-2) _____ X 2 _____

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses?

(+2/-2) _____ X 2 _____

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas?

(+2/-2) _____ X 2 _____

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property?

Sub-Total (+) _____

Sub-Total (-) _____

Total Score _____

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.

9-11-1: APPENDIX A, COMPATIBILITY EVALUATION:

- A. General: One of the primary functions of traditional zoning is to classify land uses so that those which are not fully compatible or congruous can be geographically separated from each other. The county has opted to substitute traditional zoning with a multiple use concept in which there is no separation of land uses. Proposed incompatible uses may adversely affect existing uses, people, or lands in numerous ways: noise, odors, creation of hazards, view, water contamination, loss of needed or desired resources, property values, or infringe on a desired lifestyle. To ensure that the county can continue to grow and develop without causing such land use problems and conflicts, a mechanism designed to identify and discourage land use proposals which will be incompatible at particular locations has been devised. The compatibility evaluation of all conditional uses also provides for evaluations in a manner which is both systematic and consistent.
- B. Purpose; Use:
 - 1. The compatibility rating is to be used as a tool to assist in the determination of compatibility. The compatibility rating is not the sole deciding factor in the approval or denial of any application.
 - 2. Staff prepares a preliminary compatibility rating for conditional use permits, except for conditional use permits for PUDs. The commission reviews the compatibility rating and may change any value.
- C. General Evaluation: Completing the compatibility questions and evaluation (form):
 - 1. All evaluations shall be made as objectively as possible by assignment of points for each of a series of questions. Points shall be assigned as follows:
 - 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).
 - 2. Each response value shall be multiplied by some number, which indicates how important that particular response is relative to all the others. Multipliers shall be any of the following:
 - x4 - indicates major relative importance.
 - x3 - indicates above average relative importance.
 - x2 - indicates below average relative importance.
 - x1 - indicates minor relative importance.
- D. Matrix - Questions 1 Through 3: The following matrix shall be utilized, wherever practical, to determine response values for questions one through three (3). Uses classified and listed in the left hand column and across the top of the matrix represent possible proposed, adjacent, or vicinity land uses. Each box indicates the extent of compatibility between any two (2) intersecting uses. These numbers should not be changed from proposal to proposal, except where distinctive uses arise which may present unique compatibility considerations. The commission shall determine whether or not there is a unique consideration.
- E. Terms:
 - DOMINANT ADJACENT LAND USE: Any use which is within three hundred feet (300') of the use boundary being proposed; and
 - 1. Comprises at least one-half (1/2) of the adjacent uses and one-fourth (1/4) of the total adjacent area; or
 - 2. Where two (2) or more uses compete equally in number and are more frequent than all the other uses, the one with the greatest amount of acreage is the dominant land use; or
 - 3. In all other situations, no dominant land use exists. When this occurs, the response value shall be zero.
 - LOCAL VICINITY: Land uses within a one to three (3) mile radius. The various uses therein should be identified and averaged to determine the overall use of the land.
- F. Questions 4 Through 9:
 - 1. In determining the response values for questions 4 through 9, the evaluators shall consider the information contained in the application, the goals and objectives of the comprehensive plan, the provisions of this title and related ordinances, information gained from an actual inspection of the site, and information gathered by the staff.
 - 2. The evaluator or commission shall also consider proposed mitigation of the determined impacts. Adequacy of the mitigation will be a factor.

APPENDIX A

**MATRIX FOR RATING
QUESTIONS 1, 2, and 3**

INDUSTRIAL		COMMERCIAL		CIVIC or COMMUNITY		SERVICE USES		RESIDENTIAL USES		QUESTIONS 1, 2, and 3	
1. AGRICULTURAL										1	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
2. RESIDENCE, S.F.	+2	+2	+1	+1	+1	+1	+1	+1	+1	+1	-2 -2 2
3. SUBDIVISION, S.F.	-1	+2	+1	+1	+1	+1	+1	+1	+1	+1	-2 -2 2
4. M.H. or R.V. PARK	-2	+1	+1	+1	+1	+1	+1	+1	+1	+1	-2 -2 4
5. RESIDENCE, M.F.	-2	+1	+1	+2	+2	+1	+1	+1	+1	+1	-2 -2 5
6. SUBDIVISION, M.F.	-2	+1	+1	+2	+2	+1	+1	+1	+1	+1	-2 -2 6
7. P.U.D., RES.	-2	+1	+1	+2	+2	+1	+1	+1	+1	+1	-2 -2 7
8. REL. EDUC & REHAB	+1	+2	+1	+1	+1	+1	+1	+1	+1	+1	-1 8
9. FRAT or GOVT	+1	+1	+1	+1	+1	+1	+1	+1	+1	+1	-2 9
10. PUBLIC UTILITY (IA-3.1)	+1	-1	-1	-1	-1	+1	+1	+1	+1	+1	+2 10
11. PUBLIC REC.	+1	+2	+2	+2	+2	-1	-1	+1	+1	+1	-1 11
12. CEMETERY	+2	+1	+1	+1	+1	+2	+2	+1	+1	+1	+1 12
13. LANDFILL or SWR. PLANT	+1	-2	-2	-2	-2	-2	-1	+1	-1	-2	-2 13
14. PRIV. REC (PER)	+1	+1	+1	+1	+1	-1	-1	+1	+1	+2	-1 14
15. PRIV. REC (CON)	-1	-1	-1	-1	-1	-1	-1	+1	-2	-2	-1 15
16. NEIGHBORHOOD BUS.	-1	+1	+1	+1	+1	+2	+1	+1	+1	+2	+1 -1 16
17. RESIDENCE BUS.	+2	+2	+1	+1	+1	+2	+1	-1	+1	-1	-2 -2 17
18. SERV. BUS.	-1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+1 +1 21
19. AREA BUS.	-2	-1	-1	-1	-1	+1	+1	+1	+1	+2	-2 -2 19
20. REC. BUS.	-2	+2	+1	+1	+1	-1	-1	+1	+1	+2	+1 -1 20
21. LIGHT IND.	+1	+1	+1	+1	+1	+1	+1	+1	+2	+2	+1 +1 21
22. HEAVY IND.	+2	-2	-2	-2	-2	-2	-2	-2	+2	+2	+1 +2 22
23. EXTR. IND.	+2	-2	-2	-2	-2	-2	-2	-2	+2	-1	+1 +1 23

RACETHE SOLID SQUARES AS +2

Compatibility Questions and Evaluation

Matrix Line # / Use: #3

Prepared by: JH

YES/NO X Response Value

Use Matrix Values:

(+2/-2) -1 X 4 -4

1. Is the proposed use compatible with the dominant adjacent land use?

Agriculture

(+2/-2) +2 X 2 +4

2. Is the proposed use compatible with the other adjacent land uses (total and average)? *S.F. Residential*

(+2/-2) +1 X 1 +1

3. Is the proposed use generally compatible with the overall land use in the local vicinity?

Mostly Ag (But some sub)

(+2/-2) +2 X 3 +6

4. Is the property large enough, does the existence of wooded area, or does the lay of the land help to minimize any potential impacts the proposed use may have on adjacent uses? *Yes, property is large with rolling hills and trees.*

(+2/-2) +2 X 1 +2

5. Is the size or scale of proposed lots and/or structures similar to adjacent ones? *Yes*

6. Is the traffic volume and character to be generated by the proposed use similar to the uses on properties that will be affected by proximity to parking lots, on-site roads, or access roads? *More traffic*

(+2/-2) +2 X 2 +4

7. Is the potential impact on adjacent properties due to the consuming or emission of any resource or substance compatible with that of existing uses? *Yes*

(+2/-2) -1 X 2 -2

8. Is the proposed use compatible with the abilities of public agencies to provide service or of public facilities to accommodate the proposed use demands on utilities, fire and police protection, schools, roads, traffic control, parks, and open areas? *No services*

(+2/-2) 0 X 2 0

9. Is the proposed use cost effective when comparing the cost for providing public services and improving public facilities to the increases in public revenue from the improved property? *No revenue & services*

Sub-Total (+) 19

Sub-Total (-) 6

Total Score +13

The resulting values for each questions shall be totaled so that each land use and development proposal receives a single final score.