

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 25-019 Rocky Mountain Storage on May 14, 2026
MEETING DATE:	July 21, 2026
TO:	Board of County Commissioners
STAFF:	Cynda Herrick, AICP, CFM, Planning and Zoning Director
APPELLANT / APPLICANT / PROPERTY OWNER:	Pearson Storage Partners LLC PO Box 4110, McCall, ID 83638
LEGAL REPRESENTATIVE:	Matthew Parks, Clark Wardle PO Box 639, Boise, ID 83701
ENGINEER:	Crestline Engineers PO Box 2330, McCall, ID 83638
SURVEYOR	Dunn Land Surveys 25 Coyote Trail, Cascade, ID 83611
LOCATION:	14014 Highway 55 Parcel RP18N03E331807 and part of Vandal Flats Subdivision Lot 2 in the NE¼ Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho
SIZE:	19.72 acres
REQUEST:	Storage Unit Condominium Subdivision Plat - Commercial Use – With New Private Road
EXISTING LAND USE:	Storage Unit Building Approved for Private Use

Brief Background: The Planning and Zoning Commission held public hearings on this matter and, on February 12, 2026, denied the permit and preliminary plat in unanimous (3-0) vote. Commissioner Potter recused herself and abstained from all discussions and deliberations; Commissioner Schnieder was excused from the meeting on February 12, 2026.

The applicant appealed. On March 30, 2026, the Board of County Commissioners held a public hearing on the appeal and **remanded the matter back to the PZ Commission for further consideration of new information including the Traffic Impact Study and mitigation of visual impacts.**

The PZ Commission held a public hearing on June 11, 2026. After testimony and deliberations, the Commission denied the conditional use permit and preliminary plat on a 2-1 vote. Chairman Roberts and Commissioner Mabe voted in favor of the motion; Commissioner Schneider voted in opposition. Commissioner Potter recused herself and abstained from all discussions and deliberations; Commissioner Oyarzo was excused from the meeting. This decision was appealed by the applicant.

Revised Project Description: This project has been modified from the previous submittals. Pearson Storage Partners LLC has requested a conditional use permit for a storage unit condominium subdivision on 19.7 acres. The project includes 18.47 acres for development; 1.25 acres for a new private road; and 3.57 acres of open space.

The proposal includes 103 condominium storage units and two offices with bathroom units.

Wetland areas are delineated on the plat as "no build" areas. A pond would be used to provide water for fire protection. An undulating landscape 3-ft high berm is proposed along Highway 55 plus 8-ft high metal screening walls. Access would be from a new private road onto Highway 55 that would align with Sunbridge Drive on the west side of the highway.

The Appeal

This appeal (attached) was received in a timely manner on June 22, 2026, 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) Standard of review.
 - The Board's review should focus upon whether the application satisfies the approval criteria based upon the record as a whole.
- 2) The applicant addressed the issues identified by the Board on remand.
 - The applicant submitted additional information including revised site plans, revised renderings, additional landscaping information, visual mitigation measures, access-related materials, and traffic-related information.
- 3) The project is compatible with the character of the area and merits approval.
- 4) The current application satisfies the applicable approval criteria.
 - The review should focus on the current proposal rather than the evolution of earlier concepts.
 - The Board should evaluate the application on its own merits without concern that approval would establish a precedent for future applications.
- 5) The project design minimizes visual impacts to adjacent properties.
- 6) The record supports approval of the application.

The appeal requests that the Board approve SUB 25-019.

Findings:

1. The existing use of the property is a storage unit building approved for private use only.
2. Valley County Code (Title 9): In Table 9-3-1, this proposal is categorized under:
 - 5. Commercial Uses (d) Area Business.

3. The surrounding land uses are as follows:

North: CUP 12-10 McCall Donnelly School District Transportation Facility; CUP 18-06; CUP 20-14 Rocky Mountain Crane and Pinetop Office; CUP 17-09 Kesler Storage;

West: CUP 25-007 High Mountain Cabinets; CUP 23-42 Paradigm Storage Condominiums; CUP 25-004 Hells Canyon Rafting;

Sout and East: Single-Family Residential Rural Parcels; Knob Hill Estates Subdivision Lots; Agricultural (Irrigated Grazing); and Highway 55.

4. Submittals by the applicant and representatives were as follows (highlighted items received after Board's decision on March 30, 2026):

- 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 included in the application submittal.
- The complete application was submitted on July 29, 2025.
- Crestline Engineer responded to Staff comments and questions listed in the Staff Report in a memo. (Exhibit 3, September 11, 2025)
- On September 22, 2025, the applicant responded to concerns regarding on-going site work.
- Revised Preliminary Plat (7 sheets), received November 10, 2025. Vandal Flats Subdivision Lot 2 Block 1 was removed from the preliminary plat. (Exhibit 1, November 13, 2025)
- Revised Landscape Concept, received November 10, 2025. (Exhibit 2, November 13, 2025)
- Federal Aviation Administration (FAA) pre-screening results received November 10, 2025. Applicant is not required to file with FAA. (Exhibit 3, November 13, 2025)
- Renderings of proposed buildings and landscaping received November 10, 2025. (Exhibit 4, November 13, 2025)
- Landscape compilation video received November 10, 2025. (Exhibit 5, November 13, 2025)
- Groundwater Study Results, Crestline Engineers, July 22, 2021
- An encroachment permit was submitted in November to ITD. The traffic impact study was submitted to ITD. Response from ITD is attached. (Submitted January 15, 2026)
- Lake Irrigation District letter dated January 13, 2026.
- Correspondence from Gregg Tankersley of Crestline Engineers on February 6, 2026, to Kendra Conder of Idaho Transportation Department regarding ITD's response and a right-of-way Encroachment Application submitted November 26, 2025. (Received

February 6, 2026; Exhibit 1, February 12, 2026)

- Landscaping information, landscape renderings, and CCRs for McCall Valley Storage Condos, similar to the proposed use. (Received February 10, 2026; Exhibit 2, February 12, 2026)
 - Appeal letter Received February 23, 2026
 - Supplemental letter - received March 23, 2026
 - Turn Lane Evaluation, January 8, 2026 – received March 23, 2026
 - Slide Presentation – received March 23, 2026
 - Revised submittal received from applicant on April 9, 2026.
 - Email correspondence of April 29, 2026, and April 30, 2026, with an ITD permit for re-work of existing approach to a 28-ft commercial approach to be shared with the School District. (Permit 3-26-328-A)
 - Exhibit 2 – June 11, 2026 – Email correspondence between the Valley County Engineer, Crestline Engineers, the applicant, and PZ Director Herrick regarding the approach onto Highway 55. Additional stormwater discharge will not result. (May 20, 2026, May 19, 2026)
 - Appeal letter Received June 22, 2026
5. The Planning and Zoning Commission held a properly noticed public hearing on September 11, 2025.
 6. 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.
 7. The Planning and Zoning Commissioner held a properly noticed public hearing on November 13, 2025.
 8. The matter was tabled to February 12, 2026, 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 January 22, 2026, and January 29, 2026.
 9. People commented in opposition during public testimony on the proposal. Written comments were received from the public and agencies. See the PZ Commission staff reports and minutes for each hearing.
 10. The Commissioners asked the applicant's representatives questions during the public hearings. On February 12, 2026, the public hearing was closed and Commissioners deliberated. See attached meeting minutes.
 11. A motion to deny the conditional use permit and preliminary plat for SUB 25-019 Rocky Mountain Storage was made and seconded. The motion passed unanimously on a 3-0 vote. (Commissioner Potter recused herself and Commissioner Schneider was excused.)
 12. An appeal from the applicant's representative and the required \$1000 fee was received on February 23, 2026. Additional submittals were received March 23, 2026.
 13. The Board of County Commissioners held a properly noticed public hearing on the appeal

on March 30, 2026, and remanded the matter back to the PZ Commission for further consideration of new information including the Traffic Impact Study and mitigation of visual impacts.

14. The applicant submitted a revised site plan, renderings, and draft CCRs on April 9, 2026.
15. A public hearing was properly noticed for May 14, 2026. The PZ Commission bylaws prohibit new public hearings beginning after 10:00 p.m. At approximately 10:20 p.m., the Commission tabled SUB 25-019 to June 11, 2026, at 4:00 p.m.
16. 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 May 21, 2026, and May 28, 2026.
17. The Applicant's representatives presented and responded to questions during the public hearing. No one from the public chose to testified. No new comments were received from the public after the public hearing on March 30, 2026. Written comments were received from agencies. See the PZ Commission staff report and meeting minutes.
18. The public hearing was closed and Commissioners deliberated. See attached meeting minutes.
19. A motion to deny the conditional use permit and preliminary plat for SUB 25-019 Rocky Mountain Storage was made and seconded. The motion passed on a 2-1 vote. (Commissioner Potter recused herself and Commissioner Oyarzo was excused.)
20. An appeal from the applicant's representative and the required \$1000 fee was received on June 22, 2026.
21. Legal notice for this Appeal was completed, as follows:
 - Posted in the *Star News* on July 2, 2026.
 - The applicant/property owner/appellant, legal representative, engineer, and surveyor were notified by fact sheet sent June 26, 2026.
 - Potentially affected agencies were notified on June 26, 2026.
 - Property owners within 300 feet of the property line were notified by fact sheet sent June 26, 2026.
 - The fact sheet was also sent on June 26, 2026, to people who previously comment on this matter.
 - The appeal letter and public hearing notice were posted online at www.co.valley.id.us on June 26, 2026.
 - The site was posted on July 9, 2026.
22. The Minutes of the PZ Commission Hearings and the Facts and Conclusions are attached, along with information submitted by the applicant and public.

Conclusions of the PZ Commission

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 concept 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 not be otherwise detrimental to the public health, safety, and welfare.
- 5) That the proposed use at this specific site is not consistent with the Valley County Comprehensive Plan; specifically, regarding the Scenic Byway and viewshed. The revised site plan and building design parallel to Highway 55 blocks the viewshed and is not compatible.
- 6) Safety issues remain along Highway 55. The 75-78 trips per day is significant. Left-handed lanes have been required for less trips. It behooves the Commission to stop allowing major development along Highway 55 that have significant trips without consideration of left-hand turn lanes.
- 7) The impact on adjacent landowners, especially the residential areas immediately adjacent or who would overlook this site. This proposal has a significant amount of roof space compared to other possible commercial uses that could locate at the site. Approval would likely negatively impact the property values of adjacent properties.
- 8) The normal process for land use has been short-cutted. Approval would set a precedent that one can get a building permit, do whatever they want, and then incorporate the building into a conditional use permit. This denies the Commission the ability to apply current ordinances to a building that was built for personal use and creates an unequal playing field for applicants.
- 9) The parcel can still be used as a single-family residence, personal storage, and agriculture.

23. Additional Information (Attached)

- Staff's Original Compatibility Questions and Evaluation
- PZ Commission's Facts and Conclusions
- List of Exhibits
- Planning and Zoning Commission Staff Reports and Meeting Minutes
 - September 11, 2025
 - November 13, 2025
 - February 12, 2026
 - June 11, 2026
- Board of County Commissioners Staff Report and Meeting Minutes – March 30, 2026

24. All Agency comment received - (highlighted items received after Board's decision on March 30, 2026):

Emily Hart, McCall Airport Manager, stated the site is 1.8 miles from Runway 34, in Horizontal Surface. The applicant should prescreen for FAA Form 7460-1. (August 21, 2025)

Kendra Conder, Idaho Transportation Department (ITD) stated:

- ITD will need to review turn lane warrants that include traffic that will be generated from

all parcels using the shared access. The applicant will need to apply for an ITD encroachment permit and must meet ITD specifications for a commercial two-way approach. Installation of any landscaping within the ITD right-of-way will need a permit. (August 29, 2025)

- ITD's request for turn lane warrants has not been met. (October 15, 2025)
- There are no issues from ITD's perspective that should hold up the PZ hearing. (February 11, 2026; Exhibit 3, February 12, 2026)
- ITD does not have any comments regarding the appeal. (March 23, 2026)
- She attached the ITD staff report dated February 6, 2026, and related email correspondence. (Received March 24, 2026)
- Email, dated May 29, 2026, confirmed that the ITD permit is for both Rocky Mountain Storage and Vandal Flats. (**Exhibit 3 – June 11, 2026**)

Mitchell Hadfield, Parametrix and Valley County Engineer, reviewed the Traffic Impact Study and stated the analysis is sound. (April 9, 2026)

Ryan Garber, McCall Fire & EMS:

- Listed requirements for fire flow, hydrants, driveways, security gates, and fire extinguishers. Roads and water supply for fire protection shall be installed, inspected, and operable prior to final plat or building construction within each phase. (September 2, 2025)
- Listed requirements for access roads, water supply, fire extinguishers, and LPG. The water supply site plan needs to be approved by the fire district prior to installation. (March 17, 2026)
- All previous comments regarding fire department access and water supply apply. (April 17, 2026)

Shirley Florence, Lake Irrigation District (LID):

- Listed requirements for the LID water assigned to the proposed subdivision. (September 3, 2025)
- Stated the applicants and their engineers are working with the District's Board regarding the District's easement through the site. (November 6, 2025)
- Stated that agreements have been made with the applicant:
 - 1) A 20-ft easement on the delivery ditch in the southeast corner, and
 - 2) Idaho Code 42-1102 will be reference on the plat. (January 13, 2025)

Annette Derrick, Valley County Building Official, stated :

- A building permit will be required to convert the existing storage units to commercial use. (Exhibit 1 - September 11, 2025)
- The existing structure was permitted as a residential detached garage. It was finaled without mezzanines in the structure. If this structure is being used as a commercial structure, a new building permit will be required. (January 29, 2026)
- A building permit to upgrade and include firewalls and, if over 12,000-sqft, fire sprinklers will be needed, and any other required updates. (March 10, 2026)

Brent Copes, Central District Health, stated a subdivision application, fees, test holes, ground water monitoring and engineering report are required. **CDH has no objection.** (Exhibit 2 – September 11, 2025; April 14, 2026)

The Boise Regional DEQ Administration has no comments at this time. (March 9, 2026)
Idaho Department of Environmental Quality (DEQ) provided general comments on air quality, wastewater, drinking water, surface water, solid waste, hazardous waste, water quality, ground water contamination, and best management practices. (May 4, 2026; July 13, 2026)

Brandon Flack, Idaho Dept of Fish and Game, had no comments. (May 6, 2026)

Paul Ashton, Parametrix and Valley County Engineer provided:

- Requirements in letter dated May 7, 2026 (**Exhibit 1 – June 11, 2026**)
- Email correspondence between the Valley County Engineer, Crestline Engineers, the applicant, and PZ Director Herrick regarding the approach onto Highway 55. Additional stormwater discharge will not result. (May 20, 2026, May 19, 2026) (**Exhibit 1 – June 11, 2026**)

25. All Public comment received (written and verbal testimony - highlighted items received after Board's decision on March 30, 2026):

In Favor of Appeal (i.e., in favor of approval of SUB 25-019)

Lavon Webb, Nampa, stated Sterling Landscape Company LLC has ben engaged in planning and development of the landscape design for the proposal. The proposed design includes contoured berms with boulders, native trees, and creeping red fescue seed to establish a natural meadow appearance consistent with the local landscape. Offset wooden panels along the back side of the berms would provide visual depth. (March 17, 2026)

Toni Curtis, Silvercreek Realty Group, stated the Commission should have approved the application based on its own merits and modifications. The final design is respectful of the scenic byway and view corridor. (March 23, 2026)

Bob Crawford, Crawford Olson Real Estate, stated the location is compatible with the industrial and storage uses the County has allowed to the north and west of the site. A storage use is one of the more benign possible uses of the site for the Knob Hill neighborhood to the south. (March 23, 2026)

Michael S Chapman, Flying Brokers, stated the C.U.P. should be approved based on compliance with C.U.P. Standards, not subjective opinions of hypothetical personal and business uses, perceived incompatibility, and opinions of negative financial impact. The landscaping, positioning buildings so the garage doors are not visible to Highway 55, and low height of the two buildings directly along Highway 55 would have minimal impacts to the view corridor. Nearby properties along Highway 55 with similar impacts are listed. (March 23, 2026)

Kristen Fiorentino, Larry Fiorentino, and Tamara Wall, of the Knob Hill No. 2 POA Board, support the project and request that all lighting be dark sky compliant. (March 23, 2026)

Opponents of Appeal (i.e., in opposition to approval of SUB 25-019) – See written comments and meeting minutes. Reasons Given Include:

Kathy Deinhardt Hill, 14068 Pioneer Road, is opposed.

- The constructed storage units should remain for personal use. Highway 55 has been made more dangerous by the unlimited commercial development. A full turn lane from

Lake Fork to McCall and a reduced speed limit are needed before approval of additional commercial development. Commissioner Potter should recuse herself from review of this application. (November 3, 2025)

- A turn lane, reduced speed limit, and a no passing zone is needed in this area. The first 12 units, supposedly for personal use, are already completed; however, each unit has a power meter. What businesses will be allowed in the offices/bathroom buildings. Allowing people to run businesses from the storage units would have a negative impact; does the County have resources to make sure that kind of activity does not happen at this site? Enforcement of landscaping requirements is needed. The proposed use is incompatible with the areas to the south and east sides. The only reason it is compatible with the north and west sides is because industrial, commercial, and storage units have been allowed. (February 1, 2026)
- The applicant was not upfront at the beginning as the existing building with 12 units was built under the guise of personal use. She is concerned that business will operate out of the units which has impacts. How would this be enforced? She does not have faith in ITD as they recently stated that Highway 55 is at maximum capacity. The highway is busy both during the work week and during the weekend. A turn lane, double solid center line, and a reduced speed limit are necessary at this location. (Testimony, February 12, 2026)

John Humphries, 108 Magnetic Rock RD, is opposed.

- The proposed size and scale is not compatible with adjacent single-family residential subdivision to the south or the agricultural land use to the east. Without any turn lanes, acceleration or deceleration lanes, this project would exasperate the existing dangerous section of Highway 55. The existing building was for personal use only; however, power meters were added for each unit. There is a lack of landscaping for the numerous commercial buildings along Highway 55. The proposed storage units are not in the best interest of the community. (February 1, 2026)
- The proposal would add to the already unsightly commercial sprawl between Lake Fork and McCall. (March 23, 2026)

Katharina and Geoffrey Roth are opposed to any more storage units along the scenic highway. If approved, require a 90% visual barrier using vegetation and a low berm. (February 2, 2026)

Scott Harris, 86 Ilka Lane, said:

- The initial construction was approved for private use but established a precedent for having similar buildings at the site that might have otherwise not been approved. A turn lane was recommended at Elo Road and Highway 55 for a nearby storage unit use; thus, one should be located here. There is also standing water at times on this property. It is past time to take more aggressive measures to preserve the Scenic Byway. (Testimony, February 12, 2026)
- He approves of the Commission's unanimous decision to deny based on traffic danger, further degradation of the Scenic Corridor, and the recognition of subterfuge by the applicant bypassing the commercial permitting process. Does the Board envision wall to wall storage units, warehouses, and boat dealership as a safe, scenic entrance to the McCall area? (March 23, 2026)

Mike D. stated the proposal would create a significant visual and land-use impact along a major corridor in Valley County. Even with landscaping or berms, a project of this scale

would introduce a large commercial storage complex that does not align with the character of the surrounding area. (March 17, 2026)

Nate Peterson stated a large condominium storage complex along a visible section of HWY 55 does not feel consistent with the values of open space, scenic corridors, and small-town character. Even with berms or landscaping, the overall effect would change the character of the area. (March 17, 2026)

"Citizens of Valley County" [no names provided] stated the appeal does not identify legal error. The Commission's decision is supported by substantial evidence. The record demonstrates incompatibility with surrounding residential uses, visual impacts along the scenic corridor, and unresolved concerns regarding traffic, safety, and site impacts. Compatibility is not limited to technical compliance but includes visual, functional, and contextual impacts. The existence of another nearby storage facility does not make this site comparable. (March 18, 2026)

Alex Sullyvan stated this project raises significant concerns regarding compatibility, visual impacts, and long-term land use planning. Even with proposed landscaping, the scale and nature of the development would create an industrial-style presence that does not align with the rural and scenic character valued by Valley County residents. Long-term management, enforcement, and potential unintended uses could be difficult to regulate once the project is subdivided and sold. The PZ Commissions unanimous decision reflects the seriousness of the concerns raised by the Commission and the public. (March 19, 2026)

"Citizens of Valley County" [no names provided] stated the application has received extensive review and multiple public hearings. After review the revised plans and agency comments, a majority of the Commission again concluded that the project should be denied. Valley County Code directs decision-makers to consider a proposals' visual attributes, demand for public services, external impacts, and imposition upon adjacent properties. The issue is whether this project is appropriate at this specific location adjacent to residential properties and Highway 55 Scenic Byway. VCC 9-5-4 requires an impact analysis that considers traffic volumes, character, patterns, roadway adequacy, alignment, traffic-control features, pedestrians, bicycles, and vehicles; more than if a turn-lane is warrant is needed. Turn-lane requirements along Highway 55 are inconsistent. Additional intensive commercial development should not be approved along this part of Highway 55 until ITD completes its corridor studies. The existence of similar storage and commercial buildings is not justification for continued expansion and would result in incremental degradation of the Scenic Byway. (July 15, 2026)

Other Responses:

April Whitney commented and sent pictures on the dirt work occurring on the site after the public hearing on September 11, 2025. (September 18, 2025)

- Dusty Bitton replied, stating the digging was occurring for underground electrical lines and propane tanks. (September 22, 2025)

Drew Dodson, a reporter for BoiseDev.com and ValleyLookout.com, submitted information regarding lease agreements for business entities owned by Dusty Bitton for the existing storage building. He also requested information on enforcement or violations of Valley County Code. (February 4, 2026)

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

In Table 9-3-1, this proposal is categorized under:

- 5. Commercial Uses (d) Area Business.

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

The following Valley County Code was effective at the time the application was submitted.

TITLE 9 LAND USE AND DEVELOPMENT

TABLE 5-A STANDARDS FOR CONDITIONAL USES

Use Description	Building Setbacks (feet)				Minimum Lot Area	Max.% Lot Cover	Minimum Street Frontage	Max. Building Height	Minimum Parking Soaces
	Front	Side	Side Street	Rear					
Commercial Use Area Business	30	10	30	30		40	75	35	1+ 1/250 saft

9-5-3: STANDARDS:

The provisions of this chapter shall apply to the various buildings and uses designated herein as conditional uses.

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-SA SITE IMPROVEMENTS

9-SA-1: GRADING:

- A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.
- D. Wetlands: Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.
- E. Site Grading Plan:
 1. The conditional use permit application shall include a site grading plan, or preliminary site grading plan for subdivisions, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The plan shall be subject to review of the county engineer and the soil conservation district. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and

zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications.

2. For subdivisions, preliminary site grading plans and stormwater management plans must be presented for review and approval by the commission as part of the conditional use permit application. However, prior to construction of the infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the county engineer.
- F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.
- G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans.

9-SA-2: ROADS AND DRIVEWAYS:

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

9-SA-3: PARKING AND OFF STREET LOADING FACILITIES:

- A. Site Plan: The site plan for a conditional use permit shall include a detailed scale drawing showing the parking area plan including driveways, parking spaces, setbacks, landscaping, buildings, vehicle maneuver areas including firetrucks and refuse collection trucks, snow storage, and drainage.
- B. Accessory Parking And Loading Facilities Required: Accessory parking and loading facilities shall be provided as required herein for every building and structure erected, and every land use established after the effective date hereof; unless the commission or the board determines that the proposed parking is adequate.
- C. Required Spaces: The minimum number of spaces required is specified herein under the site and development standards for the specific use.
- D. Parking Space, Maneuvering Area And Aisle Dimensions: All parking spaces and on site vehicular circulation areas shall comply with the following minimum sizes:
 1. Parking Area Dimensions:
 - a. Minimum size parking spaces shall measure eight feet six inches by eighteen feet (8'6" x 18').
 - b. All parallel parking spaces shall measure a minimum of eight feet six inches by twenty two feet (8'6" x 22').
 - c. Recreational vehicle parking spaces shall measure a minimum of ten feet by twenty four feet (10' x 24').
 2. End Parking Space Maneuvering: A three foot (3') wide maneuvering area shall be provided for end parking spaces in single access parking areas as shown below.
 3. Vehicle Overhang:
 - a. Recreational Vehicles And Parking Spaces: Recreational vehicles and parking spaces are not allowed to overhang sidewalks, curbs or landscape areas.
 - b. Standard Size Parking Spaces:
 - (1) Landscaped Areas: Standard size parking spaces are allowed to overhang landscaped areas and curbs but this overhang shall not encroach into any required setback and this area shall not be considered in meeting any required percentage of lot to be landscaped.
 - c. Access To And From Streets: Parking areas must have safe, convenient, and unobstructed access to and from streets by means of a driveway not less than ten feet (10') wide nor more than forty feet (40') wide that extends onto the private property at least twenty feet (20') beyond the property line. Driveways to loading facilities will enable vehicles to leave and enter

streets in a forward direction.

- d. Driveways: All driveways shall be designed and constructed in accordance with the county approach policies.
- e. Surface: Parking areas and driveways shall be surfaced with asphalt, concrete, compacted gravel, and crushed rock, or other dust free, durable material.
- f. Surface Water Drainage: Drainage of surface water shall be provided that will be adequate to drain the surface of the parking area while preventing flows of water onto adjacent properties. Surface waters shall be managed in accordance with best management practices to protect or improve water quality.
- g. Screening: Parking areas containing more than ten (10) spaces shall be effectively screened on all sides adjoining residential uses by a wall, fence, or plantings not less than four feet (4') in height.
- h. Prohibited In Setback Zone: No part of a parking area shall be located within a required setback zone such as a side, front, or rear yard.
- i. Off Street Loading Facilities: Off street loading facilities shall be provided separately from parking spaces for commercial, industrial, and institutional uses. The facilities shall be adequate to provide loading and unloading without obstruction to the street or parking areas.
- j. Maintenance: Parking areas and off street loading facilities shall be maintained in good order, clear of debris, and shall not be used for any other use that interferes with or limits the intended use.
- k. Lighting: Only indirect lighting may be used to illuminate a parking area. See other lighting regulations in section 9-5B-2 of this chapter.

- 1. See parking diagram in section 9-5-4 of this chapter.

9-SA-4: LANDSCAPING:

A. Purpose And General Regulations:

1. Introduction:

- a. This section provides minimum standards for landscaping, walls, screening devices and lighting so as to promote the general welfare of the community. This is accomplished by encouraging the creation of an attractive appearance as well as screening from view any and all uses which may be unattractive to public view. Landscaping materials, including ground covers, shrubs and trees not only improve appearance, but also facilitate control of erosion, reduction of dust and glare, and visually soften building masses. Additionally, walls and screening devices allow for separation and aid in buffering incongruous and intense activities. Used together, landscaping, walls, screening devices and lighting help ensure privacy, aid in promoting logical land development and enhance property values. The county encourages the use of low water plant material in such a way that a lush appearance is presented. Plant material that is high in pollen production is discouraged. Also, extreme care should be exercised when using plants that are known to be poisonous. Noxious weeds shall not be used.
- b. Plants should be placed in such a way as to maximize survivability (i.e., low water use plants should not be placed in drainageways, and the use of frost tender plants should be limited to accent locations, not primary focal points).

2. Definitions:

3. General Regulations

- a. Applicability: The provisions of this subsection A3 shall apply to all new buildings, all new uses of land, and any addition to existing buildings and uses requiring a conditional use permit. Maintenance requirements of this section shall apply to all sites and uses where a conditional use permit was issued.
- b. Site Plan And Landscape Plan: The approved site plan and landscape plan shall be a part of the conditional use permit.
- c. Installation Of Walls, Screening Devices And Lighting:
 - (1) Required Prior To Issuance Of Occupancy Permit: Prior to issuance of an occupancy permit, the walls, screening devices and lighting shall be installed in accordance with the approved construction plans.
 - (2) Cash Deposit Or Letter Of Credit In Lieu Of Installation: In lieu of the installation of plant material or public art prior to issuance of an occupancy permit, a cash deposit or an irrevocable letter of credit in an amount guaranteeing the complete installation of the plant

material or public art within six (6) months may be accepted by the administrator. Failure to install the material in the six (6) month time period shall result in the forfeiture of the deposit or bond, and deemed to be a violation of this section.

- d. Strip, Excavate, Remove Topsoil Or Berm Up Soil On Site: No person, firm or corporation shall strip, excavate or remove topsoil nor shall they berm up soil on a site, except to accommodate an approved building, building addition or facilitate necessary and approved site improvements. These changes must be part of the approved site grading and stormwater management plan. This subsection does not apply to sites where permitted uses exist or are proposed.
 - e. Use Of Landscaped Areas: Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping.
 - f. Naturally Occurring Vegetation: Naturally occurring vegetation in good condition and conforming with the goals for landscaping herein can be included as essential parts of the plan. The boundary of groves or masses of trees can be shown on the plan in lieu of showing the location of each individual tree.
4. Maintenance:
- a. Responsibility For Maintenance: The landscape areas on site, as well as in the right of way, shall be maintained by the owner or owner's association (should the property be subdivided) or the lessee of the site. Any areas designated and intended for the purposes of on site water retention shall be maintained and reserved for that specific purpose. Any alteration or deterioration of those areas shall be considered a violation of this title and any applicable ordinance.
 - b. Replacement Of Plant Material: Any plant material that does not survive shall be replaced within thirty (30) days of its demise.
 - c. Removal Or Destruction Of Landscape Material: The removal or destruction of landscape material previously approved by the county shall constitute a violation of this title. Replacement of landscape material shall be of like size as that which was removed or destroyed.
 - d. Maintained In Accordance With Site And/Or Landscape Plan: Landscaping, irrigation systems, walls, screening devices, curbing and lighting shall be reasonably maintained in accordance with the approved site and/or landscape plan. Plant material shall not be severely pruned such that the natural growth pattern or characteristic forms are significantly altered.
 - e. Modification And/Or Removal Of Existing Landscaping: Modifications and/or removal of existing landscaping shall require prior approval.
 - f. Lack Of Maintenance: The lack of maintenance shall constitute a violation of this title.
- B. Landscaping; Standards Of Design:
- 1. Minimum Requirements: Each site to be developed under a conditional use permit shall be required to provide landscape areas equal to or exceeding the following minimum amounts:
 - a. Multi-Family Use: Each site for a proposed multi-family use shall have a minimum of thirty percent (30%) of the net site/lot area in landscaping.
 - b. Service/Commercial Use: Each site for proposed service/commercial use shall have a minimum of fifteen percent (15%) of the net site/lot area in landscaping.
 - c. Industrial Use: Each site for a proposed industrial use shall have a minimum of ten percent (10%) of the net site in landscaping.
 - d. Additional Landscaping: In addition to the minimum on site landscaping, there shall be landscaping in the entire area of the right of way, between street property line and back of street curb, road, back slope, or fill slope, except for approved driveways, walkways, bike paths, and snow storage areas.
 - 2. Future Commercial And Industrial Development: Future commercial and industrial development sites shall be landscaped in the first phase of construction, unless a phased plan is approved by the commission.
 - 3. Uses Adjacent To Multi-Family Residential Development: Fifteen (15) gallon size trees (of a nondeciduous variety) fifteen feet (15') on center shall be planted along any property lines of parcels developed for multi-family, commercial, office, or industrial uses which are adjacent to or separated by an alley from a multi-family residential development. Minimum width of landscape buffer shall be six feet (6') clear. For commercial/industrial users of over fifty thousand (50,000) square feet, see subsection B5 of this section.

4. Use Adjacent To Single-Family Residential Development: Where multi-family, commercial, office or industrial uses are adjacent to or separated by an alley or lesser separation from a single-family residential development, such trees shall be planted at ten feet (10') on center, with every other tree being a minimum twenty four inch (24") box size.
5. Commercial, Office Or Industrial Use Adjacent To Residence: Where a commercial, office or industrial user of over fifty thousand (50,000) square feet building area is located adjacent to a residence, the landscape buffer described in subsection B3 of this section shall be increased to fifteen feet (15') (adjacent to that user), with two (2) rows of trees along the interior side of the property line. Each row is to contain minimum fifteen (15) gallon trees SRaced fifteen feet (15') on center, staggered for maximum effect in buffering the two (2) uses.
6. Criteria For Trees Along Street Frontage: Trees shall be required along all street frontages according to the following criteria:
 - a. A minimum of one tree shall be planted for every twenty five feet (?5') of linear street frontage. The trees may be grouped or planted in groves;
 - b. Fifty percent (50%) shall be twenty four inch (24") box size or larger with the balance being minimum fifteen (15) gallon size;
 - c. The trees selected shall be compatible with the overall site and landscape plan as well as adjacent sites.
7. Standard Tree Planting Detail: All trees shall be planted and staked in accordance with the "Standard Tree Planting Detail" diagram in section 9-5-4 of this chapter. Plant sizes to be in accordance with Nurseryman Association standards.
8. On Site Water Retention Areas: All on site water retention areas, other than paved surfaces, shall be entirely landscaped and shall comply with the following criteria:
 - a. The retention areas shall not occupy more than sixty seven percent (67%) of the on site street frontage landscape area;
 - b. All retention areas shall maintain slopes no steeper than three to one (3:1).
9. Mounding And Berming: All mounding and berming shall have slopes no steeper than three to one (3:1).
10. Ground Cover: A minimum of fifty percent (50%) of the landscaped areas is to be planted with vegetative ground cover. Minimum size and spacing to be one gallon size plants at a maximum three feet (3') on center.
11. Landscape Designs: Landscape designs shall be compatible with adjacent properties. Selected stock shall be especially suited for this climate or shall be from native stock.

9-SA-5: FENCING:

- A. Substituted For Planting Screens: Fencing may be substituted for planting screens subject to the approval of the staff and the commission.
- B. Separation Or Screening: Fencing shall be installed to provide separation or screening as specified in the site or development standards for the specific use. A sight obscuring fence required by the commission for any conditional use shall be stained or painted a single solid color, shall not be used for advertising, and 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 lclses 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 PERFORMANCE STANDARDS

9-5B-1 NOISE:

- A. Commercial Or Industrial Activity: The noise emanating from any commercial or industrial activity shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed forty (40) decibels between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., and sixty (60) decibels at other hours at the property line if adjacent uses are not the same.

9-5B-2: LIGHTING:

- C. Standards:
 - 2. Turn Off Required: All nonessential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
 - 4 All Other Outdoor Lighting: All other outdoor lighting shall meet the following standards and at a minimum the standards in title 6, chapter 2 of this code:
 - a. The height of any light fixture or illumination source shall not exceed twenty feet (20').
 - b. All lighting or illumination units or sources shall be hooded or shielded in a downward direction so they do not produce glare or cause light trespass on any adjacent lot or real property as depicted in section 9-5-4 of this chapter.
 - c. Lights or illumination units shall not direct light, either directly or through a reflecting device, upon any adjacent lot or real property. Lighting should not illuminate the sky or reflect off adjacent water bodies or produce glare or cause light trespass on any adjacent lot or real property.
 - d. External lighting of the face of signs shall be placed above the sign and shielded and directed in a manner that the illumination source shall not be visible from any adjacent lot or real property. Sign lighting shall not reflect or glare beyond the face of the sign and immediately below the sign 1.
 - 5. Parking Areas, Walkways Or Similar Uses: All outdoor lights used for parking areas, walkways, and similar uses mounted on poles eight feet (8') or greater in height shall be directed downward. The light source shall be shielded so that it will not produce glare or cause light trespass on any adjacent lot or real property.
 - 6. Searchlights: Searchlights shall only be operated for special events or grand openings for a maximum of one week. Searchlights shall not be operated on residential or agricultural property.
 - 7. Mercury Vapor Lights: The installation of mercury vapor lamps is hereby prohibited.
 - 8. Flashing, Intermittent Or Moving Lights Prohibited: Flashing or intermittent lights, lights of changing degree of intensity, or moving lights shall not be permitted. This subsection shall not be construed so as to prohibit the flashing porch light signal used only while emergency services are responding to a call for assistance at the property, or holiday lights.
 - 9. Industrial And Exterior Lighting: Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, acetylene torch cutting, or similar processes shall be performed so as not to be seen from any point beyond the

- property line. Exceptions will be made for necessary repairs to equipment.
10. Sensor Activated Lights: Sensor activated lights, provided:
 - a. They are located in such a manner as to prevent glare and lighting onto properties of others or into a public right of way.
 - b. They are set to only go on when activated and to go off within five (5) minutes after activation has ceased.
 - c. They shall not be triggered by activity off the property.
 11. Towers, Power Lines And Power Poles: Lighting of radio, communication and navigation towers along with power lines and power poles, provided the owner or occupant demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting.
 12. Outdoor Lighting Plan: All applications for a conditional use permit shall include an outdoor lighting plan for the entire site which indicates how the above standards are to be met. The approved permit shall be a part of the conditional use permit and/or the building permit.

9-5B-4: EMISSIONS:

- A. Obnoxious Odors; Toxic Or Corrosive Fumes Or Gases: The emission of obnoxious odors of any kind shall not be permitted, nor the emission of any toxic or corrosive fumes or gases.
- B. Dust: Dust created by an industrial, commercial, or recreational operation shall not be exhausted or wasted into the air. All operations shall be subject to the standards in appendix C, fugitive dust 1. State air quality permits, when required, may be a condition of approval of the conditional use permit or may be required to be a part of the conditional use permit at the discretion of the commission.
- 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.

9-5B-5: DUST:

- A. Minimization Required: Dust and other types of air pollution borne by the wind from such sources as storage areas and roads, shall be minimized by appropriate landscaping, paving, oiling, watering on a scheduled basis, or other acceptable means.
- B. Created By Approved Operation: Dust created by any approved operation shall not be exhausted or wasted into the air. The standards in appendix C, fugitive dust 1 along with state air quality permits, when required, may be a condition of approval of the conditional use permit or may be required to be a part of the conditional use permit at the discretion of the commission.

9-5B-6: OPEN STORAGE:

All storage shall be located within an area not closer than twenty feet (20') from the street right of way line and shall be enclosed with a heavy wire or board fence not less than six feet (6') high, or by plantings the same height. Lumber, coal, or other combustible material will be fully accessible to firetrucks at all times. Open storage of toxic or hazardous materials shall not be allowed.

9-5B-7: FIRE PROTECTION:

Provisions must be made to implement pre-fire activities that may help improve the survivability of people and homes in areas prone to wildfire. Activities may include vegetation management around the home, use of fire resistant building materials, appropriate subdivision design, removal of fuel, providing a water source, and other measures. Recommendations of the applicable fire district will be considered.

9-5F-1: COMMERCIAL USES; SITE OR DEVELOPMENT STANDARDS:

Commercial uses requiring a conditional use permit shall meet the following site or development standards, except as may be modified by a PUD:

- A. Minimum Lot Area:
 1. The minimum lot area shall be unlimited herein except for the provisions of subsection [9-5-3A2](#) of this chapter, and except the minimum area for a ski area shall be forty (40) acres.
 2. Frontage on a public or private road shall not be less than seventy five feet (75') for each lot or parcel.
 3. No frontage is required for recreation business.
- B. Minimum Setbacks:
 1. The minimum setbacks for neighborhood businesses shall be thirty feet (30') from front, rear, and side street property lines and ten feet (10') from all side property lines.

2. The minimum setbacks for service and recreation businesses shall be fifty feet (50') from rear, front, and side street property lines and thirty feet (30') from side property lines.
- C. Maximum Building Height And Floor Area:
 1. Building heights shall not exceed thirty five feet (35') above the lower of the existing or finished grade.
 2. The building size or floor area shall not exceed the limitations of subsections 9-5-3A and C of this chapter and title 6, chapter 1 of this code.
 3. No building or combination of buildings may cover more than forty percent (40%) of the lot or parcel, except recreation business buildings may not cover more than one percent (1%) of the lot and agricultural business buildings may not cover more than twenty percent (20%) of the lot or parcel.
- D. Site Improvements:
 4. Parking spaces for recreation businesses shall be provided at the rate of one per each four (4) occupants or as determined by the commission.

TITLE 10 SUBDIVISION REGULATIONS

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).
- A. 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.

27. RECOMMENDATIONS / COMMENTS BY STAFF:

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 Letter received June 22, 2026.
- 2) Copy of Slide Presentation to Board on March 30, 2026. This was also given to the PZ Commission for review in Staff Report dated May 14, 2026.
- 3) Applicant's Submittals Received after Board's Decision on March 30, 2026
 - Revised submittal received April 9, 2026, and April 10, 2026
 - Revised Preliminary Plat (7 Sheets)
 - Revised Renderings
 - Email from Matt Parks regarding CCRs and development agreement
 - Draft CCRs
 - Email correspondence of April 29, 2026, and April 30, 2026, with an ITD permit for re-work of existing approach to a 28-ft commercial approach to be shared with the School District. (Permit 3-26-328-A)
- 4) Board Meeting Minutes of March 30, 2026 – Relevant Portions
- 5) PZ Commission – June 11, 2026
 - PZ Commission Facts and Conclusions
 - PZ Commission Meeting Minutes and Staff Report

- 6) Maps / Pictures
 - Location Map
 - Aerial Map
 - Nearby Conditional Use Permits as of August 2025
 - Assessor Plat – T.18N R.3E Section 33
 - Google Maps – Aerial View - 2025
 - Google Map Street Images – 2024
 - Vandal Flats Subdivision Sheet 1
 - Photos taken August 19, 2025; March 13, 2026; April 12, 2026; April 22, 2026; and June 9, 2026
- 7) Idaho Code
 - Idaho Code 67-6519 Application Granting Process
- 8) List of Exhibits
- 9) All Agency Responses, Including Exhibits
- 10) All Public Comments, Including Exhibits
- 11) Compatibility Rating
 - Blank Compatibility Rating with Instructions
 - Staff's Compatibility Rating
- 12) Standard Plat Notes and CCR Recommendations
- 13) Proposed Conditions of Approval

END OF STAFF REPORT