

Valley County Planning & Zoning Commission

PO Box 1350
219 North Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Fax: 208-382-7119
Email: cherrick@co.valley.id.us
Website: www.co.valley.id.us

Johanna Defoort, Chairman
Scott Freeman, Vice-Chair

Ed Allen, Commissioner
Brian Benton, Commissioner
Ray Cooper, Commissioner

MINUTES

Valley County Planning and Zoning Commission

August 13, 2020

Valley County Court House - Cascade, Idaho

PUBLIC HEARING - 6:00 p.m.

A. OPEN: Meeting called to order at 6:00 p.m. Quorum exists.

P&Z Administrator – Cynda Herrick:	Present
P&Z Commissioner – Ed Allen:	Excused
P&Z Commissioner – Brian Benton:	Present
P&Z Commissioner – Ray Cooper:	Present
P&Z Commissioner – Johanna Defoort:	Present
P&Z Commissioner – Scott Freeman:	Excused
P&Z Technician – Lori Hunter:	Present

Chairman Defoort explained tonight's public hearing procedures which are based on the Governor's current requirements for Covid-19. The public can livestream the meeting and may testify either in person or telephonically.

B. MINUTES: Commissioner Benton moved to approve the minutes of July 9, 2020 and July 16, 2020. Commissioner Cooper seconded the motion. Motion carried unanimously.

D. NEW BUSINESS:

- 1. C.U.P. 20-13 Ted's RV Site:** Theodore and Sherry Zahradnicek are 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 use. There is an individual well, central sewer, and electrical power. The 0.82-acre site is addressed at 217 Wildwood Drive, located in McLeod & Edwards Wagon Wheel Subdivision No. 6, Lot 7 Block 7, in the NW ¼ Sec. 33, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item – **POSTPONED TO SEPTEMBER 10, 2020**

- 2. C.U.P. 20-14 RMC / Pinetop Office:** Rocky Mountain Crane is requesting a conditional use permit for a new office space, shop, parking lot, and covered parking structure. This would be in addition to the existing C.U.P. 18-06 Rocky Mountain Crane. Access would be via the existing driveway for Rocky Mountain Crane at 14032 Highway 55. The 3.6-acre site is addressed as 14032 Highway 55 and is Lot 1 of Karsyn Business Park located in the NENE Section 33, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *exparte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Staff presented the staff report.

Chairman Defoort asked for the applicant's presentation.

Dusty Bitton, 7 Boulder View Place, represented Rocky Mountain Crane, and submitted the following:

- **Exhibit 1** – Picture of current site, looking southward
- **Exhibit 2** – Picture of current site, looking eastward
- **Exhibit 3** – Updated Site Plan

Dusty spoke regarding proposed buildings, setbacks, and lighting. There will be an 80% lot coverage including parking, storage, etc. No employees will live on site. There is a well with frost-free spigots for fire suppression. Construction would start spring 2021 after engineering and building permits are approved. Construction would finish by end of 2021. No lights on covered parking area. Doors on the new shop will open to the east, not towards the highway. Lights on the existing shop are downward-facing LEDs. Lights on the fuel island are downward facing halogen lights. Mr. Bitton will check and fix if the lights are not compliant in regard to lumens (staff stated there is a limit of 3000 Kelvin). The lights on the new office will be on from dusk to dawn. There are two buried fiberglass diesel tanks that are in concrete and are inspected by Donnelly Fire and ID DEQ. They were put in by Knife River when they used the site.

Administrator Herrick clarified that the lot coverage of the buildings is under the 40% required by Valley County Code. Lot coverage is determined by structures.

Chairman Defoort asked if there was anyone in person who wished to speak on C.U.P. 20-15.

Joe Swinford, Rio Vista, said his EnergySeal company is directly across highway from RMC site. He supports the project. It is difficult to sustain businesses and stay efficient and productive. This makes good business sense.

Chairman Defoort asked if there was anyone who wished to speak telephonically. There was none.

Chairman Defoort closed the public hearing.

The Commission deliberated. Consolidating businesses makes good business sense. The Commissioners discussed their own compatibility ratings.

COA #3: Must be established by December 31, 2021.

Commissioner Benson moved to approve C.U.P. 20-14 with the stated conditions and additional time as stated. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

3. C.U.P. 20-15 Brutsman Lodge: Ron and Tamara Brutsman are requesting approval to establish a lodge that is approximately 7,753 sqft, including garage and covered porch. Central sewer and water will be used. Access is via two existing driveways off W. Roseberry Road, a public road. The 1.01-acre site is addressed at 1888 W. Roseberry RD. It is Hawks Bay Subdivision Lots 1 and 2, Block 2, in the SWSW Section 17, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Staff presented the staff report. Landscaping plan is required for anything determined to be commercial. Short-term rentals are residential, not commercial use. If the Planning and Zoning determines that C.U.P. 20-15 is a commercial use, more requirements must be met. Events such as weddings will expand the nature of the use to commercial.

Chairman Defoort asked for the applicant's presentation.

Ron Brutsman, 1888 W Roseberry, is building a retirement home which he wishes to rent out in the meantime to help subsidize costs. It will also be used for extended family visits. He started building 2 ½ years ago, prior to the new short-term rental ordinance. It is a home where family groups can stay together at one site.

He will not promote company retreats. There will be no extra campers nor RVs for rental purposes/additional guests. Thirty people maximum per night. Maximum number of RV per site is one. When the house is being rented to guests, no RVs will be parked outside. He and family members may park their RVs there.

The site plan shows both lot 1 and 2 being used. Mr. Brutsman is agreeable to including both lots in the C.U.P. This would limit the use of lot 1, e.g. no new home on lot 1.

There was discussion on required setbacks for single-family residence vs residential use versus commercial. This home was built to meet the single-family residential setbacks (7.5 ft from sides). Idaho State Statute states that short-term rentals are a single-family residential use. Event venues are commercial use.

Asphalt parking on Lot 2 was discussed. He will add trees for a barrier. The site plan was referenced. Lot 1 will be more natural ground or gravel/road base; he is not sure how many vehicles would be parked there for overflow. Would be useful for parking boat trailers.

The house has a kitchen plus a kitchenette with a sink and small fridge. Fences are not allowed by CCRs. He is willing to fence between lot 2 and lot 3. There is an architectural control committee. There is an outside fire pit with required items. The maximum number of vehicles on site is seven (7), plus additional boat and UTV trailers. There is a sign on the back fence that was placed by the Bureau of Reclamation regarding the seasonal wildlife closure. Outside lights are on the house only, all under eaves. All are cam lights facing downward.

There is a bunkroom (8), bedroom (5), bedroom (4), bedroom (4), and bedroom (4). Northlake Recreational Sewer and Water District will charge double for the larger house and capacity.

Mr. Brutsman responded to Commissioner questions regarding the Donnelly Fire letter that was included in staff report and requirements for detectors, etc.

The house would be available for rent throughout the year. The driveways are located off West Roseberry, not Hawks Bay; therefore, traffic will not be going through the subdivision.

Chairman Defoort asked if there was anyone in person who wished to speak on C.U.P. 20-15. There were none.

Chairman Defoort asked if there was anyone who wished to speak on C.U.P. 20-15 telephonically.

Annette Box, owns the adjacent 1884 W Roseberry RD, said the subdivision is a quiet location with CCRs. She is opposed. There should be a minimum setback of 30 feet; the setback is already less than required. Year-round noise would negatively impact their lots. The use would decrease property values. She does not want the site to store RVs, trailers, etc. There were reasons that Valley County limited short-term rentals to 12 people. Both lots should be combined. Lot coverage is too high (45%).

Chairman Defoort asked for rebuttal. There was none.

Chairman Defoort closed the public hearing.

The Commission deliberated. They discussed the five bedrooms, 30 people, parking, access onto West Roseberry Road, the impact to adjacent neighbors, and the short-term rental ordinance. The home is a large house; can the neighborhood accommodate that many people? Can the impacts be mitigated? A drawn-to-scale site plan with landscaping should be included. Detailed compliance response to letter from Donnelly Fire is needed. As well as a fence or agreement with adjacent neighbor. Controlling the number of people reduces the impact to

the neighborhood. Impact report needs more detail. Effect on property value is speculative. Noise was discussed. Where will water drain from asphalt parking area? Location of fire pit?

COA: Shall combine lots 1 and 2 as long as being operated as a Lodge.

Requirements include:

- Business plan
- Landscaping plan
- Detailed site plan
- Limit of 20 people
- Response from fire department, analysis of fire pit location
- Privacy fencing or landscaping agreement with the neighbor
- More specific responses to impact report

Commissioner Benton moved to postpone C.U.P. 20-15 to September 10, 2020 at 6:00 p.m. to receive additional information. Commissioner Cooper seconded the motion. Motion carried unanimously.

7:20 p.m.

4. C.U.P. 20-16 The Hide Out Event Venue: Pratt Holding LLC is requesting approval to establish an event venue. The home and property would be used for events, short-term rental, and camping. Portable restrooms would be used when needed. Electricity (solar and hydro), propane, septic system and a spring for water exist on the property. Access is via Pratt Place, a private road. The 160-acre site is addressed at 200 Pratt Place. It is parcels RP11N02E351090 and RP11N02E350007 in the NE ¼ Section 35, T.11N, R.2E, Boise Meridian, Valley County, Idaho. **WITHDRAWN BY APPLICANT.** Action Item.

5. C.U.P. 20-18 Byrne's RV Site: Geno Byrne 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 use. Water is hauled to the site, central sewer is used, and electrical power exists. The 0.24-acre site is addressed at 12951 Patty Drive, located in Big Smoky No. 2 Subdivision Lot 32, in the SE ¼ Sec. 21, T.16N R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Applicant's response to staff report questions.
- **Exhibit 2** – Response received after staff report was prepared.

Staff stated the Commission should decide if this a grandfathered non-conforming use? This is the first conditional use permit for RVs since the new recreational vehicle campground ordinance was approved. Conditional use permits do not allow parking within setbacks.

Chairman Defoort asked for the applicant's presentation.

Barbara Byrne, 7317 W Danbury Court, said the family has owned the property since 1970's. Various family members have been parking RVs/campers there for over 10 years. The family would like to keep the ability to have four RVs. All four sites have electricity and sewer. They will comply with all setbacks. The fire pit is currently 11 feet from the back property line; water is available. **Exhibit 1** with the site plan and fire pit picture were discussed.

Chairman Defoort asked if there was anyone in person who wished to speak on C.U.P. 20-18. There was none.

Chairman Defoort asked if there was anyone who wished to speak telephonically.

Jim Fleming, Big Smoky #2, asked about setbacks.

David Kerrick, 205 South 10th, Caldwell, owns property in Big Smoky #2. There have always been several RVs and a large crowds at this site. The property lines are not delineated; guests sometimes cross the property line. The applicant is not the owner and the owner is not an applicant. The site plan [in application] did not show the setbacks or fire pit. The cargo trailer appears to be on or near the right-of-way.

Diane Chacon, 5744 North Big Cedar Avenue, Meridian, owns 12967 Dawn Drive in Big Smoky #2 and is opposed. She is concerned about parking on the lot and setback requirements. Setbacks should be 20 feet from front and back, 7.5 from the sides. There are four RVs and additional parking. The site should be owner-occupied.

Chairman Defoort asked for rebuttal.

Ms. Byrne responded to comments. The utility trailer was parked too close to the road; it has been moved to meet setbacks. Their two RVs on the site do need to be moved to be compliant with setbacks. She wants clarification on what the setbacks are. She stated the applicant is the sole beneficiary of the Byrne Bob and Delores Family Trust. Bob has passed. They are willing to have the property quitclaimed from the trust to Geno Byrne, but didn't want to take "mom" out of the house to a notary and expose her to Covid-19.

Staff clarified setbacks are measured for things that require building permits. Setbacks are measured from the property lines. Those lines need to be known. The RVs are not structures; the Commission should determine the required setbacks for RVs, parking, and fire pit. Single-family residential setbacks are 20 ft from the front and rear property lines and 7.5 feet from the sides.

This site is on Northlake Sewer. The fire pit is not a permanent structure; it is within the setback area. The applicant is willing to state the RVs will not be rented out.

Chairman Defoort closed the public hearing.

The Commission deliberated. There was discussion if the current use is “grandfathered”. Chairman Defoort believes it is grandfathered. The new ordinance was put in place to clean up properties that did not meet setbacks, had too much lot coverage, and/or were parking on roadway. In the past, more lots in this area looked similar. The applicant has been compliant, and they are the first ones to submit an application since the rules have changed. Commissioner Cooper noted that a burn barrel is on the adjacent lot. A conditional use permit would solidify the use of the lot for multiple RVs. They discussed the reason RVC permits and/or C.U.P.s are required for RV use. The lot is not covered with garbage. Vehicles should not be parked along the road. The Commissioners clarified that the required setbacks are 20 ft from the front and rear property lines and 7.5 feet from the sides. The fire pit looks great, but should not be within the setbacks.

COA: Shall move fire pit so it is not within setbacks.

COA: Shall mark property lines.

COA: Shall quitclaim property within one year.

COA: Shall not rent site or RVs.

COA: All guests shall park on-site.

COA: Setbacks are 20 feet from the front and rear property lines; 7.5 feet on both sides.

Commissioner Cooper moved to approve C.U.P. 20-18 with the stated conditions. Commissioner Benton seconded the motion. Motion carried unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

7:57 p.m.

6. C.U.P. 20-19 Rocking K Ranch Event Venue: Nick and Sabrina Kertz are requesting approval to establish an event venue. There would be a maximum of 24 events per year with a maximum of 300 guests per event. Portable restrooms and portable hand-washing stations would be used. Electricity, septic system, and two wells exist at the site. Access is via an existing driveway off Pearson Lane, a public road. The 10-acre site is addressed at 25 Pearson Lane. It is parcel RP18N03E276155 and RP18N03E289001 in the SWSW Section 27, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Responses received after staff report was prepared.

Chairman Defoort asked for the applicant's presentation.

Nick Kertz, 25 Pearson Lane, moved to home in 2019 and wanted no HOA nor CCRs and desired acreage for livestock. The proposal would provide a rustic outdoor venue that is reasonably priced near McCall. They will not use existing buildings for events, only as backdrops. This alleviates the requirement of the Fire Department to reclassify the buildings. All vehicles would be parked in south pasture; the driveway will be kept open for emergency vehicles. The applicant will mow and water parking area to reduce fire danger. Buildings will be secured. Food and dishes will be catered and cleaned off site. This use will fill a need in community. Events would require an event planner. McCall RV and Shore Lodge only hold indoor events. Jug Mountain Ranch is twice as far, not as affordable, and not rustic. Tamarack is closer to Cascade than McCall.

The driveway and common area are well maintained with fresh gravel to maintain dust. As well, the area will be watered prior to events. The events will not take place near the canal; there is a fence and will be a berm. He does not have water rights from the canal; thus, two wells are on the property. Fire pit is well maintained. No extra RVs during events. No overnight camping for events. Porta-potties locations are noted on site plan by southwest corner of barn; they would not be left on-site after events. The number of porta-potties would be based on vendor recommendations. They would like more than two events per month. He disagrees with compatibility rating in staff report. The property borders commercial and agricultural as well as residential. Music will end at 10:00 p.m., events at 11:00 p.m. The maximum number of people is 300; many events would be smaller. Snow will be cleared from parking area. Traffic would be limited to 100 vehicles. He referenced the pictures from prom event. He discussed the current traffic, particularly construction vehicles, that are currently using Pearson Lane. Noise can be mitigated by facing music towards the commercial areas along Highway 55.

Chairman Defoort asked if there was anyone in person who wished to speak on C.U.P. 20-19.

Anne Carr, 14023 Hideway Court, lives about a mile away. She has submitted a long letter why she is opposed. Tonight, she is speaking for Scott Harris, who is concerned about people who have been drinking or using drugs at the event and then driving. There are traffic and pedestrian concerns. Noise is also a concern, and includes vehicles, music, yelling, and other loud noises.

Don Lojek, 14132 Pioneer Road, about 1 mile from proposed site. He previously submitted a three-page letter so he will not repeat those reasons for opposition. At a previous public hearing, the applicants were opposed to the adjacent BP commercial activity. Then they applied for commercial activity at their property. This is an example of "slippery slope" as commercial activity is permitted at adjacent sites. The proposal is not an appropriate nor compatible use for a residential area.

Larry Shake, 1612 South Samson Trail, lives across the street from the proposed site. He is opposed. The prom was a one-time event. The traffic and noise during the prom were disruptive and they could not hear the TV in their own house. This is an area where people can

hear the birds. The set-up people, bartenders, etc., also will impact the neighborhood and increase the noise. He submitted **Exhibit 2**, a petition with 15 additional signatures.

Geoffrey Roth, 14006 Comfort Road, said hundreds of residents who have been living in a peaceful area will be impacted. The Board of County Commissioners stated during a recent meeting that east of South Samson Trail should only be considered residential, not commercial.

Chairman Defoort asked if there was anyone who wished to speak telephonically.

Kristen Fiorentino, 59 Knob Hill Drive, is opposed. Allowing large gatherings violate the peace for the neighbors. This site has had a dramatic impact to neighbors. Approval would set a poor precedent. The use negatively impacts the relaxing weekends throughout the summer and fall. The use lowers the value of nearby properties.

Kathy Deinhardt Hill, 14068 Pioneer Road, is opposed. It is not a compatible use in a quiet area that people call home.

Vern Farris, Comfort Road, lives about a mile from proposal site. He discussed the topography as the site is at the bottom of the bowl. Noise will travel. Traffic will be an issue; people already get lost in the surrounding subdivisions. This is not compatible with the neighborhood. There would be numerous calls to the Sheriff's Office regarding noise.

April Whitney, 18 Knob Hill Drive, said people bought in the area for the quiet environment. The existing commercial uses in the area shut down earlier in the day, not at 11:00 p.m. Sound will carry from that location and disrupt the neighborhoods that have many year-round residents.

Maggie and Bob Gamble, 13958 Easy Street, Carefree Subdivision, are opposed. They also previously sent a letter.

Scott and Connie Harris, 86 Ilka Lane, clearly heard the prom event. He is concerned with alcohol use, boisterous partying, and intoxicated drivers. All traffic would not use Pearson Lane and Highway 55; South Samson Trail begins across from proposed site's driveway and would be used. This is commercial creep into a residential neighborhood.

Loretta Rowley, 13959 Easy Street, is opposed due to the reasons mentioned already.

Jamie Forsyth, 40 Pearson Lane, lives directly across from the proposed site. The outdoor music during the prom was very loud and disturbing with their windows closed. Sound travels easily over the flat land. This is a peaceful and quiet residential neighborhood. The use would negatively impact the residents' quality of life and property values. Turning onto the highway is already dangerous.

John Humphries agrees with the comments in opposition. He lives about a mile east and is concerned about noise and traffic.

Chairman Defoort asked for rebuttal.

Mr. Kertz replied to the previous comments. There were no incidents during or after the prom. He and Sabrina were opposed to the adjacent C.U.P. 20-09 application as originally presented. After talking to the applicant and listening to approved changes, a solution was reached. Thus, their change of mind regarding C.U.P. 20-09. The letters' concerns do not match what is in the application, in particular, the ending time of events. He is a musician; previously there has not been any concerns about the music that his family regularly plays on the property.

Chairman Defoort closed the public hearing.

The Commission deliberated. There are traffic concerns. Noise cannot be controlled. The irrigation ditch is a safety concern. Commissioner Cooper said the use does not fit the neighborhood. Commissioner Benton is concerned about the noise carrying through the neighborhoods and the visual impact of the temporary tenting. Chairman Defoort agrees. The neighboring commercial businesses operate during work hours; this use would not, it would operate in the evenings and on weekends. The noise cannot be mitigated, traffic is a concern, and the number of events is not acceptable.

Commissioner Benton moved to deny C.U.P. 20-19. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

Chairman Defoort declared a five-minute break.

7. C.U.P. 20-20 The Gathering Place Event Venue: Brent Peterson is requesting approval to establish an event venue. The home and property would be used for short-term rentals and events. A maximum of 36 overnight guests has been requested. Electricity, propane, septic system and a well exist at the site. Access is via an existing driveway off Knob Hill Drive, a public road. The 5.7-acre site is addressed at 52 Knob Hill Drive. It is Knob Hill Estates Subdivision 2 Lots 3 & 4 and in the SWNW Section 34, T.18N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Defoort introduced the item and opened the public hearing. Chairman Defoort asked if there was any *ex parte* contact or conflict of interest. There was none.

Chairman Defoort asked for the Staff Report. Staff presented the staff report and summarized the following exhibits:

- **Exhibit 1** – Responses received after staff report was prepared.

Chairman Defoort asked for the applicant's presentation.

Brent Peterson, 52 Knob Hill and 11142 W Shay Park Drive, Nampa, agrees with the ordinance. Safety is important. We bought the place for our family to use and eventually retire to. Previously have rented the home to a maximum of 48. He discussed safety, septic, and the

well. They have reduced the request to rent to 36 people. Since 2017, the home has been rented a 153 days on average, not including his family's use, with an average of 25 people per stay. He has only received 4 to 8 complaints from neighbors. Lots of noise is heard on top of the knoll. The home has not had events during the last three years. Quiet time begins at 10:00 p.m. The effect on traffic is no more than if he lived there all year long. Regarding dumpster, there will be a new policy that if guests cannot fit trash into dumpster, then trash is to be put in the garage. He is requesting a maximum of 36 people and no events. There are 30 parking spots available; but only 10-12 spots will be needed for 36 people. He will work with fire department for a turnaround location. He has not had any issues with septic but will comply with Central District Health requirements. In regards to the McCall Fire Department response, he did not know smoke alarms had to be interconnected nor that automatic indoor sprinkler system were required. He has replied to all the other points mentioned in the McCall Fire letter. He asks if Valley County will require that all short-term rentals over 12 people have interconnected alarms and/or indoor sprinkler system. Previous owner had 7 bedrooms; he had a licensed contractor add two more. Tents and RVs will not be used to exceed the 36 maximum. He said the lighting is as built in 1991.

Chairman Defoort asked if there was anyone in person who wished to speak on C.U.P. 20-15.

Bill Borg, 45 Knob Hill Drive, is opposed to the continued use of the property. This is a well-established residential neighborhood with CCRs. The negative impact cannot be mitigated: noise, traffic, speeding, porta-potties, trash, etc. The use of this property is one of reasons the new ordinance was passed limiting short-term rentals to 12 people. There is no on-site manager to enforce the rules posted. This is an example of one's person financial gain at the expense of many neighbors. The property is currently listed for sale. A conditional use permit would stay with the property.

Larry Shake, 1612 South Samson Trail, can see the subject house from his home. It is too late to gain back the trust of the neighborhood. The rental has been a nightmare for the neighbors. It is not compatible. It is a commercial activity. Zoning areas are needed.

Karen Borg, lives across the street from the property and is opposed. They have been dealing with this property rental for the last 4 ½ years. Only the applicant and the management company benefit. Even the Carefree area refers to this house as "the party house". The applicant is not present when renters make it into "the party house".

Chairman Defoort asked if there was anyone who wished to speak telephonically.

John Humphries, is opposed to this intrusion into our quiet community.

April Whitney has been at 18 Knob Hill Drive for nearly seven years. She bought as it was a quiet neighborhood street with primarily owner-occupied houses. All the nearby C.U.P.s are accessed via Highway 55, not a neighborhood street with dangerous curves. This property is up for sale.

Kristen Fiorentino, 59 Knob Hill Drive, appreciates the approval of the short-term rental ordinance. This rental has negatively impacted their enjoyment of their home. It has negatively impacted a wide range of neighborhoods, not just Knob Hill. The neighbors' concerns were previously voiced to Mr. Peterson with no impact. This is a residential neighborhood with single-family homes. The home is currently advertised to sleep 48 people in a home rated for 8 individuals. PA systems have been used as well as fireworks. CCRs prohibit using the property for any commercial use and prohibit inviting the public for any reason.

Kelly Hill, 790 Shelia Lane, is the owner of Done Right Management and manager of this property. She is in favor of allowing 36 guests. It is used for church retreats, family reunions, and sewing groups; a gathering place. She lives less than three miles away and there is an emergency contact number. We do not want to cause problems. Restrictions and guidelines are posted, including quiet times. No PA systems allowed.

Maggie Gamble, 13958 Easy Street, is opposed for previously mentioned reasons.

Chairman Defoort asked for rebuttal.

Mr. Peterson responded to comments and to questions from the Commissioners. He is sympathetic to the neighbor's concerns. The short-term rental ordinance was approved for safety concerns. There have been zero safety issues in 4 ½ years. The road was a disaster when he purchased the house and it has not improved. We and the property management want to work with the neighbors. It is not a commercial property and is not violating CCRs. We want to limit the noise. The dumpster and parking have been an issue and we have worked to fix this. The property is for sale; however, it has not yet sold. Thus, we are continuing with the conditional use permit process.

Administrator Herrick and Chairman Defoort clarified that short-term rentals are a residential use per the State of Idaho. Existing CCRs can prohibit short-term rentals.

Mr. Peterson stated that there are many other properties in Valley County that are allowing over 30 guests. He does not want to be penalized for having a larger home. Per the IRC [International Residential Code], there are nine bedrooms in the home which are 70 feet per person, have two accesses, and are seven feet in height.

Chairman Defoort closed the public hearing.

The Commission deliberated. Chairman Defoort is familiar with this property as it was regularly mentioned during the hearings for the short-term rental ordinance. Fire Department and Central District Health concerns were discussed. Both the advertised use (48) and requested use (36) is well over the limits for what the professionals at the Fire Department and CDH recommend. The septic permit was issued in 1991 for a four-bedroom home. This home needs a lower occupancy and a plan to be compliant with CDH and McCall Fire Department. This use does heavily impact the neighbors. Commissioner Cooper is particularly concerned about impact to neighbors. Daily capacity of septic is above capacity. The application is incomplete and inadequate. The requirements of a conditional use permit shall be met regardless of who

the owner or management company is. Hard and fast plan is needed to meet the requirements, not promises by current owner.

Commissioner Benton moved to deny C.U.P. 20-20. Commissioner Cooper seconded the motion. Motion carried unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

E. OTHER:

10:55 p.m.

1. Appeal of Administrative Decision that a Recreational Vehicle Permit (RVC) is required for 130 Forest Lake Circle - Action Item

John Garrard, 2006 N Kristen Way, Meridian, owns the lot. Only two RVs are on the site from mid-May through mid-September. He and his family believe they should be able to store the small camper on the property, similar to a boat or ATV. They bought property three years ago to camp on until they can afford to build a home. They do not believe this use is a RV campground.

Chairman Defoort explained the reasons for creating the RVC ordinance.

Commissioner Cooper moved to deny the appeal of the administrative decision. Commissioner Benton seconded the motion. Motion carried unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

2. Appeal of Administrative Decision that a conditional use permit is required for 10741 Highway 55 - Action Item

Richard Wyma said he has not run a business at this site since he terminated his plumbing business in 1999. The picture in the recent correspondence was misinterpreted; only the lawnmower was for sale for \$25. About four years ago, he was also in front of this Commission. He has the same rights as another person to sell personal things on his own property. Other people in the area are selling things like vehicles without conditional use permits. Yard sales and garage sales do not require a permit. The State of Idaho stated that one can sell up to six vehicles without a business permit. He has been building a privacy fence around his property. At this time, he is not running a business and does not need a conditional use permit.

Staff gave history of the site. An area business or salvage yard would require a conditional use permit.

Mr. Wyma described some of the vehicles on the property. They are used by him for parts. He cleaned the area up after the last time he came in front of the Planning and Zoning Commission. Not one item is within 100 feet of water; he does not want to jeopardize the

water or wildlife. Of his 10.5 acres, he is only using about a half-acre.

Commissioner Cooper said he regularly drives by this site; this is the first time he has seen a “for sale” sign. Chairman Defoort said this is not an area business. There is not an ordinance against him storing his stuff on his property. Commissioner Cooper and Commissioner Benton agree.

Commission Cooper moved to uphold the appeal for the Wyma property and deny the need for a conditional use permit. Commission Benton seconded. Motion passed unanimously.

Chairman Defoort stated that there is a 10-day appeal period to the Board of County Commissioners.

3. Idaho Transportation Department’s use of Olson’s Property on Highway 55 - VY56- Action Item

Administrator Herrick recently attended a meeting on upcoming construction for Smith’s Ferry area. The road rubble is to be stored just south of Knife River/Roadrunner at the old abandoned mine site. This site has previously been used for storage of asphalt, mine dredging, etc. Therefore, Administrator Herrick did not think the use would require a conditional use permit. Originally Administrator Herrick thought it was going to be stored at the Olson Pit near Goode Lane, not the site south of Cascade.

Commission Cooper moved to concur with the Planning Administrator that the storage of rubble and rocks is a historically use project as long as it only for this Idaho Transportation Department’s Smith’s Ferry area project. Commission Benton seconded. Motion passed unanimously.

F. FACTS AND CONCLUSIONS – Action Items:

- C.U.P. 20-06 Appel Subdivision
- C.U.P. 20-07 Valley County Recycling Site
- C.U.P. 20- 08 RMC Equipment Storage
- C.U.P. 20-10 Clear Creek Crossing
- C.U.P. 20-11 Matlena Farms Event Venue
- C.U.P. 20-12 Stibnite Gold Project Logistics Facility

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

Administrator Herrick added that the Board of County Commissioners would like the Planning and Zoning Commission to consider zoning classifications and overlays. The Commission will start the discussion in the near future.

Chairman Defoort adjourned the meeting at 11:29 p.m.