

# Valley County Planning and Zoning Commission

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**Katlin Caldwell, Chairman**  
**Ken Roberts, Vice-Chairman**

**Sasha Childs, Commissioner**  
**Scott Freeman, Commissioner**  
**Gary Swain, Commissioner**

## MINUTES

Valley County Planning and Zoning Commission

**June 15, 2023**

**Valley County Court House - Cascade, Idaho**

**WORK SESSION – 5:00 p.m.**

**PUBLIC HEARING – 6:00 p.m.**

**A. OPEN:** Meeting called to order at 6:00 p.m. by Chairman Caldwell. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Sasha Childs:	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Present via Teams
PZ Commissioner – Gary Swain:	Present
PZ Assistant Planner – Lori Hunter:	Present
PZ Code Compliance – Jody Green:	Present

## **B. WORK SESSION – Code Compliance**

Jody Green does the code compliance for Valley County Planning and Zoning. Her job includes processing administrative applications including short-term rental (STR), recreational vehicle camp (RVC), accessory dwelling unit (ADU), floodplain/excavation, and signs. Short-term rental permits require annual renewals. She also updates the permit layer on the internal Planning and Zoning GIS map.

To date, there are 331 short-term rental permits within Valley County's jurisdiction; 103 are new for 2023 although may previously existed as rentals without a permit. There are 89 RVC permits and 91 Accessory Dwelling Unit permits. Most owners of STRs have mailing addresses outside of Valley County.

Valley County did not have a code compliance position prior to hiring Mrs. Green. She has created methods to find, track, and contact violators of Valley County Code and/or conditional use permits. Notes are made for future reference. During 2022 and 2023, there have been 32 violations of conditional use permits; 22 have been resolved. There have been seven miscellaneous violations, four have been resolved. Lighting violations have been noted for seven specific sites, five of which have been corrected. Notices to remind people of the lighting ordinance were sent to four different neighborhoods in 2023 based on complaints: The Meadows at West Mountain, Stewart Court/Raptor Loop, Spring Valley Road, and Morning Dawn Subdivision.

Violations have also included advertising signs, directional real estate signs, glamping, and solar panels. Glamping is a relatively new phenomenon. Twelve glamping sites were detected. Three applied for conditional use permits and the others removed advertisements of glamping sites.

Commissioner Freeman stated that the code compliance is an important position. Ordinance must be enforced.

Methods of finding violations and enforcement were discussed. People often do not realize a permit is needed for glamping, short-term rentals, RVCs, etc. Most are willing to complete the required application. Fines can be levied and liens recorded if the violation continues.

Jody has reviewed all active conditional use permits to note requirements and deadlines. She reviews new permits once the conditional use permit is recorded. Landscaping is a common violation. Procedure includes letters, notice of violation, and investigative report. These include the specific ordinance(s) that is in violation.

Jody and Director Herrick work closely with the deputy prosecutor regarding violations and settlement conferences. Settlement agreements are taken to the Commission for approval.

Director Herrick responded to Commissioner questions. Conditions of approval must be completed prior to recording a plat, unless financially guaranteed. Building permits are not issued if financial guarantees exist.

Jody will be resigning this summer due to a family move. She will be missed.

### **Upcoming meetings**

- July 13, 2023 – Regular Meeting
- July 18, 2023 – Special Meeting
- August 17, 2023 – Regular Meeting rescheduled from August 10, 2023
- September 14, 2023 – Regular Meeting
- October 19, 2023 – Regular Meeting rescheduled from October 12, 2023.

*The Commission adjourned for a short recess until 6:00 p.m.*

### **C. REGULAR MEETING:** Meeting called to order at 6:00 p.m. by Chairman Caldwell.

A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Sasha Childs:	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Ken Roberts:	Excused
PZ Commissioner – Gary Swain:	Present
PZ Assistant Planner – Lori Hunter:	Present

### **D. NEW BUSINESS:**

Chairman Caldwell announced that the public hearings for C.U.P. 23-22 Activity Barn and C.U.P. 23-24 FedEx Hub have been postponed to July 13, 2023.

- 1. C.U.P. 23-16 Forge Landworks:** Forge Landworks LLC is requesting a conditional use permit for an equipment storage and construction yard. An individual well and individual septic system are available. Access is from a shared driveway onto Highway 55. The 33.5-acre parcel is RP17N03E150465, addressed at 13722 Highway 55, and located in the NE ¼ Section 15, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item [Postponed from May 18, 2023]

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Valley County Engineer's requirements. (June 12, 2023)

Existing landscaping and proposed site plan were reviewed. The pile of dirt was left by Teufel. The applicant does not use the existing home.

Chairman Caldwell asked for the applicant's presentation.

Jordan Campbell, McCall, represented the applicant. Pile burning is a way for his customers to save money. This is the fourth season the business has been using the site. The business recently learned they have not been in compliance. The existing landscaping is from Tuefel's previous business. The driveways are sand and gravel mix. The originally submitted site plan included in the application was modified. The business area was reduced to a portion of the entire 10-acre parcel, an approximately 80% reduction in area. The existing dirt pile left by Teufel acts as a screen to neighboring properties. He has received an accessory use permit from Central District Health and has applied for an approach permit from Idaho Transportation Department (ITD). He will improve the fuel storage based on a discussion with Donnelly Fire Marshall Jess Ellis. A cedar rail fence has been constructed.

The slash pile on the property was approximately 500-sqft and could be much larger depending on what is hauled to this location. Typically, snow is present when he burns in the spring; he does not burn every autumn. A skid steer is used to build a buffer for fire protection. The spring 2023 burn smoldered for two weeks.

Director Herrick stated that the Idaho Department of Environmental Quality (DEQ) tracks air quality from burning and recommended burning at specific humidity levels. Staff have not received complaints on burns at this site but have received complaints on smoke from other burn sites. Air quality is a concern.

Hours of operations were discussed. Mr. Campbell stated he believes the job could be accomplished between 7:00 a.m. to 9:00 p.m., daily except for when snow removal equipment is used.

Chairman Caldwell asked for proponents.

Carrie O'Rear, 13712 Highway 55, owns property directly to the south of the proposed site. She was originally opposed. However, issues have been addressed. She has spoken with Mr. Campbell who made changes to the site plan and is considerate of the neighbors' view for the site. She does not have any issues with longer hours of operation.

Chairman Caldwell asked for undecided. There were none.  
Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell asked for rebuttal from the applicant. Mr. Campbell did not have additional comments.

Chairman Caldwell closed the public hearing.

Commission Swain recused himself due to a conflict of interest and left the meeting room.

The Commission deliberated. Slash burning, smoldering, and limitations were discussed. Commissioner Childs would prefer to prohibit slash pile burning at the site based on surrounding land use. Chairman Caldwell stated that agricultural uses involve burning. The local fire departments have a "Bring it, not burn it" campaign. The applicant could contact DEQ regarding air quality to determine the best time to burn. Commissioner Freeman prefers that burning be allowed when there is snow. The irrigation ditch is located in the back of the property,

Commissioner Childs moved to approve C.U.P. 23-16 Forge Landworks with the stated conditions and the following changes:

**COA:** Hours of operation are 7:00 a.m. – 9:00 p.m., with exceptions for snowplowing activities.

**COA:** The conditional use permit will expire with Forge Landworks LLC.

**Revised COA #12:** Must work with Donnelly Fire department and only burn when there is no risk of fire. Must work with Idaho Department of Environmental Quality (DEQ) regarding air quality requirements for slash burning for a commercial use.

**Revised COA #13:** Cannot impede the flow of the irrigations ditch(es) or impact the water quality, i.e., spills.

Commissioner Freeman seconded the motion. Motion carried unanimously.

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

6:38 *p.m.* Commissioner Swain returned to the Commission.

2. **C.U.P. 23-22 Activity Barn - Amendment to C.U.P. 16-13:** Brundage Mountain Resort LLC is requesting approval to amend C.U.P. 16-13 Activity Barn. Proposed hours of operation are 8:00 a.m. to 10:00 p.m. daily; proposed maximum capacity is 500 guests. Additional activities include a market, additional non-motorized recreation, and two residential dwelling units for employee housing. The parking lot would be realigned to allow for both an entrance and an exit onto Moonridge DR. The 116-acre site is parcel RP18N03E290007, addressed as 141 Moonridge Drive, and located in the N ½ Section 29, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

**Postponed to July 13, 2023, on request of the applicant.**

3. **C.U.P. 23-23 Packard Family RV Site:** Janice Packard is requesting approval of a conditional use permit for a Recreational Vehicle Park to allow four RVs to be used as dwellings for more than 30 days in duration. The campsite will be for personal use and will not have any commercial or rental use. There is an individual well and electrical power. Sewer service is provided by North Lake Recreational Sewer and Water District. The 0.7-acre site is Royal Scot Subdivision No. 2 Lot 8, Block 2, addressed at 2157 West Mountain RD, and located in the SE ¼ Sec. 32, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Valley County Engineer's requirements. (June 12, 2023)

Staff clarified the requirements of a Recreational Vehicle Camp (RVC) permit. The Valley County Code definition of "temporary use" is less than 30 days in a row. Therefore, the applicant could obtain an RVC permit for three RVS and bring the fourth RV to the site occasionally. RVs are recreational uses, not residential uses. Valley County Code 9-1-10 defines a dwelling unit. Three (3) RVs equate to one dwelling unit for density calculations. The plat for Royal Scot Subdivision No. 2 was recorded in 1972.

Chairman Caldwell asked for the applicant's presentation.

Kevin Packard and Janice Packard, Boise, stated the property was originally bought in 1987 by their parents and parents' friends. The use of the property has always been camping by family and friends. They want to maintain the lot. Bringing trailers to the site every time increases the traffic impacts. The previous owners may have been noisy, we are not. Dogs are kept from trespassing. One RV is partially visible through the trees, the other three are not. The site is kept watered and cleaned. The sites are not rented. One trip per year is a family reunion with multiple campers and families. A much smaller group is present the rest of the time. The RVs are generally present from mid-June through Labor Day weekend. He is very aware of the fire concerns for the area as he previously was a firefighter. A water hose and equipment are available. Trimming is done to eliminate fuel and reduce fire hazards on the property. Camping on the property is allowed by the Royal Scot Subdivision No. 2 CCRs. The pre-existing storage shed is not in compliance with setbacks. It has been painted to blend into the surroundings. It is not on a foundation and could be moved.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents.

Ann Hellewell, 2160 Christie Road, has nothing personal against the applicants. She lives directly behind the property, up the hill. The area is single-family homes. The request is for four RVs on 0.7 acres which is too dense. The situation has grown from okay to worse. Multiple tents are set up which is against the CCRs. They bring UTVs, boats, motorcycles, and cars; there were seven trailers at one point. A communal kitchen tent is located down from her house. People at the site change; some are quiet and others are loud. She understands they are on vacation; however, this is a single-family subdivision. Fire is a concern; the neighbor lot has not been cleaned up. The fire pit is near a grove of trees. Trailers are visible from her home.

Chairman Caldwell asked for rebuttal from the applicant.

Kevin Packard and Janice Packard replied. Activities prior to October 2021 were different owners. There is not a kitchen tent. A big tent is set up for the annual family reunion. The family does have UTVs as do many other people in Valley County. The neighbors are also heard from their fire pit. We try to respect the neighbors. Kids and dogs from other neighboring properties; their property is similar use. The trees near the fire pit are trimmed up to reduce fire concerns. There are many campers in the larger area, this is a common use. There are never seven trailers.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Swain is not sure that a conditional use permit is necessary when only three trailers are typically present at the site. Camping is an allowed use at the site. Staff stated that four sites are on the site plan; the application is for four trailers for the entire summer. People are not at all the trailers at all the time. Commissioner Childs stated that the application does not meet Valley County Code. In a single-family residential area, RVs should be limited to three and additional campers occasionally. Commissioner Childs calculated a negative compatibility rating; the site is a small acreage. Chairman Caldwell concurs with Commissioner Childs; decisions need to be consistent with prior decisions of the Commission. The request is not compatible with single-family residences. Commissioner Freeman understands why the applicant is applying for a conditional use permit; he can see both sides of this issue. The use has continued for many years. People are not there full-time, 24 hours / 7 days per week. He would approve.

Commissioner Childs moved to deny C.U.P. 23-23 Packard Family RV Site. Commissioner Swain seconded the motion. Commissioner Swain stated that denial would not limit the owner's enjoyment of their property. Commissioner Childs, Commissioner Swain, and Chairman Caldwell voted in favor of the motion; Commissioner Freeman voted in opposition. Motion carried.

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

7:12 p.m. Short recess.

4. **C.U.P. 23-24 FedEx Hub:** FedEx Ground Package Systems INC is requesting approval of a conditional use permit for a package handling operation in an existing 2520-sqft commercial building. A variance from the 100-ft setback from Highway 55 is requested to allow parking of a trailer 80-ft from the property line. The existing individual well and septic system would be used. Access would be from a shared driveway from Highway 55. The site is addressed at 13873 Highway 55 and is the north portion of parcel RP17N03E035820 located in the SW ¼ Section 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

**Postponed to July 13, 2023, on request of the applicant.**

5. **C.U.P. 23-25 Acker Tree Service:** Randy Acker is requesting approval of a conditional use permit for a mobile sawmill and staging/storage area for wood and equipment associated with a hazard tree service. The existing home would continue to be rented for workforce housing. The 3-acre site is parcel RP17N03E036180, addressed at 13865 Highway 55, and located in the SW ¼ Section 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

**The applicant was not present. Therefore, the public hearing will be postponed to August 17, 2023, at 6:00 p.m.**

- 6. C.U.P. 23-26 Legacy Ranch at Whitetail Club – Preliminary Plat:** Shore Lodge Whitetail LLC is requesting a conditional use permit for a 6-lot single-family residential subdivision on approximately 65 acres. Proposed lot sizes range from 6.5 acres to 15.5 acres. Individual septic systems and individual wells are proposed. Variances are requested to allow both a primary residence plus the addition of an accessory dwelling unit up to 3500-sqft on each lot, as well as one wood-burning device in each residence. The lots would be accessed from a new paved private road onto a private road system in Adams County. A variance is requested for a 2225-ft long cul-de-sac road. This plat is connected to 304.8 acres being concurrently platted in Adams County. The site is parcel RP18N02E133560 located in W ½ Section 29, T.18N, R.2E, Boise Meridian, Valley County, Idaho. Action Item.

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

- **Exhibit 1** – Valley County Engineer's requirements. (June 12, 2023)
- **Exhibit 2** – Correspondence from John Lillehaug containing a letter from Southern Idaho Timber Protection Association (SITPA) and draft wildland urban interface fire protection plan (WUIFPP). (June 13, 2023)

Director Herrick stated that the applicant should respond to the recommendations in the WUIFPP. The plan is typically required to be part of the CCRs. Access to the site will be through Adams County and the City of McCall. Wetlands and the length of the cul-de-sac were discussed.

Chairman Caldwell asked for the applicant's presentation.

Dan Scott, McCall, representing the applicant, presented a slide show (**Exhibit 3**). This subdivision is a new phase of the Whitetail development. The majority of the proposed subdivision is within Adams County. The combined plats total 37 buildable lots on 369.5 acres; the Valley County portion is six buildable lots on about 65 acres. These are large lots of seven to 15 acres. Lots would be on individual septic systems and individual wells. One lot is wooded. Two variances from Valley County Code (VCC) are requested: to allow multiple residences on each of the six lots and a long cul-de-sac road. All homes will be required to have sprinkler systems; Garrett de Jong, McCall Fire Chief, did not have concern regarding the length of the road. Lots will not be eligible to be split.

Bonnie Layton, NV5, Meridian, ID, represented the applicant. High density is not the vision for this project; 26 lots are allowed per the VCC. The applicant concurs with the listed conditions.

The applicant believes the draft WUIFPP is excessive and is not willing to accept it without further review. The site does need to be cleaned up. The vast majority of the work needed is within Adams County. Within Valley County, all lots but one are in an open valley. They will be meeting with John Lillehaug in a few weeks. Requiring that all the work be done prior to final plat would prevent marketing of lots. The draft plan as currently written would require four to five months of logging. They prefer that the work be completed prior to the issuance of building permits, not prior to recording the plat.

Director Herrick clarified that VCC 10-7 requires that a WUIFPP be submitted. The ordinance does not have standards but requires an agreement between the Commission, applicant, and the person creating the plan. John Lillehaug is a fire professional, not an agency. The applicant will need to comply with McCall Fire Department requirements.

Additional conditions of approval and possible revisions were discussed. Director Herrick stated that the WUIFPP will be recorded, listed on plat, included in CCRs, and included within the subdivision design guidelines. Mr. Scott stated that there will be easements to allow access to each lot to accomplish the work required by the WUIFPP. It will be to the applicant's benefit to finish the plan requirements as soon as possible.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Other than the applicant's representative, there were no other people in the room to testify.

Chairman Caldwell closed the public hearing. The Commission deliberated. The application is put together well and is clear. The lot sizes are appropriate and cannot be split further. The lots are near an urban area. The variance requests are appropriate.

Commissioner Freeman moved to approve C.U.P. 23-26 Legacy Ranch at Whitetail Club and the preliminary plat with the stated conditions and following revisions:

**COA:** Lots shall not be reduced in size.

**COA:** The wildland urban interface fire protection plan work must be completed prior to issuance of building permits.

**COA:** Must disclose to buyers in CCRs if all wildland urban interface fire protection plan work has not been completed.

**Revised COA #13:** CCR's should address lighting, wildfire prevention, noxious weeds, septic maintenance, water storage tank maintenance, fire wise wildland urban interface landscaping requirements, irrigation, sprinklers in each residence, and limit each residence to one wood-burning device.

Commissioner Swain seconded the motion. Motion carried unanimously.

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

## **E. OTHER**

The October 2023 meeting was rescheduled from October 12, 2023, to October 19, 2023

Chairman Caldwell adjourned the meeting at 7:53 p.m.