

# 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  
**December 14, 2023**  
**Valley County Court House - Cascade, Idaho**  
**PUBLIC HEARING - 6:00 p.m.**

**A. OPEN:** Meeting called to order at 6:09 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
PZ Commissioner – Gary Swain:	Present
PZ Planner II – Lori Hunter:	Present

**B. MINUTES:** Commissioner Swain moved to approve the minutes of November 9, 2023. Commissioner Childs seconded the motion. Motion passed unanimously.

Chairman Caldwell presented Commissioner Childs with a plaque in appreciation of her time on the Commission.

## C. OLD BUSINESS:

**1. C.U.P. 23-01 Sands 55 Subdivision – Final Plat:** Lake Fork 55 LLC is requesting final plat approval. The commission will review the final plat to determine conformance with the preliminary plat, approved densities, and conditional use permit. This plat is a 4-lot, mixed-use subdivision that includes commercial use, light- industrial use, and multiple-residences (apartments). Access would be from State Highway 55. Individual wells and individual septic systems are proposed. The 10.3-acre site is parcel RP17N03E033995 located in the W ½ Sec. 3, T.17N, R.3E, Boise Meridian, Valley County, Idaho. Action Item. **Not a public hearing.**

Chairman Caldwell introduced the item and asked if there was any exparte contact or conflict of interest. Chairman Caldwell recused herself due to a family member under contract with the applicant. Vice Chairman Roberts asked for staff report.

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

- **Exhibit 1** – James Fronk letter regarding wetland delineation. (Dec. 11, 2023)

- **Exhibit 2** – Email from Ryan Montoya, the applicant, with information regarding Lake Fork Irrigation District, shared Access Maintenance Agreement, and lighting. (Dec. 8, 2023)

Director Herrick explained the background of the wetland delineation of the property; she believes the requirement should be waived. Conditional of Approval #3 still applies. The ditch is being rerouted. The remaining required documentation was discussed. There are a few things that need cleaned up in the CCRs and the plat prior to submittal to the Board of County Commissioners and recordation of the plat. Director Herrick stated Mr. Montoya has agreed to a development agreement. Conditional of Approval #19 and the notes on the plat were discussed. Building permits have been issued. Lighting must meet the dark-sky ordinance.

Joshua Purkiss, represented the applicant and responded to questions from the Commission. The lighting is willing to work with Staff to create a development agreement. Dark sky requirements will be met.

Commissioner Childs moved to approve the final plat of C.U.P. 23-01 Sands 55 Subdivision with waving of the Conditional of Approval # 6, requiring a development agreement, working with Staff regarding lighting requirements, and authorize the Chairman to sign the final plat. Commissioner Freeman seconded. Motion carried unanimously.

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

Chairman Caldwell returned to the Commission.

6:33 p.m.

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

- 1. C.U.P. 21-32 Lake Fork Village Condos and Offices – Extension Request:** Draper Developments is requesting a two-year extension of the conditional use permit approval that expires on December 31, 2023. The approval includes a two-story building with both business facilities and residential condominiums and a detached building with eight storage units. The 1.6-acre site, addressed at 4 Pleasant Acres Drive, is Pleasant Acres Subdivision Tax No. 165 in Lot 8 in Section 3, 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 and displayed the site and GIS map on the projector screen.

Chairman Caldwell asked for the applicant's presentation.

Cody Draper, Meridian, stated part of the delay was the redesign to remove the storage areas from the basement level to a separate location on the property due to high water table; the Commission approved the change in site plan. A sign permit was approved and the garage pads have been prepped. Supply shortages for the garages contributed to the delay. The site has been fenced. However, approximately 30-ft of the boundary was not fenced due to irrigation water from the adjacent field to the north. The low area will be filled with dirt which will keep the water from seeping outside of the irrigation ditch on the adjacent property. There are no wetlands at the site. Landscaping will be added.

In addition, Mr. Draper is requesting a change in part of the approved use. He is not sure if a conditional use permit amendment is required to change the residential units to office use. This 1.6-acre lot is adjacent to Highway 55 and people are concerned about the traffic and noise

levels. The site would be better for office use instead of residential. There would be no change in the building footprint or setbacks. There will be eight garage units that are temperature controlled. Approval was for an 8000-sqft building with offices with RV doors in the back on the main floor and four residences on the second floor. He would like to change the four residential units to office units. A development agreement was not required at the time of application. When the current owner acquired the property, the existing conditional use permit was for a garage space (unbuilt). Prior to permit, there was an approved application for storage, offices, and condos at the site.

Chairman Caldwell said the Commission would need to determine if this would be a substantial change. Commissioner Roberts stated a change of use changes the impacts. Director Herrick stated that the current conditional use permit does not require a development agreement. However, a proposed draft policy would require a development agreement for all developments. Staff recommends the Commission make a motion on the extension request. A separate decision would be if a new conditional use permit is needed to change the residential use to office use. Staff responded to questions from Commissioners. The Commission would determine if there was a change in the nature or scope from what was approved. There would be no additional agency comment unless a new application was received.

Mr. Draper is not opposed to a development agreement for this project.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Swain stated the applicant has had two years to accomplish this project; however, he is not opposed to granting an extension. He would like the applicant to be required to show progress made in year one prior to getting approval of an extension for the second year. The letter dated October 18, 2023, specifies what should be accomplished in 2024: eight storage units, stormwater, grading, driveway, and landscaping. Otherwise, the conditional use permit would expire.

Commissioner Swain moved to approve the two-year extension request for C.U.P. 21-32 Lake Fork Village Condos and Offices with the conditions that in the first year, the applicant completes the foundations for the 8-unit storage building, the road and site work, stormwater drainage, and landscaping.

Commissioner Childs 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.

Chairman Caldwell asked if the Commission would like to determine if the request is a change in scope or wait until a future meeting. Commissioner Roberts stated it would be wise to review past minutes and make a decision at the next meeting [January 11, 2023].

6:54 p.m.

2. **V-4-23 Concrete Plant Height Variance:** Knife River Corporation – Mountain West is requesting a variance from Valley County Code 9-5F-2.C to allow a concrete plant that is approximately 50-ft in height, exceeding the maximum 45-ft height for heavy industry uses. The site is parcels RP16N03E269005 and RP16N03E269070, addressed at 9 Plant Lane, and located in the SE ¼ Section 26, 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 and displayed the site and GIS map on the projector screen.

The aerial view of the site in 2011 and more recently was discussed. Commissioner Freeman stated the site was not functioning as a concrete plant in 2011. The Board of County Commissioners stated that a conditional use permit would be required if the scope changes from 2019. It is the same use. Is the scope the same? Commissioner Childs likes the updated emission controls and efficiency of the proposed plat but would a new plant increase capacity? Buildings and containers are visible in the aerial view; however, no building permits have been issued. Building permits are required for structures greater than three feet high.

Chairman Caldwell asked for the applicant's presentation.

Joesph Smith, Regional Environmental Manager for Knife River – Mountain West, Boise, stated that the proposed plant was purchased new in 2018 and is currently underutilized at another location. The proposed plant would be a similar size in capacity and production. He is not sure how many trucks were used at the site in the 1970's. The concrete plant is inside the same structure. This structure has been updated but is the same building. There are silos that hold cement and lime. A conveyor goes from south to the north to move aggregates. The site plan is similar to what existed in the past. Mr. Smith was involved in the environmental assessment in 2019 when Knife River purchased the property. The site does look pretty much identical to the 2011 picture. The number of aggregate stockpiles is the main difference in the pictures in the staff report. The proposed plant would be more efficient, not necessarily increase production. It would be quieter with updated environmental controls. The silo height would slightly increase; emission controls would be location on top of the silos. The proposed plant would be much better for the local community and environment. He requests a variance for longer than 5 years due to the large financial commitment; this is the right location for use.

Mr. Smith responded to questions from the Commission. The silos would be slightly larger, which would reduce the number of trucks. The existing plant does meet current requirements for dust. The new plant would reduce emissions and reduce small dust particles on site. Most of the aggregate is from Arling Pit. No aggregates are produced on site. There is no gravel extraction at this site. The concrete produced is sold to both private and public customers.

Commissioner Childs asked how many more trucks would travel to and from the site due to the increased efficiency of the new plant? What would the difference in full capacity now and full capacity for the new plant? Mr. Smith stated he is unable to answer that question. However, Knife River also has a concrete plant south of Cascade. Most of the concrete from the 9 Plant Lane location goes north on Highway 55. There are approximately four trucks on site; during busy times, some trucks will be brought from the Cascade area to base at this site. This reduces the driving distance to transport materials. Keeping concrete sources closer to building sites reduces costs, impacts, etc.

Commissioner Childs concurs that the concrete plant is a needed business in Valley County to reduce our costs. The nearness to Highway 55 is positive. However, she is concerned that the

operation has expanded from the scope approved in 2019 and resulting impacts to public safety. Mr. Smith does not know what the Board of County Commissioners stated as the scope in 2019. The concrete plant is a legal, nonconforming use. The use has not changed. Production does vary each season and over different years. He believes the scope has not changed. The current height is between 40 and 45 feet. There are four or five trucks on site. Commissioner Roberts disagreed as the aerial picture shows that many trucks during the day when additional trucks are likely on the road; he believes there are typically eight to ten trucks. In addition, the original parcel was much smaller and included a residence. Mr. Smith believes the mix house sits on the same foundation; Commissioner Roberts believes the mix house is much larger than the prior building. Commissioner Roberts believes the existing use has substantially changed and a conditional use permit is required. Adding height increases the scope. Mr. Smith disagreed. Knife River was not aware that building permits were required for temporary structures. They are currently working with the Building Department to be in compliance.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Freeman has no problem with allowing five additional feet of height. Building permits are needed. Commissioner Childs stated there is not enough information on how this could impact the scope or exactly what the approved scope was in 2019. She would prefer to postpone a decision to obtain more information. Commissioner Swain does not have a problem with an additional five feet. Commissioner Roberts understands that equipment comes in certain heights. He referred to the impacts noted in Mr. Dinsdale's letter. It might be appropriate to require a conditional use permit. Commissioner Roberts does not have a problem with the increased height; however, the scope has been substantially increased from what was grandfathered. The impact on approaches to Highway 55 has not been evaluated. The variance could be included in a conditional use permit application.

Director Herrick stated that the Commission will make a recommendation to the Board of County Commissioners. The Commission could recommend that the variance be included as part of a conditional use permit as the Commissioners believe the scope has increased substantially. The Commission could also recommend approval or denial of the variance. Commissioner Roberts stated including a variance within a conditional use permit would be more efficient. A conditional use permit would address off-site impacts to Idaho Transportation Department and include landscaping requirements.

Commissioner Childs moved to recommend to the Board of County Commissioners approval of V-4-23 Concrete Plant Height Variance with the requirement that the height variance request be part of a conditional use permit that is submitted to the Planning and Zoning Commission. Commissioner Roberts seconded the motion. Motion carried unanimously.

This will go directly to the Board of County Commissioners.

*Short break to 7:30 p.m.*

- 3. C.U.P. 23-47 Moser Subdivision – Preliminary and Final Plat:** KM Engineering is requesting a conditional use permit for a 1-lot subdivision on 1.7 acres. An individual well and septic system are onsite. Access would be from Norwood Road, a public road. The site is parcel RP16N03E170006, addressed at 13129 Norwood Road, and located in the NENE Section 17, 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 and displayed the site, plat, and GIS map on the projector screen.

The discrepancy between the proposed plat and the Assessor's plat will be worked out between the surveyor and the Assessor's Office. Recording this plat will fix the illegal split that occurred in 1998. The Commission approved C.U.P. 23-07 with the condition that the illegal split be corrected with a plat.

Chairman Caldwell asked for the applicant's presentation.

Matt Moser, Donnelly, owner of Triple M Refrigeration, is available for questions.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated. Condition of Approval #11 requiring a development agreement was discussed. The site is an existing parcel and building site. The development agreement will be determined by the Board of County Commissioners. Commissioner Freeman stated this process is cleaning up a problem.

Commissioner Childs moved to approve C.U.P. 23-47 Moser Subdivision Preliminary and Final Plat with the stated conditions; and leave COA # 11 up to the Board of County Commissioners. Commissioner Roberts 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.

*7:40 p.m.*

- 4. C.U.P. 23-48 Clear Creek Recreation Site and Campground:** Valley County is requesting approval of a recreational parking site and campground. The proposal includes 19 campsites, a vault toilet, and power and water. Access would be from Clear Creek Road, a public road. The 4.7-acre site is parcel RP12N04E102705, addressed at 289 Clear Creek Road, and located in the NW ¼ Section 10, T.12N, R.4E, 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, site plan, and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Sharon Simmons is opposed. (Dec. 14, 2023)

The site was purchased by Valley County from DF Development as this was where the County's plow turned around during road maintenance. The south part of the parcel has traditionally been used as a parking area by winter recreationalists.

Staff replied to commissioner questions. The property was purchased prior to 2023. There was not a conditional use permit for a parking lot. The parking lot was “improved”, not “approved”. The existing parking lot has been used for many years even when owned by prior owners. The nearby East Mountain No. 2 Subdivision was approved in 1975, prior to a planning and zoning department in Valley County.

Chairman Caldwell asked for the applicant’s presentation.

Larry Laxson, Valley County Parks and Recreation Director, explained the project and responded to questions from Commissioners. He responded to complaints about dust and traffic. Signs were purchased to educate and slow down drivers. Much of the traffic flow in the Clear Creek area is to and from Herrick Reservoir. The site has been used for many years to turn the County snowplow around at the end of the plowed road. The land was purchased when the County learned that DF Development was going to close the private land to recreationists. The plan was to move ATV/UTV/Camping use beyond the homeowners to lower the dust due to traffic. The site plan was designed similar to the Wellington Recreational Site in Smith’s Ferry. The camping fees would be used to improve the site and do dust abatement. This site is a major entry point to public lands year-round. Potential loss of this access is a concern. The site is adjacent to private land; however, it provides access to the land managed by U.S. Forest Service and State of Idaho, the Clear Creek Road and trail system, East Mountain Lookout, Deadwood, Yellow Pine, etc. A vault toilet would be added to the site; this would reduce the environmental impact of people using the larger area. The campsite would include a trained camp host, no lighting, a 14-day maximum stay, and regular cleaning. The project timeline is dependent on grants. The County could match grants with American Rescue Plan [ARPA] money. The impact report was completed by a Valley County Parks and Recreation employee. Commissioner Swain stated the traffic would increase use due to camping; this should have been reflected in the submitted impact report. In addition, the traffic amount due to changing the site from an unofficial parking area to an official parking area should have been included.

Mr. Laxson stated the site has been used as an unofficial parking site for many years by recreationalists, prior to the County buying the property. Making the site an official campground would move the ATV/UTV and camping use past the Clear Creek Area and reduce the traffic going back and forth between the highway and recreational area. Mr. Laxon concurs that there is a lot of dust due to traffic on the dirt roads in the Clear Creek area. Mitigation measures would occur. Fees from the site will be used to pay for dust abatement with permission of the County Commissioners. In response to a question regarding the economic impact of the proposal and maintenance costs, Mr. Laxon replied that the Wellington Recreational Site fees exceed the expenses. He does not know the estimated income and expenses for this proposed site. The Wellington site has 18 camping spaces, a well, vaulted toilet, and camp host. The Clear Creek site would have 19 camping spaces. It would not be a glamping site and would not have the amenities provided by sites such as the private Clear Creek Inn campground. The site would have gravel roadways, no hook-ups, and designated campfire locations. The plans for Phase 1 and Phase 2 were explained. The Parks and Recreation Department did not apply for a conditional use permit prior to disturbing the grounds as the parking lot was already in use. During summer 2023, equipment was used to fix erosion issues and place boulders to mitigate the off-road travel of motorcycles, etc., occurred prior to 2023.

Mr. Laxson did not realize a sign permit was required; he was asked by the County Commissioners to place educational signs to slow down traffic. Director Herrick stated the site is almost one mile from the end of pavement as measured on the GIS map.

Commissioner Roberts stated the County is changing; there is a lot of demand for recreational sites. Mr. Laxson stated the Wellington Park site was originally used for a warming hut,

grooming shed, and parking. The rest of the property for the Wellington recreational site was purchased from Southern Pine Timber with grant money. This site has operated fully for three years.

Commissioner Roberts referred to the response from Central District Health; 19 spaces would require community water well approval for a public water system. Mr. Laxson concurred and stated if approval is not received, the well water will be for non-potable uses and for fire suppression. The well at the Wellington site contains non-potable water. Clear Creek Road is wide enough for two vehicles to pass on the roadway.

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

Chairman Caldwell asked for opponents.

Renee Miller, 10564 Skunk Creek RD, is not opposed to new campgrounds but is opposed to this specific location. Dust has been a problem in this area for many years; why add to the existing problem? Culverts on Clear Creek Road are all backing up with willows, trash, etc., leading to water on the road which will eventually wash out. This site is extremely dusty and would not be a beautiful camping site due to constant dust. The entire campsite is surrounded by private property. Kids could not leave the site to explore without walking down Clear Creek Road.

Gorden Rieger, 16 Blue Spruce CT, lives just above Skunk Creek Road. People are camping further up the road along Clear Creek Road with motorcycles, UTVs, etc. This proposed campground would further increase traffic driving through the area. There are sections along the road where the roadway is only 20 feet wide. Concerns include large vehicles, excessive speeds, and lots of dust. Traffic currently increases speed to get up the hill. A campground is not compatible unless the road is paved. He agrees that the parking lot has always been there and the County needs a spot to turn the plow around.

Mike Chapin has been at 224 Clear Creek RD since 1993. Previously the County put dust control on the road. Dust control has not been privately done during the past two years due to excessive cost. The year before last, he documented approximately 900 vehicles during a three-day weekend using a trail camera pointed at the road. He has spoken to the Board of County Commissioners about speeding traffic. ATV/UTV traffic would go back and forth from the campground to Highway 55. He is concerned about traffic, safety, and dust.

Eric Jorgeson, 29 Willow Way, referred to the campground diagram. Campsite locations were established during Summer 2023. He believes the disturbed soil will be a mess with erosion in spring. Large rocks were brought to the site and dirt moved over the summer. He concurs with previous comments in opposition.

Randy Mahler, 122 Alder Way, owns five acres adjacent to the parking lot. He concurs with comments in opposition; concerns include traffic, security, wildlife, decreased property values, limited law enforcement in the area, trespassing, and competition with existing nearby RV park. The campground would not provide water at each site thus increasing fire risk to the entire area. This proposal is for an RV park, not rustic camping, that would be surrounded by private property and private homes.

Lance Heindel, 10694 Highway 55, owns Clear Creek RV Park and has ethical concerns with a project that appears to use taxpayer funds to fund his competition. Dirt work already occurred at the site without allowing residents to voice their concerns.



Todd Hammons, Meridian and 134 Alder Way, stated that Clear Creek Road is a narrow and very dusty road that people use as a raceway. A campground would increase dust as campers will be going over to Herrick Reservoir to fish. It would increase traffic in the area. If approved, conditions of approval should include paving, dust control, road widening, and improved culverts. He has used the site for snowmobile trailer parking and is an ATV enthusiast. This road is used to access State land for recreation. There was a user trail where people would ride motorcycles and UTVs within the property and created a loop. The intersection at Alder Way and Clear Creek Road is dangerous.

Chairman Caldwell asked for rebuttal from the applicant.

Larry Laxson concurs with many of the comments. He wishes the County had property further along Clear Creek Road for a recreational site; however, this is the property the County was able to purchase. He would love to pave the roads. He should have communicated with the residents better. He was concerned with the large ruts that existed from the "race track loop" on the property. Mr. Laxson replied to questions from Commissioners. The campsites would be "first come, first serve" as the County does not currently have a reservation system.

Commissioner Roberts suggested the County look into partnering with the State of Idaho reservation system. A community meeting was not held. There was discussion on improving the road from the end of pavement to past proposed site. Grants would be submitted by the County's grant writer and recreational planner. Campground fees raised would be used for dust abatement plus additional potential improvements. The site is adjacent to Clear Creek Road; a safety buffer would protect kids at the site. There is a fence and large boulders around the campsite area except for the entry way. An educational kiosk and presentations would be added in future. Mr. Laxson stated excavation did occur in 2023 when the parking area was improved, and the loop trail obliterated. Phase 2 needs grant funding and would not include power at the campsites. Mr. Laxson concurs with Commissioner Freeman that inconsiderate visitors to the County are causing issues. Valley County is working with the Idaho Recreational Council (IRC) for solutions. Currently marine deputies patrol lakes due to existing funding sources; proposed legislation would increase funding for enforcement of off highway vehicle use. Chairman Caldwell added that increase enforcement is needed on roads used to access public lands.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Swain does not feel good about how the County proceeded with the conditional use permit. He recommends a pause until the County has held a community meeting to discuss impacts. The County should not encourage tourism over private property rights and the enjoyment of private properties. This submittal is lacking: the application should address fencing to protect adjacent properties, a fire suppression plan, and dust abatement. This Commission has denied multiple glamping proposals in residential areas. Conflicts occur between temporary campers and full-time residents. Commissioner Freeman is sympathetic to traffic concerns. People who live in the area would have no benefit from this proposal. Commissioner Childs agrees with prior Commissioner comments. Compatibility is an issue as there are well over 40 homes and private property surrounding the site. The site would not have electrical power; therefore, 19 noisy generators would be expected. This would not be in line with the quiet enjoyment and private property rights of the surrounding owners. Commissioner Roberts also concurs with previous comments by Commissioners. The application is not complete and lacks what other applicants are required to submit. The quality of the existing road is a huge issue. A development agreement with the County would be required if the proposal was for 19 subdivision lots. He concurs with Commissioner Childs regarding the compatibility rating. Just because the County owns the site does not make it a good spot for a campground. The campsite could be put on nearby State of Idaho lands as there is a mandate to maximize

income on that property. The road should be paved to the site and beyond; however, people will drive faster if the road is paved. The proposal should be denied or held for more information. Chairman Caldwell also concurs with past comments. Other applicants would be required to submit more information and agree to a development agreement. Concerns include dust, culverts, road width, and the lack of funds to mitigate these issues. Compatibility is a concern. Because it was classified under Civic or Community Service Uses, staff received a positive compatibility rating. However, if it had been classified as a RV Park, the use would have received a negative rating.

Commissioner Swain moved to continue C.U.P. 23-48 Clear Creek Recreation Site and Campground until the County has direct dialogue with the neighbors, landowners, and homeowners and address their concerns; and give us a complete package. Commissioner Roberts seconded the motion. Motion carried unanimously.

Staff asked for clarification of the motion. Commissioner Swain would like the County to address concerns, hold a neighborhood meeting, and come to some solutions. He would like the opportunity for the County to update the application. There was further discussion. This is still an active application but is not on an agenda until placed there by the Chairman. Additional noticing would be required for a new meeting date. The Applicant has heard the Commission's concerns and can amend the application. "Continuance" is not in the Valley County Code. The other option would be to deny the application and the County could submit a new application.

Commissioner Swain moved to rescind the previous motion. Commissioner Roberts seconded the motion. Motion carried unanimously.

Commissioner Swain moved to deny C.U.P. 23-48 Clear Creek Recreation Site and Campground. Commissioner Roberts seconded. The motion carried unanimously.

Staff clarified that Valley County Code 9-5H-7.C details when the Commission may table an application.

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

*9:00 p.m.*

**5. C.U.P. 23-49 Lamm Multiple Residences and Short-Term Rentals:** J. Barrett Lamm is requesting a conditional use permit to allow two residences on one parcel. The homes would be approved as long-term or short-term rentals. Each home would have an individual well and individual septic systems. Access would be from a shared driveway onto Rainbow Road, a public road. The existing home is addressed at 13282 Rainbow Road. The 20-acre parcel is RP16N03E033595 located in the NW ¼ Section 3, 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 and displayed the site and GIS map on the projector screen.

Chairman Caldwell disclosed that with addition of the adjacent 53 acre-parcel owned by the applicant, the site borders property owned by relatives of both Commissioner Swain and herself. This is not a conflict of interest.

Staff clarified that the owner of the two parcels could do a parcel-line adjustment and have a home on each parcel. If this was done, a conditional use permit would not be needed for the

multiple residences nor for the short-term rentals. There will be greater than 1000-sqft feet of living space in the apartment in the barn; therefore, the applicant is unable to apply for an Accessory Dwelling Unit (ADU) permit.

Chairman Caldwell asked for the applicant's presentation.

Barrett Lamm, 13282 Rainbow Road, stated his main residence is on-site. The additional living space originally started as a playroom in the barn and expanded into greater use. He does not plan on moving. Tax codes allow him to rent out his primary residence for up to two weeks without claiming additional income. He would like the ability to short-term rent both residences. The entire acreage includes a 20-acre parcel and 33-acre parcel. The additional structure visible on the aerial view in the northern part of the property has been removed. There is an ATV use track that goes around the entire property. It is shielded from neighbors. The site would provide short-term housing for employees while they look for a permanent residence. There would be no rentals for weddings or other events. The septic system capability was discussed as well as proposed conditions of approval 22 and 23. The long-term goal is to build a primary residence on the other parcel and rent these two sites long-term. Approval of this conditional use permit would allow flexibility. There is an existing fence surrounding the 54 acres. The house does not have sprinklers; they are not required.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

The only person in the audience was the applicant.

Chairman Caldwell closed the public hearing. The Commission deliberated. Chairman Caldwell is concerned with Staff's compatibility rating; the top has a negative number. However, the compatibility rating is used as a guide. Commissioner Childs stated the proposal could be accomplished by doing a parcel line adjustment which does not need approval of the Commission. Chairman Caldwell stated the conditional use permit allow for conditions of approval and more control. Commissioner Freeman's only concern is the short-term rental use. The proposal makes sense. Commissioner Swain said it would be easy to rent the homes as long-term. He prefers to only allow long-term rentals. The Commission does not need to address the use of ATVs on the property. Director Herrick clarified that a conditional use permit goes with land unless a specific condition is put on a permit. Commissioner Roberts is concerned about precedent setting and wanting clarification on the path the applicant could accomplish the same results without Commission approval. The applicant could do a subdivision and then apply for short-term rental permits for individual lots as one short-term rental is allowed per each parcel. Or the applicant could do a property line adjustment and have one residence per each of the two parcels; one short-term rental is allowed per parcel without Commission approval. The parcels are large, and each home would have an individual septic system. No comments were received from upset neighbors. Commissioner Caldwell likes the mandated quiet hours to mitigate issues.

Commissioner Childs moved to approve C.U.P. 23-49 Lamm Multiple Residences and Short-Term Rentals with the stated conditions. Chairman Caldwell seconded the motion. Chairman Caldwell and Commissioners Childs, Freeman, and Roberts voted in favor. Commissioner Swain opposed the motion. Motion carried.

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

9:25 p.m.

**E. OTHER:**

1. **C.U.P. 22-19 Valley Heights:** Is changing the CCRs to allow short-term rentals a material change to the approved application. Action Item.

Director Herrick stated the Commission approved a preliminary plat with draft CCRs that stated no short-term rentals. However, the applicant now wishes to allow short-term rentals. Commissioner Childs stated in general she would view it as a substantial change. Director Herrick stated that short-term rentals were not mentioned in the notice fact sheet. Chairman Caldwell believes the Commission asked if the applicant would be willing to prohibit short-term rentals. Commissioner Roberts stated the applicant stated during the public hearing that short-term rentals would be prohibited. Chairman Caldwell stated there would be additional impact if allowed.

Commissioner Childs moved that allowing short-term rentals and changing the CCRs to reflect this is a material change to the approved conditional use permit and would require an updated conditional use permit application. Commissioner Freeman seconded. Chairman Caldwell and Commissioners Childs, Freeman, and Roberts voted in favor. Commissioner Swain opposed the motion. Motion carried.

2. **Privy Request – Little Donner Sub Tract II Lots 3 and 4, 86 Mountain Air Drive.** Action Item.

Commissioner Childs moved to approve the vaulted privy at 86 Mountain Air Drive. Commissioner Roberts seconded the motion. Motion carried unanimously.

**F. FACTS AND CONCLUSIONS – Action Items:**

- C.U.P. 23-39 Morgan Acres Subdivision
- C.U.P. 23-41 Shabby Chic on the Cheap Event Venue
- C.U.P. 23-42 Paradigm Custom Homes – Shop and Storage
- C.U.P. 23-43 Round Valley Haven Subdivision
- C.U.P. 23-44 Cell Tower
- C.U.P. 23-45 Lake Fork Preserve Subdivision

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

**G. OTHER:**

1. **Upcoming Meetings**

January 11, 2024 – next regularly scheduled meeting at 6:00 p.m.  
January 23, 2024 – Work Session at 5:00 p.m.

2. **Valley County Code Title 14 Discussion**

Commission Swain believes the Commission was not given all the information when approval was recommended for this Ordinance. Staff clarified that Title 14 was approved by the Board of County Commissioners under Idaho Code Title 82. This is not a land use ordinance and does not require approval of the Planning and Zoning Commission. Commissioner Swain stated the Commissioners approval gave the Board of County Commissioners the ability to put impact fees in code and create a new board for impact fees. Staff clarified that the Commission recommended approved of an amendment to the Comprehensive Plan adopting impact fees for

the fire districts. The Board has been working on impact fees for over two years. Title 14 was discussed further. Commissioner Roberts suggested this be discussed with the Board at a work session. Commissioners Swain believe it appears that the PZ Commission and the Board approved impact fees above and beyond fire districts and emergency services. The Commissioners discussed the minutes of August 17, 2023. Staff clarified that the County amended the Comprehensive Plan and adopted an ordinance (Title 14). The cities of Cascade, Donnelly, and McCall all adopted the same ordinance. The applicants were the three fire departments. Commissioner Swain stated he was not provided with all the information and ramifications of the decision. Director Herrick stated that impact fees in addition to those approved for the fire districts would require amending the Comprehensive Plan. The new Impact Fee Standing Committee, created in Title 14, is required to review impact fees; this allows another check and balance of the system.

Chairman Caldwell adjourned the meeting at 9:50 p.m.