

Valley County Planning and Zoning Commission

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Ken Roberts, Chairman
Carrie Potter, Vice-Chair

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

MINUTES

Valley County Planning and Zoning Commission
August 13, 2026
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 4:00 p.m.

A. OPEN: Meeting called to order at 4:10 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:	Present
PZ Planner II – Lori Hunter:	Present

B. MINUTES: Commissioner Schneider moved to approve the minutes of July 9, 2026. Commissioner Potter seconded the motion. Motion passed unanimously.

Chairman Roberts announced that tonight is Commissioner Schneider's last day on the Commission and presented her with a plaque of appreciation. Commissioners stated they appreciate Commissioner Schneider's commitment, preparedness, insightfulness, and fairness.

C. OLD BUSINESS:

- 1. VAR 26-005 Poulsen Setback Variance:** Marsha Poulsen is requesting a variance to relax the front yard setback from 30 feet as described on the Pelican Heights subdivision plat to 10 feet due to the slope of the property. The 2-acres site is Pelican Heights Subdivision Lot 5, addressed at 1497 Pine Ridge Drive, in the NESW Section 11, T.14N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Tabled from July 9, 2026.**

Chairman Roberts introduced the item and asked if there was any exparte contact or conflict of interest; there was none. Commissioner Mabe moved to remove VAR 26-005 Poulsen Setback Variance from the table. Commissioner Schneider seconded. Motion passed unanimously.

Director Herrick presented the staff report, displayed survey on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Karla Gearheard, 21 Pelican Place, is opposed. (August 7, 2026)
- **Exhibit 2** – Marsha Poulsen, the applicant, submitted photographs of the site. (August 13, 2026)

Chairman Roberts asked for the applicant's presentation.

Marsha Poulsen reviewed her additional submittals of the survey and pictures. The pictures include the distances from the property line and roadway and existing topography. Without the variance there would only be 30-ft to build, and the construction would require a lot of structural support. Other existing homes in the area do not meet the required setbacks. Ms. Poulsen referred to Exhibit 1 where the measuring tape starts at the roadway but not the property line. These pictures were taken by trespassing. The Road Department stated a culvert was not necessary at the driveway location.

Ms. Poulsen responded to questions from commissioners. The subdivision plat states a 30-ft setback minimum. There is currently 20 feet of unimproved road right-of-way between the constructed road and the property line. Director Herrick clarified that the road may be constructed off-center of the right-of-way.

Ms. Poulsen stated that the parcel is listed for sale at this time in case a variance is not approved and she is unable to build. Without the variance, the cost nearly doubles to build a modest home to over a million dollars due to the topography.

The submitted topographical survey with 5-ft intervals was reviewed by Commissioners and Staff on the projector screen. The lot is two acres in size.

Chairman Roberts concurred that it would likely be more expensive to construct on this site. The question for the Commission is if there are naturally occurring obstacles that can or cannot be solved.

Chairman Roberts opened the public hearing and asked for proponents, undecided, and opponent. No one chose to testify.

Chairman Roberts closed the public hearing. The Commission deliberated.

Commissioner Mabe stated there is not a hardship that cannot be overcome in a reasonable manner. Construction would cost more but that comes with this particular lot and area. Commissioner Oyarzo and Chairman Roberts concurred. Variances are reserved for special cases. This site does not meet the requirements to approve a variance.

Commissioner Mabe moved to recommend denial of VAR 26-005 Poulsen Setback Variance to the Board of County Commissioners. Commissioner Oyarzo seconded the motion. The motion passed unanimously.

Director Herrick stated this item will be scheduled with the Board of County Commissioners. At that time, the applicant can discuss a 20-ft versus a 30-ft setback. The plat requires a 30-ft setback from the front property line; Valley County Code requires a 20-ft setback.

D. NEW BUSINESS:

4:30 p.m.

- 1. CUP 26-014 Ore and Husk Office & Warehouse:** James Golden is requesting a conditional use permit for an office and warehouse for online vehicle sales. An individual septic system and an individual well are proposed. The 1-acre site is parcel RP18N03E289270, addressed at 11 Pearson Lane, located at the southeast corner of the intersection of Highway 55 and Pearson Lane in the SESE Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

A similar application was previously approved as CUP 24-28; however, the approval expired on October 22, 2025. CUP 24-28 limited the site to four outdoor parking spots and required that all inventory for sale be located inside the building.

The site would be accessed from Pearson Lane. Staff is unsure if the submitted landscape plan is detailed enough for code compliance.

Chairman Roberts asked for the applicant's presentation.

James Golden, McCall, stated that proposed landscaping would be along Pearson Lane, not along Highway 55, based on the previous CUP approval. The site plan meets the 100-ft setback from property line along the highway. He imports vehicles for sale. Sales occur through a website, and vehicles are usually sold to buyers outside Idaho. He would keep 12 to 20 cars in stock. He also has another warehouse in Horseshoe Bend that is used for vehicle storage. This site would be used for a showroom and storage for cars ready to sale. His vehicle dealer license requires four spots outside for inventory. He has had this license for 10 years.

The use was originally approved in 2024. The CUP expired due to lack of construction based on commercial loan interest rates and a delay in obtaining construction funds. No fencing planned. No outside storage other than the four vehicle sites. Vehicles are delivered to the site in Horseshoe Bend. A 20-ft trailer and pickup transports vehicles from Horseshoe Bend to Valley County.

The size of lot, setbacks, and building design was discussed. There would be four garage doors in the front of a 40-ft wide building. Customers do not typically come to site. Sold vehicles are usually hauled to either the Horseshoe Bend or Eagle areas. Large transport vehicles would not come to this site. Office hours are mandatory due to dealer license requiring one hour per week. Customers could schedule an appointment to see a car; however, most are sold online.

Chairman Roberts referred to the lack of details in the landscaping plan for a site along the designated Scenic Byway. He also referred to the questions on page 10 of the Staff Report.

Mr. Golden stated he is open to suggestions and requirements for the landscaping plan. He is willing to make it look nice. All exterior lights would be downward facing and there would be no lit signs. He removed the proposed kitchen from 2024 original application and reduced parking spaces. The lot is 208 x 208-ft in size. There would be no storage of fuel on the site.

Commissioners discussed the submitted site plan that shows landscaping and the original 16 parking spots, not four.

Chairman Roberts opened the public hearing and asked for proponents, undecided, and opponent. No one testified.

Chairman Roberts closed the public hearing. The Commission deliberated. Commissioner Mabe stated the applicant has answered most questions within the staff report. A revised landscaping plan could be left to Staff approval. Commissioner Schneider and Commissioner Potter stated they were okay with that condition. Landscaping should include natural vegetation, grasses, and rocks in setback areas, maybe some trees or shrubs in south portion of parcel. Commissioners concurred that they do not want all the landscaping to be along Highway 55 as it would be removed when the highway width is expanded.

Commissioners would also like the applicant to submit a rendering of the building to Staff, including the colors of the building. Earth tones shall be required. The proposed glass doors, interior lighting, and resulting glow were discussed.

Any change in nature or scope would require a new conditional use permit either by this owner or a future property owner.

Commissioner Schneider moved to approve C.U.P. 26-014 Ore and Husk Office & Warehouse with the stated conditions.

COA: No outside storage.

COA: The building shall be constructed of natural earth colors.

COA: Revised landscape plan shall be submitted to Staff.

COA: Landscaping shall not block visibility at the Pearson Lane and Highway 55 intersection.

COA: No interior lighting in areas with windows or glass doors between 9 p.m. and 7 a.m.

Revised COA # 13: Landscaping shall be maintained. If landscaping dies, it must be replaced. Noxious weeds must be controlled using proper land management principles. ~~Any berms shall have slopes no steeper than three to one (3:1) and be planted with vegetation.~~ No berms allowed.

Revised COA # 17: No fencing.

Commissioner Mabe seconded the motion. Motion carried unanimously.

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

4:58 p.m.

- 2. CUP 26-015 Resolution Minerals RV Site:** Resolution Minerals Limited is requesting a conditional use permit to place RVs for use as employee housing. A total of six RVs would be connected to an existing septic system and public water and utilities. The 0.34-acre lot, addressed at 250 Westside Ave, is School Addition Subdivision Lot 7 Block 1 in the SWSW Section 21, T.19N, R.8E, Boise Meridian, Valley County, Idaho. Action Item.

Neither the applicant nor a representative were present at 4:58 p.m. It is possible that the applicant was delayed due to the Highway 55 road closure. The item will be considered later during this meeting to give the applicant time to arrive.

- 3. CUP 26-016 Lafon Solar Panels:** Stephen Lafon is requesting a conditional use permit to place eight 45-inch x 68-inch solar panels on the roof of 200-sqft shed. The panels would provide power for an existing workshop. The 80-acre parcel RP11N04E047205, addressed at 280 Bacon Creek Rd, is in the SE ¼ Section 4, T.11N, 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 GIS map and site on the projector screen.

Chairman Roberts asked for the applicant's presentation.

Stephen Lafon, Magnolia, Texas, stated the original intent was to connect the workshop to Idaho Power. However, this would have been cost prohibitive due to a needed easement across private property plus 300-ft of power line. The solar panels would be approximately one-third the cost. The existing workshop has high walls and is not oriented for solar efficiency. The shed will have a lower roof line, be safer and easier to maintain, and oriented for solar efficiency. The 10-ft x 20-ft shed is partially constructed; however, the solar panels have not yet been added. Tod Costello, Code Compliance, confirmed setbacks were met. The solar panels will be southerly facing to allow better capturing of evening sun. The panels will be on top of roof with about a 3-in gap. They will not be tilted but will follow the contour of the roof line.

Chairman Roberts opened the public hearing and asked for proponents, undecided, and opponent. No one chose to testify.

Chairman Roberts closed the public hearing. The Commission deliberated. Commissioners concurred that this is a good site for solar with no visibility issues for neighbors. There were no issues or concerns.

Commissioner Schneider moved to approve C.U.P. 26-016 Lafon Solar Panels with the stated conditions. Commissioner Potter seconded the motion. Motion carried unanimously.

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

5:10 p.m.

- 4. VAR 26-007 Kowalczyk Lot Coverage Variance:** Margie Schroeder is requesting a variance to increase the maximum lot coverage from 35% to 50.9%. The 0.44-acre site is Crane Shores Subdivision Lot 31 Block 2, addressed at 16 Golden Eagle Court, in the NW ¼ Section 17, T.16N 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 GIS map and site on the projector screen.

The lot coverage definition was changed to control runoff from the site on January 1, 2026. The definition previously did not include patios, asphalt, concrete, and other non-permeable surfaces.

Chairman Roberts asked for the applicant's presentation.

Margie Schroeder of Schroeder Enterprises INC and Joseph Kowalczyk, the property owner, presented the request and responded to questions from Commissioners.

The variance is requested due to the long flag lot and the HOA requirement that all driveways be paved or concrete, not because the home is too large. The history and timing was presented. The property owners spent more than a year planning and developing the plans for the home. They were not aware of lot coverage change until completed building permit plans were submitted in June 2026. The proposed home, including the roof eaves, represents a 28% lot coverage. Adding the covered porches and patios would increase lot coverage to approximately 31%. The 3.594-ft long paved driveway would increase lot coverage to approximately 50%. The driveway is necessary.

Mr. Kowalczyk is a professional landscaper in the Boise Valley with over 25 years of experience in landscaping, grading, drainage, and storm water management. He understands firsthand the importance of properly managing water on a property and preventing runoff from negatively affecting neighboring properties. He has prepared a landscape and drainage plan for the lot. Director Herrick stated that if the variance is approved, such a plan would be approved by the Valley County Engineer prior to construction.

Chairman Roberts opened the public hearing and asked for proponents, undecided, and opponent. No one chose to testify.

Chairman Roberts closed the public hearing. The Commission deliberated. Commissioners concurred that this is a unique issue due to the long flag lot. The lot was platted prior to approval of the ordinance changing the lot coverage definition.

Commissioner Schneider moved to recommend approval of VAR 26-007 Kowalczyk Lot Coverage Variance to the Board of County Commissioners. Commissioner Mabe seconded the motion. Motion passed unanimously.

This was a unanimous decision; therefore, the Valley County Board of County Commissioners are not required to have a public hearing prior to making a decision.

5:30 p.m.

5. CUP 26-015 Resolution Minerals RV Site: Resolution Minerals Limited is requesting a conditional use permit to place RVs for use as employee housing. A total of six RVs would be connected to an existing septic system and public water and utilities. The 0.34-acre lot, addressed at 250 Westside Ave, is School Addition Subdivision Lot 7 Block 1 in the SWSW Section 21, T.19N, R.8E, Boise Meridian, Valley County, Idaho. Action Item.

The Commission discussed CUP 26-015. Neither the applicant nor a representative had arrived by 5:30 p.m. However, Chairman Roberts wished to accommodate those who have made the effort to come to the meeting and put their testimony on record. The applicant would be able to listen to the meeting recording.

Nikki Saleen, 555 Orchard Street, Yellow Pine, also submitted a letter in opposition. There is a lot of emotion of residents regarding the character of Yellow Pine. If approved, where would this type of use stop. There are multiple lots in Yellow Pine that have multiple RVs. This is not what she wants to see and appears to be a money grab at the expense of other residents. She questioned if the new water system will be able to support these additional people. Many septic tanks in Yellow Pine are old and not well maintained; Ms. Saleen has personal knowledge of the inadequacy of the septic system on the proposed site; she had an RV on this property previously and it was slow to drain.

Ann Forster, 320 Westside Ave, state Yellow Pine has been her primary residence since 2013. She lives two lots away from the proposed site. The applicant is already noncompliant. The use of the lot by the mining company has already increased traffic in the area. There are now seven electric units on the property. There were six RVs on the site in Spring 2026. Currently there are four RVs on the lot. There are also additional company and/or employee vehicles parked on U.S. Forest Service land across the road, including a large water truck and large trailer. She previously submitted an opposition letter; a petition in opposition has also been submitted.

Chairman Roberts stated this testimony will be part of the record for CUP 26-015.

Short break to 5:48 p.m.

6. CUP 26-017 West Mountain Aggregates Rock Pit: West Mountain Aggregates LLC is requesting a conditional use permit to operate an existing rock pit. Operations would include extraction, crushing, screening, and sale of native rock and gravel to local construction and road-maintenance market. The operation would consist of a portable, contract-supplied crushing and screening plant during the daylight hours in the non-winter season. Access is from Red Ridge Road, Old Council Road, and West Mountain Road. The 242.90-acre parcel, RP17N02E110605, is in the SW ¼ Section 11, T.17N, 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 GIS map, and site on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Email chain from the applicant, Flying S Title and Escrow, and Valley County Staff regarding removal of the conservation easement shown on the Assessor Plats. This easement was vacated by a Court order. (October 28, 2025; October 29, 2025; August 11, 2026; August 12, 2026)
- **Exhibit 2** – Cody Janson, Parametrix and Valley County Engineer, commented on governing standards and permits, existing right-of-way and variances, roadway geometry and structural section, drainage and erosion control, traffic and haul-route information, and project generated improvements and County conditions. The letter was generated based upon questions the applicant had for the Valley County Engineer and Road Department concerning what improvements would be required for Old Council Road. (August 10, 2026)
- **Exhibit 3** – Ryan Waite, Idaho Department of Lands, stated the attached reclamation plan draft 3 is sufficient to cover IDL requirements, pending any comments from IDEQ, IDFG, or IDWR. (August 13, 2026)
- **Exhibit 4** – Amy Geppert is opposed to added gravel trucks in the Blackhawk Lake and West Mountain Road area. (August 12, 2026)
- **Exhibit 5** – Erin Ferguson, Blackhawk Lake, is opposed. (August 12, 2026)
- **Exhibit 6** – Shelley Lupher, Blackhawk Lake Estates, requested an expansion of the notification area. (August 12, 2026)
- **Exhibit 7** – Mike and Bronny Bowman, Blackhawk Lake Estates, are opposed to the additional noise and trucks. (August 12, 2026)
- **Exhibit 8** – Mark Lupher, JR., Blackhawk Lake POA President, is opposed to the lack of notification, to using Blackhawk Lake Drive for access, and to the increase in overweight vehicle traffic on West Mountain Road. (August 12, 2026)
- **Exhibit 9** – Nori and Behzad Cohan, Blackhawk Lake, are opposed. (August 12, 2026)
- **Exhibit 10** – Bill Geppert, 20 Woodduck Lane, is opposed to more mining trucks in the area. (August 12, 2026)
- **Exhibit 11** – Jeff Huang, Blackhawk Lake Estates, is opposed due to adverse impacts on

property values; infrastructure damage; and safety, noise, and nuisance hazards. (August 12, 2026)

- **Exhibit 12** – Gary Raney, 474 Blackhawk Lake Drive, is opposed due to noise, dust, and road damage. (August 12, 2026)
- **Exhibit 13** – Eric Borchers, 195 Northwood Court, is opposed to additional truck traffic on West Mountain Road in within the Blackhawk neighborhood roads. (August 12, 2026)
- **Exhibit 14** – Christy and Richard Jones and Judy and David Johnson, 490 Blackhawk Lake Drive, are opposed to 20-40 daily dumps trucks on their neighborhood roads, the increased noise, and increased fire danger and fire insurance. (August 12, 2026)
- **Exhibit 15** – Jana Simpson, Blackhawk Lake Subdivision, is opposed to the increase in dust and noise due to dump trucks. (August 12, 2026)
- **Exhibit 16** – Richard Rawlings, 11 Loon Point Court, is opposed to the large numbers of proposed gravel trucks. (August 12, 2026)
- **Exhibit 17** – Kirk Prall, Blackhawk Lake, is opposed due to noise, dust, and proposed use of a private road. (August 13, 2026)
- **Exhibit 18** – Russ and Tanya Meyer are opposed to the proposed dump trucks and increased noise, dust, and increased fire risks. (August 13, 2026)

The site, Old Council Road, the location of the Blackhawk Lake developments, and the Soulen Pit were viewed on the projector screen. The Commissioners and Staff reviewed the Reclamation Plan. The final reclamation includes a flat parking area.

Access and the status of Old Council Road was discussed. Old Council Road was validated as a public road in May 2025 by the Board of County Commissioners. It has historically provided access to the FAA site, USFS land, and private property. The Board is discussing the use of Old Council Road on Monday, August 17, 2026. Part of the discussion is whether or not the road can be plowed during winter. Previously the Board assumed the road to be an over-the-snow route with grooming for winter use. This discussion would not affect the proposal. Maintenance and improvement of Old Council Road is a discussion for the Board of County Commissioners. There are also easements through Blackhawk Lake Estates Phase 5 and a platted road to the adjoining parcel.

Chairman Roberts asked for the applicant's presentation.

Leo Stoddard, McCall, of West Mountain Aggregates LLC, and Alex Gross of Hawley Troxell, Boise, legal representative, presented information and answered questions from Commissioners. Mr. Stoddard owns 1500 continuous acres. The site was previously used as a rock pit. Mr. Stoddard proposes to disturb about five acres. The operation would run six months of the year. There would be an average of 20 haul loads per day. A porta-potty would be available at the site. The nearest residence is over a mile away and the rock pit would not be available from West Mountain Road. The closest neighbor is a much larger rock pit. Mr. Stoddard is working with the Board of County Commissioners on a road maintenance agreement. Mr. Stoddard does require year-round access. He would share the road right-of-way with snowmobiles.

The anticipated lifespan of the rock pit is 15 years. Mr. Stoddard explained the discrepancy in the application. The State required 20 acres for reclamation. The latest reclamation plan is for 18 acres. However, he only plans to excavate five acres. The existing pit is approximately one acre in size. The pit has historically been used by the Blackhawk developments for rock. Mr. Stoddard has been using the basalt rock to improving his access roads. Director Herrick had informed Mr. Stoddard that adding a crusher to the site would require a conditional use permit.

There was further discussion on mining depth, reclaiming surfaces, and average depth of material.

Mr. Stoddard does not plan on blasting as the rock is fractured basalt.

Mr. Gross responded to the questions in the Staff Report. The conservation easement was terminated in 2011. Red Ridge Road would provide the required frontage. The fugitive dust control plan was provided on August 6, 2026. The unrestricted easement to the north of the site does not specify or limit the type of use. The applicant believes he has legal access across the roads within Blackhawk Lake Estates Phase 5 Subdivision. However, the operation would primarily use the Old Council Road; perhaps small loads would move through the northern access. Twenty loads per day is not a whole lot of trucks. Blackhawk Lake Drive is paved. The applicant is agreeable to a condition requiring dust abatement in the Blackhawk area

Mr. Gross believes the standards for Valley County Code 9-5F.2 have been met or otherwise addressed in conditions of approval. Staff's compatibility rating of +33 shows that the proposal would not have unreasonable negative impacts on adjacent property if the terms of the application are satisfied. The project would not impact the neighboring properties nor place any unreasonable burden on the public infrastructure. The applicant has made application to the County to maintain Old Council Road and improve it at his expense including improving the road to County standards. He is also willing to either allow for snowmobile traffic on the road or create a completely separate snowmobile trail. He has also offered the County an easement for recreational parking on his property to alleviate some of the parking problems along West Mountain during winter.

Mr. Stoddard requested that the Commission find that he should have year-round access for security. He is willing to work with staff on additional conditions

Access was discussed further. From the site one travels two miles on Red Ridge Road, then 1.5 miles on Old Council Road to West Mountain Road. Year-round use by the property owner and winter recreation access was discussed. The applicant would like to maintain recreational access and have year-round access to his private properties. Valley County Parks and Recreation did not comment on this proposal. The PZ Commission is reviewing the land use, not Old Council Road. Chairman Roberts stated the proposed use has a positive compatibility rating but only when there is adequate mitigation. Conditional of Approval # 19 requires a Development Agreement. Director Herrick stated there has been no discussion on mitigation for West Mountain Road or Smylie Lane at this time. That discussion would be part of negotiation between the Board and applicant for development agreement and off-site mitigation. The Commission can make specific recommendations to the Board.

Proposed hours of operation are 7:00 a.m. to 7:00 p.m., Monday – Saturday. Two accesses are proposed for both safety and fire concerns. There will be some limited traffic going north. Twenty (20) trips on average were proposed in the application, both north and south routes combined. Mr. Stoddard would like to increase that to an average of 30 trips per day. Commissioners concurred that re-noticing would need to occur to include the increase. The Commissioners asked about limiting the number of trips to the north. Applicant does not want to restrict access to the north; three miles of road have been constructed. The access roads were viewed on the GIS map. A 28-ft wide roadway has been constructed by Mr. Stoddard from the access at Chloe Court. Another roadway has been improved to Old Council Road.

Commissioners reviewed the fugitive dust report that was submitted on August 6, 2026. Rock has recently been added to the private roads.

The applicant has a 15-year phasing plan. Reclamation timeline, the reclamation plan (**Exhibit 3**), and the \$40,000 reclamation bond was discussed. Mr. Gross stated for this smaller area, it would be hard to reclaim a small portion while extraction was still occurring. The State of Idaho will hold the bond until the end of lifespan or recalculate if Mr. Stoddard applies after 15 years.

The proposed conditions of approval and additional mitigation measures were discussed. The applicant was agreeable on limiting hours of operation and limiting access by haul trucks on weekends thru the Blackhawk Lake Phase 5 Subdivision. Engine / exhaust breaks prohibited in residential areas, covering loads, and adequate amount of freeboard to reduce rock loss on corners was discussed. Mr. Stoddard was amenable to five-year review of the conditional use permit.

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.

Pete Fitzsimmons, 8 Sawtooth Court, stated neither the property manager nor homeowners board at Blackhawk Lake were aware of the proposed northern route until yesterday. Mr. Fitzsimmons primary concern is West Mountain Road which is already beyond its capacity to handle heavy trucks. Breakup limits are not enforced. There is road and shoulder damage due to heavy vehicle use at excessive speed (**Exhibit 19**). A "Rough Road" sign has been posted. The corner at Wisdom Road and West Mountain Road intersection had a large number of rocks on the road.

Director Herrick stated that the Road Department has hired a new Road Director, is hiring personnel, increasing budget, and making plans to address these issues throughout the County.

Jason Colton, 280 Wisdom Road, stated the applicant intends to have a limited amount of northbound traffic. However, this industry has the inability to self-regulate. The road is covered in rock due to leaky tailgates and leaky bellydumps. He estimates 300-400 trucks per day drive past his house located on a narrow section of Wisdom Road. Noise from the trucks is loud as the haul trucks use the engine breaks on flat and level ground near his home. A belly dump drove south past his house at 4:45 a.m. and truck traffic continues past 9:00 p.m. He is concerned that the application requests daylight hours. There are no shoulders on the road. This afternoon, there were two trucks heading north and two trucks heading south, passing on a very narrow section of road. Bicyclists have been run off the road and he is unable to safely walk along the road. The Commission should consider all impacts on the surrounding community.

Léa Albright., 3731 West Mountain Road, had concerns regarding the increased truck traffic. She stated the noise from trucks starts at 4:30 a.m. She has complained to Planning and Zoning, Road Department, Sheriff Office, and Idaho State Patrol. The roadway is also used by bicyclists, joggers, and recreational traffic. Breakup limits are not being enforced. Any new gravel pits should provide their own scales. Heavy truck traffic is destroying the northbound lane.

Shelly Luper, 200 Northwood Court, formerly requested that the notice radius be expanded; 300-ft is not sufficient. Noise is a concern. The truck drivers will want to use the paved roads through Blackhawk Lake subdivision. Rocks are all over road; this is a safety concern.

Eric Young, Chad Loop, McCall, not against the proposal but has concerns. Rock is needed in Valley County. However, we also need the infrastructure that can support the gravel pits. West Mountain Road cannot handle the heavy truck traffic. He has had to stop at the sharp corners due to large trucks using the full roadway on the corner. Restrictions are needed for safety.

Wyatt Albright, 3137 West Mountain Road, stated the applicant did not mention scales to regulate the amount of load for each truck. The roads were not designed for this weight, regardless of which directions the trucks go. He is concerned with impacts to the public roads and long term sustainability. The roads were not designed for the additional residential traffic that is now occurring. Extending the use for truck traffic that is being unregulated for weight limits is causing further damage. There has been no repair to the road substrate. He is not opposed to the rock pit but appropriate action plans with the Road Department are needed. There should not be future mitigation but appropriate rules prior to use.

Chairman Roberts asked for rebuttal from the applicant.

Mr. Gross stated the current request is for the land use, not to solve Valley County's road issues. Most concerns mentioned are broader systemic issues that need to be addressed by the Board of County Commissioners and the Road Department. This is a small operation willing to mitigate proportional impacts. The applicant will limit the freeboard in the haul trucks so trucks are not spilling rock onto the road. This is an isolated location, expanding the notice radius to 1500-ft would not help in this case. The proposal was properly noticed. Notice signs were posted both on the property and at the Old Council Road x West Mountain Road intersection. Hours of operation and the number of trucks would be limited.

Mr. Stoddard stated he also regularly uses West Mountain Road and agrees with the complaints of how bad the road has been. However, there is minimal traffic on this portion of the road. He has not seen the spilled rocks that others mentioned.

Chairman Roberts stated that good points were raised by the public. Some will need to be addressed at a different forum.

Commissioner Mabe asked how Mr. Stoddard would ensure compliance with breakup limits for his operation. Mr. Stoddard replied that he would have scales at the site.

Commissioner Schneider stated the north route would be a shorter route for a truck but goes through a residential neighborhood. Mr. Stoddard replied that there is a 70-ft right-of-way that accesses almost 3000 acres outside the subdivision. This subdivision does have larger lots. The access road to the south is better constructed; 20 loads a day is not a lot. There is a very level road to the north and very few people in the development at this time.

Mr. Gross added that the number of trucks could be reviewed at the proposed five-year review. The access predates the platted subdivision.

Chairman Roberts stated the Commission cannot deny legal access. However, conditions can be placed on the use of the land for mitigation of this application, such as recommending access to the south.

Chairman Roberts closed the public hearing. The Commission deliberated. Proposed conditions were discussed. Red Ridge Road is an existing road and meets frontage requirements. The number of trucks using the north route could be limited. Commissioner Schneider did not believe that operators would self-limit; why should the Commission allow trucks to go through a residential subdivision when another option using a County road exists? She preferred to prohibit any vehicle traffic associated with this conditional use permit from using the northern access. Chairman Roberts stated that such a condition would not stop other traffic including logging and personal use. Commissioner Schneider also wanted to make sure Old Council Road is still available for recreational users, including during the winter.

There was additional discussion. Mr. Stoddard is not proposing year-round use of the rock pit, only six months. He did want winter access for security reasons.

Chairman Roberts allowed clarification by Mr. Gross. He reiterated that operations would occur six months of the year. However, year-round access is needed for security of the site as equipment will be left over winter. [No new information was provided; thus, additional public comments were not taken.]

Commissioners can recommend issues relating to road development agreement. Commissioners desired to maintain snowmobile/recreational access on Old Council Road. The public has made good comments regarding the overall road infrastructure. Commissioner concurred that road infrastructure needs to be dealt with by Valley County. A funding mechanism is needed.

The Commissioners further discussed limiting use of the northern access through Blackhawk Lake Estates Phase 5

Mr. Gross called for a Point of Order. He clarified that Mr. Stoddard is agreeable to the haul road limitation. However, sometimes larger equipment, such as a crusher, might need to use the northern access route due to restricted turn radius on Old Council Road. This would be early in the spring and later in the year as equipment is brought to and from the rock pit site.

The average number of trucks per day and limiting access was discussed. Limiting the number of trucks per week instead of per day would provide flexibility. Changing the proposed review date to two years instead of five would allow a quicker response to any issues raised by the public, the applicant, or Valley County.

Commissioner Mabe moved to approve CUP 26-017 West Mountain Aggregates Rock Pit with the conditions as stated and:

- COA:** Must do dust abatement on any unpaved road internally and provide dust abatement in the Development Agreement.
- COA:** Encourage reclaiming portions of property when room allows.
- COA:** Trucks should have adequate freeboard so as not to lose rock along the route.
- COA:** No use of engine brakes in residential areas. This restriction must be posted on-site.
- COA:** Shall have a two-year review in January 2029.
- COA:** Shall have scales on site to ensure compliance with road breakup limits.
- COA:** Material hauling trucks related to the conditional use permit shall not use the northern access through Blackhawk Lake Estates Phase 5.
- COA:** Number of trips per day can be flexible but are limited to 120 trucks per week.
- Revised COA # 13:** Shall work with Valley County Road Department and Planning and Zoning Director on a Development Agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners. The PZ Commission recommends that both West Mountain Road and Smylie Lane should be included.

Commissioner Potter seconded the motion. Motion carried unanimously.

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

7:44 p.m.

- 7. CUP 26-018 Nokes Elo RD Solar Panels:** Donna Nokes is requesting a conditional use permit to construct an 11-ft x 68-ft 3-inch ground-mounted solar array to power the property owner's residence. The 4.78-acre parcel RP18N03E234956, addressed at 1270 Elo Rd, is in the NESW Section 23, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Commissioners and Staff discussed the size of the proposed arrays, residential use, and commercial solar arrays.

Director Herrick stated that the application stated residential use. The property owner would make money by selling excess power to Idaho Power.

Chairman Roberts asked for the applicant's presentation.

Brittany Dunn, McCall, represented the applicant who was unable to make the meeting due to the Highway 55 road closure. She stated that typically the kilowatt size determines if an array is commercial. Approximately two years, arrays producing over 100 kW were designated as commercial. She believes this proposed system is 22 kW. The panels would be anti-reflective.

Commissioners referred to the response letter from the McCall Airport Manager, that mentioned both array height and reflectiveness and the FAA 7460-1 form.

Chairman Roberts opened the public hearing. There was no one in the room to testify.

Chairman Roberts closed the public hearing. The Commission deliberated.

Commissioners had no concerns. A 100-kW array would be huge; most houses would have a maximum of 30 kW. Valley County Code could limit residential use based on the highest monthly usage.

Commissioner Mabe moved to approve C.U.P. 26-018 Nokes Elo RD Solar Panels with the stated conditions. Commissioner Potter seconded the motion. Motion carried unanimously.

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

7:56 p.m.

- 8. CUP 26-019 Wipf Solar Panels:** Mark Wipf is requesting a conditional use permit to construct a 51-ft 3-inch x 10-ft 11-inch ground-mount solar array to power the property owner's residence. The 20-acre parcel RP18N03E283605, addressed at 14110 Norwood Rd, is in the SWNW Section 28, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

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

Staff's compatibility rating accounted for visibility and lack of screening. Matrix line 10 was used as the matrix does not have a specific line designated for solar uses. The solar array would require a structural building permit which will require the FAA form. The proposed height is 12-ft and the array would be located on the upsloping portion of property. The FAA form 7460-1 will determine if can be built at the site; the form must be completed prior to installation. Must be done before installed.

Commissioners and Staff reviewed the site plan and GIS map. They did not seem to match. There is a solar array that is located on the house; that did not need a conditional use permit.

The panels must be antireflective due to the location in airport flight path. There are no trees or landscaping at this time; therefore, arrays would be visible from Norwood Road. The height of any additional vegetation would need to be limited.

Chairman Roberts asked for the applicant's presentation.

Brittany Dunn, McCall, represented the applicant who was unable to make the meeting due to the current Highway 55 road closure. She believes the installer would be willing to work with staff to develop an acceptable landscaping plan in conjunction with homeowner. The solar panels would be non-reflective and anti-glare.

Chairman Roberts opened the public hearing. No one wished to testify on this matter.

Chairman Roberts closed the public hearing. The Commission deliberated and discussed conditions of approval. A building permit and FAA Form 7460-1 will be required.

Commissioner Potter moved to approve C.U.P. 26-019 Wipf Solar Panels with the stated conditions.

COA: Applicant and/or property owner will submit a landscaping plan that must be approved by Staff.

COA: Must have FAA Form 7460-1 approved prior to start of construction.

Commissioner Mabe seconded the motion. Motion carried unanimously.

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

8:10 p.m.

Commissioner Schneider returned to the PZ Commission.

9. CUP 26-020 Nokes Ilka LN Solar Panels: Barbara Kwader-Nokes is requesting a conditional use permit to construct a 34-ft 6-inch x 15-ft 11-inch ground-mounted solar array. The panel would power the property owner's residence at the adjacent 34 Ilka Ln. The 5-acre parcel RP18N03E273605 is in the SWNW Section 27, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

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

Chairman Roberts asked for the applicant's presentation.

Brittany Dunn, McCall, represented the applicant who was unable to make the meeting due to the current Highway 55 road closure. The array would be ground mounted, 11 kW, a maximum height of 18-ft, and would meet setback requirements.

Screening exists at the site. The home is on one parcel and the solar panels would be on the adjacent parcel, both with the same property owner. Staff confirmed that parcels are not required to be combined.

Chairman Roberts opened the public hearing. No one wished to testify on this matter.

Chairman Roberts closed the public hearing. The Commission deliberated.

Commissioners agreed that the application is straight forwarded with no issues. The site is screened with vegetation.

Commissioner Schneider moved to approve C.U.P. 26-020 Nokes Ilka LN Solar Panels with the stated conditions. Commissioner Potter seconded the motion. Motion carried unanimously.

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

8:15 p.m.

10. CUP 26-021 Gold Fork River Ranch Pond Borrow Sales & Reclamation: Gold Fork River Ranch LLC is requesting a conditional use permit to sell aggregate on site that is extracted during the excavation of ponds. The 87.90 & 72.98-acre parcels, RP16N03E255310 & RP16N03E254804, are in the SW ¼ Section 25, T.16N, 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. Chairman Roberts stated he is a member of Gold Fork Irrigation Company; however, he has no vested interest in sale of the gravel from the site.

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

- **Exhibit 1** – Draft Dust Mitigation Plan submitted August 12, 2026
- **Exhibit 2** – Gold Fork Irrigation Company LTD's response submitted August 13, 2026.

The ponds were approved as part of CUP 24-24 Gold Fork River Ranch Subdivision. However, a condition of approval required that if any of the aggregate was sold, a conditional use permit would be required. The applicant is already allowed to use any aggregate on this property and others that he owns in Valley County. This application is for the sale of excess aggregate.

A previous conditional use permit, CUP 08-08, allowed the excess materials from the existing ponds to be sold. That permit has expired.

Staff did ask the applicant for a dust mitigation plan for the excavation. The applicant will need to be in compliance with Idaho Department of Water Resources (IDWR) and Gold Fork Irrigation Company. The application did not list the number of loads per day. The site is approximately a half mile to Highway 55 on a paved, public road.

The development agreement for Phase 1 of CUP 24-24 is currently in negotiation between the applicant and the Board of County Commissioners and would likely include improvement of Plant Lane. Turn lanes do exist at the intersection of Highway 55 and Davis Creek Lane.

The proposed phasing timeline was discussed. An extension of Phase 2 may be necessary. An estimated 278,000 cubic yards of material exist at the site. Some will be used on site for internal roads.

Chairman Roberts asked for the applicant's presentation.

Gregg Tankersley and Rob Pair, both of Crestline Engineers, McCall, represented the applicant, presented a brief project history of the site, and answered questions from the Commissioners. The proposed pond locations are in the same locations as shown on the preliminary plat for CUP 24-24. The appropriate beneficial uses will be obtained from IDWR and approvals will be sought from Gold Fork Irrigation Company for the irrigation related uses. The Idaho Department of Lands Reclamation Plan is currently under agency review.

Mr. Pair clarified the ponds and stormwater detention plan. The stormwater is not contained in the ponds. The landscaping plan for the lots was included in the application; this is how it will look after reclamation. A permanent berm will also be created to screen the extraction activities from Davis Creek Lane as well as temporary berms to screen the site from the north. A gated entryway onto Davis Creek Lane would be locked outside of operation hours. The only fencing proposed is along the eastern property boundary. No additional buildings are planned for the extraction and sales. Temporary storage containers or delivery trucks would be used. Porta-potties would be on site.

Currently there are a few small stockpiles of aggregate. These will be used to finish Phase 2 roadways, utility trenches, and as general fill for lot grading, approximately 7500 cubic yards. Other project sites owned by the applicant would use an estimated 85,000 cubic yards. Thus, approximately 200,000 cubic yards would be available for sale. The existing topsoil would be used to construct landscape berms.

The project timeline was reviewed. Phase 2 is to be recorded by December 21, 2030. A phasing timeline for gravel extraction and sales would have one pond excavated at a time. Three years per pond allows flexibility to respond to market conditions. Phase 2 plat could be recorded prior to the completion of aggregated sales and be financially guaranteed.

The applicant could still record the final plat for Phase 2 prior to finish of sales with financial guarantees. The excavation will also be bonded through Idaho Department of Lands. Ponds could be completed and material still available for sale. The proposal does not include crushing. Screening would be done to separate out topsoil. Stockpiling of aggregate was discussed. Chairman Roberts stated the large stockpiles on the gravel pit to the east are an eyesore. Mr. Pair stated the intent is to limit stockpile amounts. There was discussion about storing the stockpile within the dug ponds to reduce the height above the natural grade. Mr. Tankersley stated the applicant also wants to sell adjacent lots and is not going to want to create a giant eyesore. The applicant, Craig Groves of Donnelly, stated his primary focus is to sell high-quality lots and homes. The far eastern pond would be dug first. The stockpile would be located closer to Koskella Road on the west side of the property. The intention is to build the berm along Davis Creek Lane and Koskella Road as soon as first pond is excavated. Director Herrick stated an enforceable measurable limit is required. A maximum stockpile height of 8-ft above existing ground level located on the western portion of the property, wrapping to the east, was discussed.

Water for the ponds was discussed. The applicant has 160 shares in Gold Fork Irrigation Company that may only be used for irrigation. The applicant proposes to deliver water to the ponds. Portion of the water would then be used for irrigation and stored for downstream use. Ponds would be lined thus not ground water fed. Chairman Roberts stated a discussion with the irrigation company will be necessary.

Chairman Roberts opened the public hearing. No one wished to testify on this matter.

Chairman Roberts closed the public hearing. The Commission deliberated. Commissioners stated that mitigations have been noted. There is a need for gravel in Valley County. The phasing plan was appreciated, particularly the completion of one pond prior to the excavation of the next. Berms will address the landscaping issue. The applicant will be motivated to keep the site looking good. The dust mitigation plan was reviewed.

Commissioner Potter moved to approve C.U.P. 26-021 Gold Fork River Ranch Pond Borrow Sales & Reclamation with the stated conditions.

COA: Stockpiles of aggregate material shall not exceed a height of 8-ft above existing ground level. Stockpile shall be started on the western portion of the property and wrap to the east.

COA: Shall not start pond excavation until water rights are secured.

Commissioner Mabe seconded the motion. Motion carried unanimously.

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

9:00 p.m.

11. The Commission revisited **CUP 26-015 Resolution Minerals RV Site** from earlier in the evening. No applicant or representative was present. Commissioner Mabe moved to table **CUP 26-015 Resolution Minerals RV Site** to September 3, 2026, at 4:00 p.m. Commissioner Potter seconded the motion. Motion passed unanimously.

9:03 p.m.

E. OTHER:

The agenda order was modified by Chairman Roberts to allow people who have been waiting to be heard next.

1. Appeal of Administrative Decision – V-1-17. Action Item

V-1-17 Setback Variance, approved in 2017 allowing a 10-foot building setback, was discussed by Commissioners and Staff. Per Valley County Code, an applicant has five years to act on an approved variance. V-1-17 was approved due to a water line easement and topographical features of Crown Point Subdivision # 2 Lot 15, addressed at 31 Robbins Drive. The property owner received a variance, a building permit, and constructed up to the property line. The property owners now wish to add onto the building and believe the 10-foot variance is still in effect for new construction. Director Herrick determined that V-1-17 has expired and new construction must meet the County's setbacks or obtain approval of a new variance. The proposed construction would not be in the same footprint. The property owner believes the variance was

approved for the entire 85-ft long rear property line. Director Herrick determined that the V-1-17 approval was to be only for the construction that has already occurred, not any new additions to the building. Commissioners further discussed the V-1-17 information and the 2017 site plan.

Micheal Walcom, property owner at 31 Robbins Drive, stated the 10-ft x 10-ft addition was built in 2020. This portion would be removed. He has applied for a new addition to the south side of the building. He has obtained all the State of Idaho permits, such as electrical, and submitted a building permit to the Valley County Building Department. The new addition would be 10-ft from the property line as allowed by V-1-17. They applied for a variance to allow a 5-ft setback from the property line [VAR 26-001]; however, the PZ Commission recently recommended denial. Upholding a 20-ft rear setback would make the rest of the lot unusable due to the septic system, well, and water line locations; only a 9-foot wide addition would be possible. The previously approved 10-ft would allow a more usable room.

The Commissioners and Mr. Walcom discussed this matter further. Commissioner Mabe stated that V-1-17 was valid for five year; the building was permitted and constructed. Adding to the building would require a new building permit and setback approval. The new portion of the building must meet setbacks or obtain a new variance approval. Valley County Code specifies five-year time limit. Mr. Walcom contended V-1-17 should still apply since the same structure is being added to, extending the building. He believes that as long as he is adding onto the existing structure, V-1-17 allows a 10-ft setback along the entire property line still applies. Without the 10-ft variance, the lot becomes unusable; there would be issues with egress as the front door violates the setbacks. He would not be able to build anything comparable to surrounding homes. The addition could only be a 9-ft room.

The administration decision was recently submitting building permit for an addition does not qualify for the 10-ft setback approved by V-1-17.

Commissioner Mabe moved to uphold Staff's administrative decision on V-1-17; Commissioner Oyarzo seconded. The motion passed unanimously.

Director Herrick stated that the Board of County Commissioners will hold a public hearing on VAR 26-001 on August 24, 2026.

2. Draft Avigation Easement Recommendations. Action Item.

Commissioners discussed avigation easements and reviewed examples from both McCall Airport and Boise Airport. Commissioners concurred that a template would need to be carefully worded due to future ramifications.

Commissioner Mabe would like a standard avigation easement template that could be provided and required as a condition of approval. This would not be a negotiation between a landowner and the Airport. He is concerned about future development around the airports.

Commissioners discussed what areas would be required to have an avigation easement, such as locations within the horizontal or lateral surface of an airport. An overlay area and map would be added to Valley County Code.

Director Herrick stated she is working on proposed ordinances for Valley County Code changes; this overlay and requirements could be included.

F. FACTS AND CONCLUSIONS - *Action Items:*

- VAR 26-001 Walcom Setback Variance
- SUB 26-006 Bears Den 2 Subdivision
- SUB 26-010 Starview Estates Subdivision
- CUP 26-013 Brown RV Camp
- VAR 26-006 Merrick Setback Variance

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

Chairman Roberts adjourned the meeting at 9:43 p.m.