Valley County Planning and Zoning Commission

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Ken Roberts, Chairman
Carrie Potter, Vice-Chair

Brad Mabe, Commissioner
Ben Oyarzo, Commissioner
Joel Carson, Commissioner

M I N U T E S
Valley County Planning and Zoning Commission
October 8, 2026
Valley County Court House - Cascade, Idaho
PUBLIC HEARING - 4:00 p.m.

A. OPEN: Meeting called to order at 4:01 p.m. by Chairman Roberts. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Joel Carson:	Present
PZ Commissioner – Brad Mabe:	Present
PZ Commissioner – Ben Oyarzo:	Present
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Present
PZ Permit Technician – Hannah Smith:	Present

B. MINUTES: Commissioner Mabe moved to approve the minutes of September 3, 2026, and September 24, 2026. Commissioner Potter seconded the motion. Motion passed unanimously.

C. NEW BUSINESS:

1. **VAR 26-008 Babineau Setback Variance:** Daniel and Miriam Babineau are requesting a variance to relax the high-water line setback from 50-ft to 36.5-ft in order to replace the existing nonconforming deck. The footprint of the deck would remain the same. The 0.30-acre site, addressed at 12875 Longhorn Way, is Mcleod & Edwards Wagon Wheel Subdivision No. 2 Lot 25 Block 1 in Section 28, 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.

Chairman Roberts asked for the applicant's presentation.

Daniel Babinueau, 12875 Longhorn Way, presented. The deck was pre-existing when the home was purchased in 2018. It had been engineered poorly and attempts to fix it have been

unsuccessful. The Babineau's want to fix it to bring it up to current safety standards, but doing so would require the deck to be removed and rebuilt.

The Commissioners asked the applicant to respond to the questions within the staff report.

Mr. Babineau stated that the retaining wall was added in 2019, and he did not realize a permit was needed. The wall is partially on U.S. Bureau of Reclamation land and partially on 12875 Longhorn Way. Mr. Babineau constructed the wall himself. Steps were added as well; no concrete foundation was poured for the retaining wall.

Director Herrick then briefly explained the floodplain application process.

Mr. Babineau confirmed that the plan is to build in the exact same footprint as the existing deck, with the only difference being a walkway. It would be built more than 50-ft from the high-water mark.

Mr. Babineau stated that neighboring lots have no homes on them, but he spoke with Don Lojek, his neighbor to the south, about the project and stated Mr. Lojek has no problems with the deck being replaced.

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

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents. There were none.

Chairman Roberts closed the public hearing. The Commission deliberated.

Commissioner Mabe stated that if the new deck is in the existing footprint and follows the Best Management Practices (BMPs), the variance is acceptable as he does not want the owners to have an unsafe deck. They would need to work with the PZ department to obtain the floodplain permit for the existing improvements in the floodplain. No concern otherwise.

Commissioner Carson asked if approval would set a precedent for neighboring decks that may be built in the future. It was clarified that it would not, as new construction would have to comply with new codes, as this deck complied with previous codes at the time of construction.

Commissioner Mabe moved to recommend approval of VAR 26-008 Babineau Setback Variance to the Board of County Commissioners with the stated conditions.

COA: Applicant must obtain a Floodplain Development Permit.

Commissioner Potter seconded the motion. Motion carried unanimously.

This matter will be forwarded to the Valley County Board of Commissioners. 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.

4:16 pm

2. **CUP 26-025 Fluegel Multiple Residences:** Cameron Fluegel is requesting a conditional use permit to allow multiple residences on one parcel. It would include an existing 2400-sq ft dwelling and a proposed 1200-sq ft dwelling located above a garage. The dwellings would share a driveway. A new septic system and new well is proposed for the new residence. The 2.2-acre site, addressed at 12971 Siscra Road, is located in the NWSW Section 22, 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.

Commissioner Carson asked about the differences in the size of the lots between the agenda and the staff report.

Chairman Roberts had questions about the property being within the sewer district boundaries, Director Herrick clarified that the property would not be within 200-ft of the sewer. Commissioner Potter said it is not in the sewer district boundaries.

Chairman Roberts asked for the applicant's presentation.

Cameron Fluegel presented. He stated that seven different parcels have been combined into two 1.2-acre parcels. He cannot combine the two remaining parcels due to an easement (separate ownership) through the middle of them.

The Commissioners discussed the recordation of the easement, the ownership of the two parcels, and access through the easement.

Mr. Fluegel clarified combination questions, namely which ones were combined, and which parcel the residences would be on.

Director Herrick explained how the easement would become a shared driveway if one of the two parcels were sold. The easement would be a shared driveway for the two residences as well.

Mr. Fluegel wanted to clarify whether he could combine the two parcels. It was stated that he could not as he does not own the land the easement is on.

Commissioners asked why the parcels were combined instead of keeping separate buildings lots. If there were two separate building lots, then the conditional use permit would not be necessary. Mr. Fluegel stated that a new easement across one of the lots would have been required to provide road access to the others. He also wanted to shrink the footprint of the buildings, keeping everything in the same area.

It was clarified that the end goal for the property is one house, a new garage added onto the existing garage, and 1200-sqft apartment above the new section of the garage. The apartment is too big to be an Accessory Dwelling Unit (ADU) which has a maximum size of 1000-sqft.

Mr. Fluegel stated that the septic permit has been approved, and obtaining a well permit will be no problem. There will be no wood burning stoves in existing or new structures.

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

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents. There were none.

Chairman Roberts closed the public hearing. The Commission deliberated.

Commissioner Mabe stated he has no issues with the proposal. The applicant is doing all the right things and it seems straightforward.

Commissioner Mabe moved to approve CUP 26-025 Fluegel Multiple Residences. 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.

4:43pm

3. **CUP 26-026 Hazzard Bunkhouse Rental:** Kelsey Hazzard is requesting a conditional use permit to short-term rent a bunkhouse. The proposed structure would be an approximately 500-sqft detached A-frame on the rear portion of a lot. The existing 1,156-sqft home is also being short-term rented. The 0.46-acre site, addressed at 156 Boulder Place, is Boulder Creek Meadows Subdivision Lot 81 in the SWSW Section 22, 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.

Director Herrick explained the difference between the A-frame bunkhouse and a residence, and how short-term rentals can no longer be regulated per State of Idaho Code. However, since the bunkhouse does not have a kitchen, it is not a residence. Therefore, the bunkhouse cannot be a short-term rental. Director Herrick provided Idaho code and Valley County code for clarification. Discussion regarding the location, sewer hookup, and CCRs occurred.

Chairman Roberts asked for clarification of allowed density per Valley County Code. To comply with the density outlined in Valley County Code 9-5-6 of 2.5 dwelling units per acre, the site would need to be 0.88 acres. Because of the size of the lot, a second residence cannot be constructed.

Director Herrick explained that this appears to be more like a motel or hotel due to the lack of kitchen. The Commissioners and Director Herrick had further discussions and stated that the bunkhouse would not qualify as an Accessory Dwelling Unit (ADU). The proposed use is not a short-term rental but a commercial use.

Chairman Roberts asked for the applicant's presentation.

Will Hazzard, 156 Boulder Place, presented. The applicants are only living in the residence temporarily as they build their home in McCall. He confirmed that they want two short-term rentals on the property. He stated that a kitchen would not be added because then the structure would be an ADU, and as per Valley County Code, either the main home or the ADU would need to be owner occupied.

Mr. Hazzard confirmed that there would be a maximum of two occupants in the bunkhouse. He also clarified parking. Parking for the residence would be in front; the driveway would be extended behind the residence to the bunkhouse. That is where the bunkhouse guests would park.

Commissioners, Director Herrick, and the applicant briefly discussed the driveway. It would be approximately 100 feet in length. The applicant would need to obtain approval from Donnelly Fire Department.

The location of snow storage was discussed. It was determined it could go between the residence and the bunkhouse, which has about 40 feet of space.

Chairman Roberts suggested that the conditional use permit could expire upon sale of the property. The bunkhouse would still exist, but could not be rented separately from the residence. Mr. Hazzard was amenable to that limitation.

Setbacks were discussed. Would this property be able to meet commercial setbacks? Director Herrick stated all setbacks are met for residential use, not commercial use. A commercial setback from front and rear property lines would be 50 feet instead of the residential 20 feet. Mr. Hazzard stated he could change the plan to meet that commercial setback.

Commissioner Mabe stated that he does not like trying to squeeze the proposed project into one box or another; is the use commercial or residential?

Chairman Roberts states that the commercial setback would be important.

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

Chairman Roberts asked for undecided. There were none.

Chairman Roberts asked for opponents. There were none.

Chairman Roberts closed the public hearing. The Commission deliberated.

Chairman Roberts stated he has a bit of a problem with some commercial activities in a residential subdivision. Short-term rentals are fine, ADUs are fine, however, he has long standing opposition to commercial uses in residential subdivision. He would want the conditional use permit to be non-transferable.

Commissioner Mabe stated that this application is another example that state regulations have limited our ability to put appropriate mitigations in place, and that because of that he could not come up with mitigations that would be appropriate for this commercial property. He stated that if it was a standard business like a plumber, then it would have minimal impact on the neighbors in comparison to what other commercial uses could cause.

Commissioner Carson moved to deny CUP 26-026 Hazzard Bunkhouse Rental. Commissioner Mabe seconded the motion.

Staff requested reasons. Reasoning was clarified that the conditional use permit was denied due to it being a commercial use in a residential area, and there are no mitigations available to lessen impacts in the area.

The motion carried 4-1 with Commissioner Potter opposed.

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

5:12pm

E. OTHER:

1. **CUP 26-019 Wipf Solar Panels – Review of Condition of Approval #13:** The site is parcel RP18N03E283605 addressed at 14110 Norwood Road. Action Item.

Director Herrick explained that the Federal Aviation Administration (FAA) cannot issue Form 7460-1 at this time for solar panels under the order of the U.S. Department of War. Ray Davis with the FAA stated in an email that there are no impacts thus far from the approved solar panels; unless the solar panels pose a risk to national security, the panels will likely receive a favorable response once answers can come back from the FAA. The emails from Mr. Davis were discussed.

Valley County Code 6-5-6 states the Valley County Building Official can approve a structure within three miles of an airport if there are other buildings that are as high or higher nearby. That is the case for both this solar panel and CUP 26-020. The top height for the solar panels would be 12 feet. The Building Official did not have any issues with the panel.

The Commission deliberated and decided they did not have an issue with the building proceeding without the approved Form 7460-1.

Commissioner Mabe moved to accept Ray Davis's response as meeting Condition of Approval #13 of CUP 26-019 Wipf Solar Panels, Commissioner Potter seconded. Motion carried unanimously.

2. **CUP 26-020 Nokes Ilka Solar Panels – FAA Review.** The site is parcel RP18N03E273605. Action Item

Director Herrick stated that the top height for the solar panels would be 18 feet.

It was clarified that there were no conditions of approval in CUP 26-020 regarding Federal Aviation Administration (FAA) approval, but it would provide the Valley County Building Official with some comfort if the Commission accepted Ray Davis's response as satisfactory.

Commissioner Mabe moved to accept Ray Davis's comments for CUP 26-020 Nokes Ilka Solar Panels as meeting the FAA Form 7460-1 notice, Commissioner Potter seconded. Motion carried unanimously.

3. **Browns Pond:** Is a conditional use permit required to put in a dock? The site is within parcel RP18N03E214803. Action Item.

Director Herrick explained that the improvement to the pond would be made for the public, who have historically fished there. The dock would need a building permit that Director Herrick would have to sign off on.

Commissioner Mabe thinks the dock is a good and historical use, and that a building permit is appropriate. He is not concerned with the fishing dock or a berm and does not think a conditional use permit is needed for the dock or use.

Director Herrick clarified that she brought this to the commissioners looking for confirmation that this is a grandfathered use of the site, that a conditional use permit is not necessary, and a building permit is required.

Commissioner Mabe moved that a conditional use permit is not required to put a dock at Browns Pond. A building permit is required. This is a continued historical use of the site. Commissioner Potter seconded. Motion carried unanimously.

4. **CUP 26-021 Gold Fork River Ranch – Aggregate Sales: Modification of Condition of Approval.** Request is to modify COA # 17 in order to change the timing of obtaining water rights from “Shall not start pond excavation until water rights are secured” to “Shall not fill the three additional ponds until water rights are secured.” Action Item.

Chairman Roberts abstained from voting as he is involved in Gold Fork Irrigation Company. He disclosed a conflict of interest and stepped down. Commissioner Potter became acting Chairman.

Director Herrick explained the approved Gold Fork River Ranch Conditional Use Permits and how they are related. She then explained that the approved Conditional of Approval #17 is unattainable. Someone cannot obtain water right until ponds are constructed and filled with water. Then the water rights can be changed from irrigation to aesthetic use by working with the Gold Fork Irrigation Company. Therefore, she is asking the Planning and Zoning Commission to modify the Conditional of Approval #17 from “Shall not start pond excavation until water rights are secured” to “Shall not fill the three additional ponds until water rights are secured.” This will require inclusion of the Gold Fork Irrigation Company’s transfer as well as working with Idaho Department of Water Resources (IDWR) and the Developer.

Director Herrick also requested that the Commission recommends that the requirement to pipe the water in accordance with Condition of Approval #35 on the original CUP 24-24 Gold Fork River Ranch Subdivision and to place a berm along the western property prior to March 2027 (spring) be in place to protect the downstream user’s irrigation lines.

Director Herrick stated the discussion paperwork and summary of notes included in the staff report from a meeting that was attended by Dave Tuthill, ex-Director of IDWR; Gregg Tankersley and Robert Pair, engineers at Crestline Engineering; Craig Groves, the developer; and Director Herrick explains the situation well.

Director Herrick stated that the developer has a right to excavate, but she is firm that the developer cannot move or sell rock until an amended development agreement is in place. The developer does have an approved site grading and storm water management plan.

Commissioner Mabe asked if the storm water management plan included the previous mentioned pipe.

Robert Pair, Crestline Engineers, 232 Deinhard Lane Suite C, McCall, responded that the drainage report does include the plan. He also clarified phases and timing and how they are included in the drainage report. The pipe will be installed before spring 2027 and the berm would be along the western boundary to prevent runoff. This meets requirements of the Gold Fork Irrigation Company. A resolution from Gold Fork Irrigation Company is still needed as well as a transfer of the water right from IDWR.

There are many things happening in the background with Gold Fork Irrigation Company, the developer, and IDWR.

Before water rights can be established, the water must be used.

Commissioner Mabe confirmed with Mr. Pair that the different parties would be happy with the new proposed wording.

The Commissioners discussed groundwater getting into the ponds. If the groundwater does get into the ponds, it must be pumped out. The three ways to get water into the ponds were discussed.

Ken Roberts, chairman of the Gold Fork Irrigation Company, spoke as a representative for Gold Fork Irrigation Company and explained the water rights process. Water rights are complex. Gold Fork Irrigation is bound by law to follow State of Idaho water rights. The Company agrees with the recommendation from Staff.

Commissioner Mabe moved that the Commission approve the modified condition of approval for CUP 26-021 Gold Fork River Ranch to “Shall not fill the three additional ponds until water rights are secured” and the berm on the west side and the pipe shall be installed prior to Spring of 2027.

Commissioner Carson seconded. Motion carried unanimously.

Chairman Roberts was invited back up.

E. FACTS AND CONCLUSIONS - *Action Items*:

- SUB 26-011 North Fork Landing
- CUP 26-015 Resolution Minerals RV Site
- SUB 26-012 Buckcamp Meadows
- CUP 26-024 Westside Ranches LLC Laydown Yard
- VAC 26-002 Raynor Vacation of Utility Easements

Commissioner Potter 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 issued a reminder that the regular meeting is November 12, 2026; November 19, 2026, will be a special meeting.

Director Herrick and the Commissioners discussed the upcoming Economic Development Council meeting on November 12, 2026.

Chairman Roberts adjourned the meeting at 5:44 p.m.